

MEMORANDUM OF AGREEMENT
between the
CITY OF HARRISONBURG
and the
SHENANDOAH VALLEY SOIL AND WATER CONSERVATION DISTRICT

This Memorandum of Agreement ("MOA") is made and entered into the 12th day of March 19 by and between the City of Harrisonburg (City) and Shenandoah Valley Soil and Water Conservation District (SVSWCD).

WHEREAS, the City desires to establish an incentive program to be known as the Harrisonburg Conservation Assistance Program (HCAP), whereby funding appropriated by City Council could be applied, in addition to any other funding that may be available for a particular practice. These funds would be an incentive for City property owners to implement stormwater management practices that will achieve permanent reductions in stormwater flow or pollutant loadings and, in doing so, may render such property owner eligible for a partial waiver of the City's stormwater utility fee charges, as required by VA Code §15.2-2114(D); and

WHEREAS, SVSWCD has agreed to administer HCAP;

NOW THEREFORE, the parties do hereby set forth their agreement as follows:

ARTICLE ONE – PRACTICES ELIGIBLE FOR FUNDING THROUGH HCAP:

1. The City and SVSWCD agree to create and review a list of stormwater Best Management Practices annually. It is understood that the list of practices eligible for HCAP funds may be modified as mutually agreed upon by both parties.
2. The provisions of the DEQ BMP Clearinghouse and the City of Harrisonburg's Stormwater Handbook are incorporated into this Agreement by reference, as if set forth herein verbatim.

ARTICLE TWO – THE CITY AGREES TO:

1. Provide payment, as set forth below, for SVSWCD to administer and implement HCAP for eligible City property owners:
 - City Council may allocate funding for HCAP on an annual basis, the specific amount to be determined during the City budget approval process; funding budgeted and appropriated for HCAP will be disbursed to SVSWCD quarterly on a reimbursement basis.
 - Upon commencement of this MOA, a one-time allocation of up to \$5,000 will be available to the SVSWCD for program initiation costs. Funding for program initiation will be disbursed quarterly on a reimbursement basis. These funds are only available until program initiation and are separate from the 20% administrative funds/allocation outlined below.
 - Up to 20% of each annual allocation for HCAP will be available to support administration of the program and technical assistance to property owners provided by

the SVSWCD. Funding for administration and technical assistance will be disbursed quarterly on a reimbursement basis.

2. Appoint a staff liaison to assure a consistent line of communication between the City and SVSWCD. The staff liaison will meet at least quarterly with SVSWCD to discuss program administration, outreach, successes, and challenges.
3. Review and approve projects before property owners are notified their project has been approved for HCAP funding.
4. Provide program information, outreach and outreach materials to City property owners regarding HCAP.
5. Provide materials including application forms/packets to potential HCAP applicants.
6. Work in partnership with SVSWCD to develop and or modify program forms and documents.
7. Provide final plan review for all practices to ensure that the practices qualify for Chesapeake Bay TMDL pollution reduction credits.
8. Perform final practice installation inspections/certification prior to payment of HCAP funds to program participants.
9. Be the lead to provide periodic spot checks to ensure practice maintenance in accordance with HCAP standards.

ARTICLE THREE – SVSWCD AGREES TO:

1. Administer and implement HCAP for property located within the limits of the City of Harrisonburg. Administrative and implementation tasks include, but are not limited to:
 - Financial administration (all financial records and other program records shall be maintained throughout the performance of this MOA, and for a period of three (3) years following the expiration or termination of this MOA, and such financial records shall be made available to the City for inspection, at any time, upon request of the City).
 - Assist the City in providing program information, outreach materials, application forms/packets to potential HCAP applicants.
 - Provide guidance and technical assistance to applicants during the application process and during practice installation.
 - Assist with final practice installation inspections/certification prior to payment of HCAP funds to program participants.
2. Work with the City liaison to annually develop and/or update eligibility requirements and prioritization considerations and associated criteria for ranking practices.
3. For persons and practices eligible for HCAP funding, facilitate supplemental VCAP and other funding, as available, to enhance incentives for City property owners. Provide information regarding other funding opportunities that are complementary to HCAP.
4. Appoint a staff liaison to assure a consistent line of communication between the City and SVSWCD. The staff liaison will meet at least quarterly with the City to discuss program administration, outreach, successes, and challenges.
5. Allow the City to review and approve projects before property owners are notified their project has been approved for HCAP funding.
6. Inform the City liaison of program issues which may arise between quarterly meetings.
7. Ensure copies of all financial records and other program records are available to City staff upon request. Issue 1099MISC as needed to program participants in accordance with applicable laws.

8. Transfer project files to the City within 90 days following issuance of 1099MISC.
9. Provide supervision and training for SVSWCD staff, adequate to ensure familiarity with, and competent administration and implementation of the HCAP program.

ARTICLE FOUR – FUNDING CARRYOVER

1. Unallocated funds will not be available for use in a new fiscal year.
2. If payment for an approved HCAP practice needs to be carried over to a new fiscal year, the City may encumber those funds for use in the new fiscal year.
 - Administrative funds are not eligible for carryover in a new fiscal year. If administrative funding to support program implementation and technical assistance becomes problematic, the City may consider ability to carry over administrative funds.
3. There is no obligation that approved practices must be completed in the same fiscal year as they were approved if additional time is needed to complete the project.

ARTICLE FIVE – COMMENCEMENT; TERMINATION

The parties shall commence performance of their obligations under this MOA on 12 March 2019, and shall continue performance until the MOA is terminated by either party hereto, following at least 90 days advance written notice to the other party.

ARTICLE SIX – TERMINATION DUE TO UNAVAILABILITY OF FUNDS

This MOA is made subject to the appropriation of funds by the Harrisonburg City Council and shall be null and void in the event of non-appropriation by the City Council. Non-appropriation of funds shall not be deemed a cancellation and shall terminate this MOA without recourse and with no liability on the part of the City.

Shenandoah Valley Soil and Water Conservation District

By: William K. Latham

Name: William K. Latham

Title: Board Chairman

Date: 3-7-19

City of Harrisonburg

By: Eric D. Campbell

Name: ERIC D. CAMPBELL

Title: CITY MANAGER

Date: 3/12/2019

