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## MEMORANDUM OF UNDERSTANDING

Between

(Insert your Municipality name and designation as Board of Alderman or City Council)

and

Mayor (Insert name of your Mayor)

This Memorandum of Understanding (“MOU”) is entered into by and between (Insert your Municipality name) (“Municipality”) (Insert Board of Alderman or City Council) (“Board” or “Council”) and the Mayor of (Insert your municipality name) (“Mayor”), hereinafter the Parties. In consideration of those mutual undertakings, the Parties agree as follows:

**WHEREAS**, the (insert Board or Council), is designated to accept and administer funds from the federal American Rescue Plan Act (“ARPA”), sections 602 and 603 of the Social Security Act as added by section 9901 of the American Rescue Plan Act of 2021 (the “Act”), Pub. L. No. 117-2 (Mar. 11, 2021); and

**WHEREAS**, the Mayor is tasked with overseeing the day to day operations of the Municipality, including but not limited to utilities, specifically drinking water, wastewater and stormwater projects; and

**WHEREAS**, the Board must approve the Municipality’s budget and the Mayor executes the expenditures; and

**WHEREAS**, the Parties desire to enter into this MOU to memorialize their understanding of the mutual advantages of this cooperative relationship.

**NOW, THEREFORE**, the Parties agree to the terms and conditions set forth below:

### I. Purpose

The purpose of this MOU is to memorialize an agreement to obligate the Municipality’s ARPA State and Local Fiscal Recovery Funds (“Funds”) for those purposes set forth in the Subaward Agreement between (Insert Municipality name) and the Mississippi Department of Environmental Quality (“MDEQ”), MDEQ Agreement No. (Insert agreement number) set forth in Attachment “A”, hereby adopted and incorporated by reference herein, along with any current or future modifications thereto (“MDEQ Subaward Agreement”).

### II. Conditions and Scope

The (Insert Board or Council) agrees to appropriate and the Mayor agrees to expend the Funds to perform the "Scope of Work," as set forth in Attachment A and Article 2 of the MDEQ Subaward Agreement, for the "Project" as set forth in Article 2 of the MDEQ Subaward Agreement.

### III. Amount

The (Insert Board or Council) agrees to provide and obligate the Funds in an amount not to exceed the funds as set forth in Article 7.A.ii of the MDEQ Subaward Agreement and the Mayor agrees to expend the Funds in such amount.

### IV. Term

The MOU shall be effective from the date executed below and shall expire on January 1, 2027.

### V. Binding Effect

The MOU shall be binding upon the Parties hereto and upon any respective successors and assigns of the Parties.

### VI. Obligation of the Parties

The Parties agree to the following obligations under this MOU:

- a. The (Insert Board or Council) agrees to provide the Mayor the Funds in an amount not to exceed the amount set forth in Article 7.A.ii of the MDEQ Subaward Agreement.
- b. The Mayor shall expend the Funds in amount not to exceed the amount set forth in Article 7.A.ii of the MDEQ Subaward Agreement to pay for the cost of the Scope of Work necessary to implement the Project.
- c. The Mayor shall follow federal and state procurement and expenditure requirements as required by and set forth in the MDEQ Subaward Agreement.
- d. The Mayor shall ensure a complete procurement file for each contract necessary to perform the Scope of Work in the Subaward is submitted to MDEQ with reimbursement requests in accordance therewith.

### VII. Applicable Law

This MOU shall be governed by and construed in accordance with the laws of the State of Mississippi.

Agreed to this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President/Mayor Pro Tem, City Council/Board

Agreed to this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

**ATTACHMENT "A"**

**(INSERT ORIGINAL EXECUTED MCWI SUBAWARD AND ANY SUBSEQUENT EXECUTED MODIFICATONS)**