

**RESOLUTION R-2016-84
LUZERNE COUNTY COUNCIL**

*A Resolution by the Luzerne County Council Approving a Memorandum of Understanding between
Luzerne County and Luzerne Conservation District.*

WHEREAS, the Luzerne Conservation District is a governmental entity established by the Luzerne County Commissioners on February, 13, 1964, pursuant to the provisions of Act 217 of 1945, the Conservation District Law; and

WHEREAS, the Conservation District Law encourages conservation districts to cooperate with various individuals and entities, including county government units, "for the purposes of effectuating programs and policies under this act; and

WHEREAS, the Conservation District is governed by a Board of Directors, whose nine members are appointed by County Council in accordance with the provisions outlined in Section 7 of the Conservation District Law; and

WHEREAS, the District's Board of Directors has established the District's mission to "Conserve land and water resources in Luzerne County by promoting public awareness, providing technical assistance, and encouraging regulatory compliance"; and

WHEREAS, the County and the District desire to establish this agreement to aid in achieving the mutual goals of providing for the conservation of natural resources and promoting environmental stewardship among the citizens of this County;

WHEREAS, the County Council wishes to approve the attached Memorandum of Understanding between Luzerne County and the Conservation District as proposed and submitted.

NOW, THEREFORE, BE IT RESOLVED, the attached Memorandum of Understanding as proposed and submitted is hereby approved.

This Resolution shall become effective 6 days after adoption.

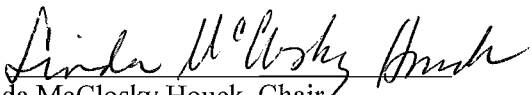
ADOPTED at a meeting of Luzerne County Council held on December 27, 2016.

ROLL CALL VOTE (10-0)


YES: Dobash, Haas, Kelleher, McGinley, Schnee, Sorokas, SA Urban, Waitkus, Williams, and Houck

Attest: _____
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Linda McClosky Houck, Chair

LUZERNE COUNTY MANAGER

By: 
C. David Pedri, Esq., County Manager

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into by and between the **LUZERNE CONSERVATION DISTRICT (“District”)** and the **COUNTY OF LUZERNE (“County”)** in order to facilitate the shared goal of both governmental entities of conserving natural resources within Luzerne County.

Both Parties recognize the following:

- The District is a governmental entity established by the Luzerne County Commissioners on February 13, 1964, pursuant to the provisions of Act 217 of 1945, the Conservation District Law.
- The Conservation District Law declares that it is the policy of the Commonwealth of Pennsylvania “to designate conservation districts as the primary local government unit responsible for the conservation of natural resources in this commonwealth and to be responsible for implementing programs, projects and activities to quantify, prevent and control nonpoint sources of pollution.”
- The Conservation District Law further encourages conservation districts to cooperate with various individuals and entities, including county government units, “for the purposes of effectuating programs and policies under this act”.
- The District is governed by a Board of Directors, whose nine members are appointed by County Council in accordance with the provisions outlined in Section 7 of the Conservation District Law.
- The District’s Board of Directors has established the District’s mission to “Conserve land and water resources in Luzerne County by promoting public awareness, providing technical assistance, and encouraging regulatory compliance”.
- The County Council has adopted the following mission statement: “The Mission of Luzerne County Government is to provide honest, effective, efficient, and equitable services to the residents of Luzerne County and to enhance the quality of life in the County through sustainable economic development and environmental stewardship.”

THEREFORE, the County and the District establish this agreement to aid in achieving the mutual goals of providing for the conservation of natural resources and promoting environmental stewardship among the citizens of this County.

In carrying out the intent of this agreement, the District shall, within the limits of its capabilities and resources:

1. Function as an independent local government agency, governed by its Board of Directors, in accordance with the Conservation District Law, District policies, and obligations of any contracts or agreements that the District has entered into with other agencies or organizations.
2. Operate and manage all aspects of its office, property, equipment, programs and staff in order to implement the District’s mission and purpose.

3. Seek funds from non-county sources to accomplish the goals of the District.
4. Abide by applicable requirements contained in the Luzerne County Home Rule Charter pertaining to Authorities, Boards and Commissions.
5. Have an annual audit of the District's financial records conducted by an independent, Certified Public Accountant in accordance with the auditing requirements established by the State Conservation Commission and provide a copy of the audit to the County upon its acceptance by the District's Board of Directors.
6. Provide assistance to the Clerk of County Council in the annual District Board member nomination and appointment process.
7. Cooperate with County departments and other Authorities, Boards and Commissions in the implementation of projects and efforts in which the District's expertise, resources and abilities could aid in accomplishing successful outcomes for the citizens and resources of the County.
8. In August of each year, provide the County Manager with a request for funding for the County's next fiscal year which includes an explanation of the District's need and intended use of the funds.
9. Cooperate in specific programs and projects in partnership with or on behalf of the County, as requested by the County and approved by the District's Board of Directors. Specific program agreements shall be added to or removed from this MOU as attachments, once mutually agreed upon by the District and the County. Such programmatic agreements may be amended by mutual consent of both parties, and may be terminated at any time by either party, following a sixty day written notice to the other party, without affecting this MOU.

In carrying out the intent of this agreement, the County shall, within the limits of its capabilities and resources:

1. Support the District, as appropriate, to achieve effective conservation projects and programs to address the needs of the County and its citizens. The County will provide support and cooperation in the following areas, including, but not limited to:
 - a. County Council acknowledges and consents to the District Board of Directors authority to enter into agreements, contracts and delegation agreements with local, state, and federal agencies to implement programs and projects within Luzerne County in accordance with the provisions of the Conservation District Law, including but not limited to:
 - i. PA Department of Environmental Protection's (PA DEP) Erosion & Sediment Control Program
 - ii. PA DEP's Growing Greener Program
 - iii. PA DEP's Mosquito-borne Disease Control Program
 - iv. PA Department of Agriculture's Agricultural Technical Assistance Program
 - v. PA State Conservation Commission's Dirt, Gravel & Low Volume Road Program
 - vi. U.S. Department of Agriculture's Technical Assistance Agreement
 - b. Access to information and assistance from County departments, including GIS data, as needed to carry out the District's duties and programs.

- c. Access to County property and use of County equipment, as outlined in the attached programmatic agreements.
2. Appoint District Directors in accordance with nominating and appointment provisions outlined in the Conservation District Law and State Conservation Commission policies, attempting to make the appointments prior to the expiration of the term, including the following tasks:
 - a. Upon notification from the State Conservation Commission, the Clerk of County Council will prepare and mail a letter to the approved nominating organizations requesting nominations for the District Director positions that are due to expire at the end of the calendar year.
 - b. Upon receipt of the names of properly nominated individuals, County Council will promptly evaluate the nominees and make appointments.
 - c. County Council will also annually identify one council member to serve as the County Council Director on the District Board.
 - d. The Clerk to County Council will, shortly thereafter, notify the District and the appointees of the appointments made by County Council and provide appointment certification to the State Conservation Commission.
 3. Clearly communicate any requirements or expectations that apply to the District under the Luzerne County Home Rule Charter and/or any other applicable county ordinances.
 4. In response to the District's yearly funding request, the County may make an annual allocation to the District for staffing, general administration, and district program obligations, including any programmatic offerings covered through attached agreements.
 5. Not delegate official authorities and/or responsibilities to the District without the approval of the District Board of Directors.

This MOU shall become effective upon the approval of the County Council and the District Board of Directors, as confirmed below by the signatures of the Chairperson of each agency. It shall be reviewed periodically, as the need arises by either or both parties, may be amended by mutual consent of both parties. This agreement may be terminated at any time, by either party, following a 60-day written notice to the other party.

The addition of Attachments or modifications to Attachments covered under the MOU can be acted upon individually, without modification to this agreement as a whole.

FOR THE COUNTY OF LUZERNE:

Council Chairperson

Date

FOR THE LUZERNE CONSERVATION DISTRICT:

Board Chairperson

Date