

**RESOLUTION R-2016-86
LUZERNE COUNTY COUNCIL**

A Resolution by the Luzerne County Council Approving Attachment B of the Memorandum of Understanding between Luzerne County and Luzerne Conservation District regarding the Luzerne County West Nile Virus Control Program.

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 reduce the threat of the West Nile Virus to the people of Luzerne County by effectively administering the Pennsylvania Department of Environmental Protection's West Nile Virus Control Program within the County; and

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

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

This Resolution shall become effective 6 days after adoption.

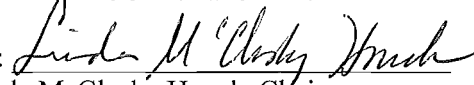
ADOPTED at a meeting of Luzerne County Council held on December 27, 2016.

ROLL CALL VOTE (10-0)

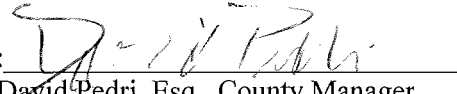
YES: Dobash, Haas, Kelleher, McGinley, Schnee, Sorokas, SA Urban, Waitkus, Williams, and Houck

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Linda McClosky Houck, Chair

LUZERNE COUNTY MANAGER

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

ATTACHMENT B – LUZERNE COUNTY MOSQUITO-BORNE DISEASE CONTROL GRANT PROGRAM

This attachment to the Memorandum of Understanding between the County of Luzerne (“County”) and the Luzerne Conservation District (“District”) has been prepared jointly and agreed upon by each party for the following purpose: to reduce the threat of mosquito-borne diseases to the people of Luzerne County by effectively administering the Pennsylvania Department of Environmental Protection’s (PA DEP) Mosquito-borne Disease Control (MDC) Program within the county.

Both Parties recognize the following:

- The MDC Program is operated by the District under a grant contract with the PA DEP.
- PA DEP provides guidance and direction in implementing the program in accordance with state requirements.
- In 2010, at the request of the County, the District took over administration of the Program from the County’s Environmental Special Projects department; at savings of over \$50,000 to the County’s General Fund.
- The County and the District entered into an Equipment Use Agreement in 2010 for certain equipment that was purchased by the Program when it was operated by the County.

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

1. Annually enter into a contract with the PA DEP to implement the MDC Program within Luzerne County.
2. Implement the Program at no direct cost to the County and for no more than the grant amount provided by PA DEP, unless otherwise determined by the District Board of Directors.
3. Provide competent staff to conduct mosquito surveillance and control activities, as well as any other requirements outlined in the contract with PA DEP.
4. Maintain a current Business Pesticide Applicator’s License and pesticide applicator insurance coverage.
5. Agree to amend the 2010 Equipment Use Agreement as outlined below.

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

1. Agree to amend the 2010 Equipment Use Agreement as follows:
 - a. Remove and transfer ownership of the following equipment to the District:

- i. Clarke Cougar ultra-low volume truck-mountable pesticide sprayer & control units
 - ii. Clarke Badger ultra-low volume ATV-mountable pesticide sprayer
 - iii. Six Maruyama MD155DX Backpack Foggers
 - b. Allow for the District's use of the 2008 Kawasaki Mule utility vehicle and Hurst utility trailer under the terms of the existing agreement.
2. Allow the District to access County property for the purposes of implementing the MDC Program.

This agreement 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.

FOR LUZERNE COUNTY:

Chairperson

Date

FOR THE LUZERNE CONSERVATION DISTRICT:

Chairperson

Date