



AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
 - Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
 - Introduction Resolution
 - Ordinance Grant/MOU
 - By Motion Bylaws

PRESENTER: Richard West

PRESENTER TITLE: Assistant Director of Public Works

AGENDA ITEM:

Decision on Entering into a Memorandum of Understanding with Prince William Soil & Water Conservation District for Erosion and Sediment Control Monitoring

BACKGROUND / SUMMARY:

The Department of Public Works is the designated plan approving authority for the town's local erosion and sediment control program. Public Works is furthermore responsible for periodically inspecting land disturbing activity in accordance with section 4VAC50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with approved plans to determine whether the measures required such plans are effective in controlling erosion and sedimentation.

In order to provide sufficient inspection capability for existing and future projects, Public Works seeks to enter into a memorandum of understanding with the Price William Soil & Water Conservation District for erosion and sediment control monitoring services.

ATTACHMENTS:

Memorandum of Understanding
Resolution

REQUESTED ACTION:

NO ACTION REQUESTED

Approve the resolution to enter into the memorandum of understanding

FOR MORE INFORMATION, CONTACT:

Name: Richard West

Phone#: 703 221-3400

E-mail: rwest@dumfriesva.gov

FOR USE DURING MEETING

VOTE:

PASSED

NOT PASSED

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Barr
<input type="checkbox"/>	<input type="checkbox"/>	Jurgensen
<input type="checkbox"/>	<input type="checkbox"/>	Vacant

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Foreman
<input type="checkbox"/>	<input type="checkbox"/>	Toney

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Washington

Memorandum of Understanding
between the
Town of Dumfries
and the
Prince William Soil & Water Conservation District

This Memorandum of Understanding is entered into this ____ day of _____, 2012 by and between the Town of Dumfries (the "Town") and the Prince William Soil and Water Conservation District (the "PWSWCD").

Whereas, the Town and the PWSWCD recognizing the need for a close working relationship in the area of erosion and sediment control, enter into this memorandum of understanding.

THE TOWN OF DUMFRIES AGREES TO:

1. Be the Erosion and Sediment Control Program Administrator and Plan Approval Authority.
2. Be responsible for collecting all fees and issuing Land Disturbance Permits in regard to the Erosion and Sediment Control program.
3. Be responsible for all performance guarantees in regard to the Erosion and Sediment Control program for the Town.
4. Initiate all enforcement actions, including formal Notices to Comply, Stop Work Orders, and other enforcement measures.
5. Provide the PWSWCD with a copy of the erosion and sediment control plan for each project within five days of receipt from the applicant.
6. Provide the PWSWCD with an inspection file immediately after issuing a Land Disturbance Permit. The file will include: a copy of the site disturbance permit, which includes a site plan, developer contact information, and inspection log sheets.
7. Compensate the PWSWCD per land disturbing project to cover the costs involved in the plan review and site inspection processes. This compensation is due at the time of the first plan review submission for each land disturbing project. **See Attachment A fee schedule.**
8. Attend and participate in coordination meetings (semi-annually) with the PWSWCD at no charge to the Town. Additional technical assistance or meetings will be billed as outlined on the Attachment A Fee schedule.
9. Recognize that, due to staff size limitations, the PWSWCD is limited to performing plan reviews and inspections for a maximum of twelve projects per fiscal year (July 1-

June 30). If the Town anticipates that more than 12 projects will need to be reviewed and inspected in a given year, a meeting between the Town and the PWSWCD shall be held, to determine how the additional plans will be handled.

11. Recognize that, due to fixed costs associated with the Erosion and Sediment Control plan review and inspection processes, the PWSWCD must review and inspect a minimum of one project per year in order for the District to be adequately compensated for services rendered.

THE PRINCE WILLIAM SOIL AND WATER CONSERVATION DISTRICT AGREES TO:

1. Be the Secondary Plan Review Agency for erosion and sediment control plans for the Town. The PWSWCD will submit comments or a recommendation of approval on all plans within 30 days of receipt.

2. Provide all erosion and sediment control inspections, for the Town, as prescribed by Virginia Erosion and Sediment Control Regulations. Copies of all inspection reports will be submitted to the Town in a timely manner.

3. Work with land disturbers in the field to revise Erosion and Sediment Control plans as necessary, to satisfy all Erosion and Sediment Control minimum standards

4. Investigate all Erosion and Sediment Control complaints on active projects and provide a report to the Town.

5. Keep the Town informed on the status of all projects.

6. Accompany a representative of the Town to provide technical assistance regarding compliance of Erosion and Sediment Control violations, when requested.

7. Attend and participate in semi-annual coordination meetings with the Town.

8. Provide the Town with a maximum of 12 Erosion and Sediment Control plan reviews and inspections (inspections will not be limited to 12) per fiscal year with the current staff size. If the Town of Dumfries anticipates that more than 12 projects will need to be reviewed and inspected in a given fiscal year, a meeting between the Town and the PWSWCD shall be held to determine how the additional plans will be handled.

It is understood that this memorandum can be terminated at any time by either undersigned party with 90 days written notice provided to the other party.

Written notice to the Town shall be to:

Greg Tkac, Director of Public Works or his successor

Written notice to the PWSCD shall be to:

_____, _____, Prince William Soil and Water Conservation District or his successor.

It is understood that this memorandum will be revisited and renewed yearly at a meeting of both undersigned parties to be held prior to the close of the current fiscal year. Any updates or changes in this memorandum shall be agreed upon by both undersigned parties during these meetings and included in the renewed memorandum.

This agreement shall remain in full force and effect until the agreement is revisited and renewed annually or terminated.

By: _____ Date
_____, _____
Prince William SWCD

Attest: _____

By: _____ Date
Daniel Taber, Town Manager
Town of Dumfries

By: _____ Date
Gerald E. Foreman, II, Mayor
Town of Dumfries

Attest: _____
Town Clerk

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON TUESDAY, MAY 22, 2012, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Dorothea D. Barr, ___;
Gerald M. Foreman, II, ___;
Kristin W. Forrester, ___;
Michele D. Jurgensen, ___;
Willie J. Toney, ___;
Gwen P. Washington, ___;
Vacant, ___;

RESOLUTION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF DUMFRIES AND THE PRINCE WILLIAM SOIL & WATER CONSERVATION DISTRICT

WHEREAS, Town Council enacted an Erosion and Sediment Control Ordinance to prevent degradation of properties, stream channels, waters and other natural resources of the Town of Dumfries; and

WHEREAS, the Town has established a local erosion and sediment control program pursuant to the Code of Virginia, § 10.1-562; and

WHEREAS, the Department of Public Works is designated as the plan approving authority; and

WHEREAS, the Department of Public Works is required by the local erosion and sediment control program to periodically inspect the land disturbing activity in accordance with section 4VAC50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with approved plans and to determine whether the measures required in such plans are effective in controlling erosion and sedimentation; and

WHEREAS, the Department of Public Works anticipates a near-term demand for erosion and sediment control inspections that exceeds current staff's capacity; and

WHEREAS, the Prince William Soil & Water Conservation District has the capability to provide certified inspectors on an on-call basis.

NOW, THEREFORE BE IT RESOLVED that the Dumfries Town Council on this 22nd day of May, 2012, authorizes the Town Manager to enter into a memorandum of understanding with the Prince William Soil & Water Conservation District for the purposes thereof.

By Order of Council:

Gerald M. Foreman, Mayor

Attest: _____
Dawn Hobgood, Town Clerk