



Item Number: 9

CITY OF GRAND RAPIDS AGENDA ACTION REQUEST

DATE: December 3, 2024

TO: Mark Washington, City Manager

COMMITTEE: Committee of the Whole
LIAISON: Mark Washington, City Manager

FROM: Mary Kate Berens, Deputy City Manager
Executive Office

SUBJECT: **Resolution approving the Second Amendment and Restatement of the Memorandum of Understanding between the City and Grand Rapids Whitewater, Inc. regarding funding and participation in the Grand River Lower Reach restoration project**

In 2019, the City and Grand Rapids Whitewater entered into a Memorandum of Understanding (MOU) and a First Amended and Restated MOU setting out the working relationship between the parties for the purpose of delivering the river restoration project envisioned by Grand Rapids Whitewater (GRWW) and a host of public and private partners. Working collaboratively under that framework, the parties implemented the terms of the prior MOUs throughout the period 2019-2023, culminating in a design that was submitted for permits. The First Amended and Restated MOU was terminated by GRWW at the time that the initial Lower Reach permit application was withdrawn. The parties, together with EGLE and the DNR, have been working collaboratively under a separate project framework since that point on a redesign of the Lower Reach project and a revised application was submitted to EGLE in May of this year.

The City and GRWW have been working under the general direction of the First Amended and Restated MOU. It is now recommended to formalize the relationship and add additional detail as we anticipate moving into the next phase of the Lower Reach project. The proposed Second Amendment and Restatement of the MOU will position the parties to move forward into the construction procurement phase of the project. The proposed MOU:

1. Acknowledges the commitments of the parties to identifying funding for the project.
 - The City had previously committed \$2 million in capital funding – that commitment is not changed by this Second Amendment and Restatement to the MOU.
 - The City has also supported the project through staff participation in the design and permitting work, which will continue.

- GRWW has continued to support the work of the project through contracting with and paying design professionals, and fundraising to cover capital costs of the project. That work will continue as needed under the proposed updated MOU to ensure sufficient funds to construct the Lower Reach project.
2. Continues the project design and collaborative structures that we have been using since 2019.
 3. Eliminates outdated provisions.

Approval of the proposed Second Amendment and Restatement of the Memorandum of Understanding formalizes the activities of the parties that have been in place, which is appropriate as we move to securing construction contracts for the project.

Your COMMITTEE OF THE WHOLE recommends the adoption of the following resolution approving a Second Amendment and Restatement of the Memorandum of Understanding between the City and Grand Rapids Whitewater regarding funding and participation in the Grand River Lower Reach construction project.

WHEREAS:

1. Grand Rapids Whitewater, Inc. and the City of Grand Rapids share a joint vision for restoring the rapids, and improving habitat and recreation in the Grand River according to community-based plans; and
2. The parties have developed a joint plan for moving the river restoration project forward; and
3. The parties first entered into an MOU and a First Amendment and Restatement of that MOU in 2019; therefore

RESOLVED:

1. That a proposed Second Amendment and Restatement of the Memorandum of Understanding between the City of Grand Rapids and Grand Rapids Whitewater, Inc. is hereby approved; and
2. That the Mayor and the City Clerk are authorized to execute the Second Amendment and Restatement of the Memorandum of Understanding in a form approved by the City Attorney.

CORRECT IN FORM

DEPARTMENT OF LAW