

W.C.D.4.

ABBREVIATED CONSENT CALENDAR FORMAT

Memorandum Date: March 17, 2009

Order Date: April 1, 2009

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Todd Winter, Parks Division Manager

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF ENTERING INTO THE MCKENZIE RIVER COOPERATIVE MAINTENANCE PARTNERSHIP INTERGOVERNMENTAL AGREEMENT IN THE NOT-TO-EXCEED AMOUNT OF \$231,900 AND THAT THE COUNTY ADMINISTRATOR IS AUTHORIZED TO EXECUTE THE AGREEMENT

I. MOTION

That the Board Order be adopted authorizing entering into the McKenzie River Cooperative Maintenance Partnership Intergovernmental Agreement in the Not-to-Exceed agreement amount of \$231,900 and that the County Administrator is authorized to execute the agreement.

II. DISCUSSION

A. Background / Analysis

The McKenzie River Cooperative Maintenance Partnership agreement is a multi-agency partnership agreement created for the purpose of providing routine maintenance services at McKenzie River access sites in support of providing safe, enjoyable, and accessible recreation facilities and services on the McKenzie River. Routine services include cleaning restrooms, picking up litter and garbage, cleaning parking lots, ramps and paths, cleaning tables and addressing damage requiring attention. The partnership agencies are Bureau of Land Management (BLM), United States Forest Service McKenzie River Ranger District (USFS), Oregon Department of Fish and Wildlife (ODFW), Oregon Park and Recreation Department (OPRD), Lane County (County), City of Eugene and the Eugene Water and Electric Board (EWEB). These services have essentially been in effect since 1992 when BLM, ODFW, County, and EWEB first entered into a partnership agreement.

Annual funding for routine maintenance services will be provided as follows by the partners. The Not-to-Exceed amount of \$231,900 is derived from the annual amount for a period of three years.

- EWEB: \$ 12,700
- COUNTY: 39,627
- BLM: 2,523
- ODFW: 1,050
- OPRD: 21,400

Total \$ 77,300 x three (3) years = \$231,900

In 1996 and 1997, the McKenzie Watershed Council facilitated a cooperative planning effort which resulted in development of the Recreation Action Plan for the McKenzie River. The Action Plan is supportive of:

- a) improving river access
- b) improving facility design and maintenance
- c) developing and implementing river ethics and safety education programs
- d) promoting additional partnerships and citizen involvement

In cooperation with the parties to the partnership agreement, volunteer and user groups such as the McKenzie River Guides, McKenzie Flyfishers and the Northwest Steelheaders Association, will be encouraged to raise additional funds and resources for the replacement and renovation of existing boat launches and facilities, and the acquisition and development of additional river access sites.

B. Recommendation

For reasons stated above, it is hereby recommended that the Motion be approved and the Board Order be adopted authorizing entering into the McKenzie River Cooperative Maintenance Partnership Intergovernmental Agreement in the Not-to-Exceed agreement amount of \$231,900 and that the County Administrator is authorized to execute the agreement.

III. ATTACHMENTS

McKenzie River Cooperative Maintenance Partnership Agreement.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

ORDER NO.

(IN THE MATTER OF ENTERING INTO THE
(MCKENZIE RIVER COOPERATIVE
(MAINTENANCE PARTNERSHIP INTERGOVERN-
(MENTAL AGREEMENT IN THE NOT-TO-EXCEED
(AMOUNT OF \$231,900 AND THAT THE COUNTY
(ADMINISTRATOR IS AUTHORIZED TO EXECUTE
(THE AGREEMENT

WHEREAS, ORS Chapter 190 and the Lane County Home Rule Charter provide that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents have authority to perform; and

WHEREAS, the McKenzie River is a valuable resource in which all parties have an interest in the quality and cleanliness of the water, as well as prudent use by the public for recreational purposes; and

WHEREAS, the McKenzie River Cooperative Maintenance Partnership agreement is a multi-agency partnership agreement created for the purpose of providing routine maintenance services at McKenzie River access sites in support of providing safe, enjoyable, and accessible recreation facilities and services on the McKenzie River. Routine services include cleaning restrooms, picking up litter and garbage, cleaning parking lots, ramps and paths, cleaning tables and addressing damage requiring attention. The partnership agencies are Bureau of Land Management (BLM), United States Forest Service McKenzie River Ranger District (USFS), Oregon Department of Fish and Wildlife (ODFW), Oregon Park and Recreation Department (OPRD), Lane County (County), City of Eugene and the Eugene Water and Electric Board (EWEB). These services have essentially been in effect since 1992 when BLM, ODFW, County and EWEB first entered into a partnership agreement; and

WHEREAS, annual funding for routine maintenance services is provided by the partnership agencies as follows: EWEB (\$12,700); COUNTY (\$39,627); BLM (\$2,523); ODFW (\$1,050); OPRD (\$21,400). The Not-to-Exceed amount is derived from the annual amount for a period of three (3) years (\$77,300 x three (3) years = \$231,900); **NOW, THEREFORE, IT IS HEREBY**

ORDERED, that an intergovernmental agreement substantially in conformance with the McKenzie River Cooperative Maintenance Partnership Intergovernmental Agreement, attached as Exhibit 1, be executed in an amount not to exceed \$231,900 and that the County Administrator is authorized to execute the agreement.

DATED this _____ day of _____, 2009.

Peter Sorensen, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 3/20/09 Lane County

OFFICE OF LEGAL COUNSEL

January 1, 2008 through December 31, 2010
MCKENZIE RIVER COOPERATIVE MAINTENANCE PARTNERSHIP
 Rodakowski Boat Landing (Springfield) to J.B. Harris Wayside (McKenzie Bridge)

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT entered into by and between the UNITED STATES DEPARTMENT OF INTERIOR acting by and through the Bureau of Land Management, Eugene District, hereinafter referred to as **BLM**; the UNITED STATES DEPARTMENT OF AGRICULTURE acting by and through the United States Forest Service, Willamette National Forest, McKenzie River Ranger District, hereinafter referred to as **USFS**; the OREGON DEPARTMENT OF FISH AND WILDLIFE, hereinafter referred to as **ODFW**; OREGON PARK AND RECREATION DEPARTMENT, hereinafter referred to as **OPRD**; LANE COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as **COUNTY**; and the City of Eugene, a municipal corporation, hereinafter referred to as **CITY**; and the EUGENE WATER AND ELECTRIC BOARD, hereinafter referred to as **EWEB**.

WHEREAS, ORS Chapter 190 and the Lane County Home Rule Charter provide that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents have authority to perform, and

WHEREAS, the McKenzie River is a valuable resource in which all parties have an interest in the quality and cleanliness of the water, as well as prudent use by the public for recreational purposes, and

WHEREAS, BLM, ODFW, COUNTY, and EWEB entered into an intergovernmental agreement dated December 11, 1992 to provide routine maintenance services at the river access sites along the McKenzie River as specified in the "McKenzie River Cooperative Maintenance Plan"; and

WHEREAS, OPRD requested that Ben and Kay Dorris, H.J. Morton, and Jennie B. Harris State Parks be included in the river access sites routinely maintained as part of the McKenzie River Cooperative Maintenance Plan; and

WHEREAS, on March 1, 1994 the intergovernmental agreement was amended to include the State Parks; and

WHEREAS, in 1996 and 1997 the McKenzie Watershed Council facilitated a cooperative planning effort which resulted in development of the Recreation Action Plan for the McKenzie River; and

WHEREAS, the Recreation Action Plan is supportive of (a) improving river access; (b) improving facility design and maintenance; (c) developing and implementing river ethics and safety education programs; and (d) promoting additional partnerships and citizen involvement; and

WHEREAS, during the term of this agreement other governmental agencies (CITY and USFS) responsible for providing safe, enjoyable, and accessible recreation facilities and services within the McKenzie River drainage have expressed an interest in supporting the McKenzie River Cooperative Maintenance Partnership and were involved in preparation of the Recreation Action Plan; and

WHEREAS, all parties to this Agreement have agreed to continue to support and participate in the "McKenzie River Cooperative Maintenance Partnership" and support the McKenzie Watershed Council's Recreation Action Plan for the McKenzie River.

NOW, THEREFORE, in consideration of the mutual agreement of the parties hereto, the parties hereby agree as follows:

1. County will be the responsible agency for providing routine maintenance of the river access sites on the McKenzie River from Rodakowski Landing to Jennie B. Harris Park, as identified in Exhibit 'A'. The maintenance tasks to be performed include cleaning the restroom(s); picking up litter and garbage; cleaning off paved parking lots, ramps, and paths; cleaning tables; and noting any damage requiring additional attention and contacting the appropriate agency. These tasks will be performed three times per week from May 1 through September 30 and two times per week from October 1 through April 30.
2. Facility repair and improvements beyond the scope identified in (1) above will be the responsibility of the owners or permittees of the facility.
3. In cooperation with the parties to this Agreement, volunteer and user groups such as the McKenzie River Guides, McKenzie Flyfishers, and the Northwest Steelheaders Association, will be strongly encouraged to raise additional funds and resources for the replacement and renovation of existing boat launches and facilities, and the acquisition and development of additional river access sites.
4. Evaluating the Partnership will be necessary to insure that the service provided is adequate, cost effective, and meets the needs of the agencies and users. Therefore, all parties to this Agreement will meet at least one time per year (February) to discuss service frequency and quality, any problems and/or concerns, and any necessary adjustments to the maintenance schedule. The County will be responsible for facilitating the meetings. In addition, an annual report will be prepared by Lane County which will summarize the work completed and account for the funds expended and received on behalf of this Agreement.
5. Annual funding for the routine maintenance program will be provided by the following agencies who are parties to this Agreement:

EWEB:	\$12,700
COUNTY:	39,627
BLM:	2,523
ODFW:	1,050
OPRD:	21,400 (\$11,100 OPRD and \$10,300 through ODOT)

Excluding Lane County, all other parties agree to submit their annual payment to the Lane County Parks Division by February 1st of each year. The Lane County Parks Division will budget the funds to complete the work required as part of the County's budgetary process.

6. If any party fails to carry out funding for the program as in (5) above, the other parties are relieved from any further liability under this agreement. However, the remaining parties may negotiate a new agreement to replace this agreement.
7. All parties recognize the value of planning for the entire watershed and therefore, agree to work individually and where appropriate cooperatively, with the McKenzie Watershed Council and other partners to utilize the Council's Recreation Action Plan dated March 1997 as a guiding tool for: (a) improving river access; (b) improving facility design and maintenance; (c) developing and implementing river ethics and safety education programs; and (d) promoting additional partnerships and citizen involvement.
8. To further promote additional public-private partnerships with volunteer, user, neighborhood, and community groups concerned with the provision of recreation facilities and services along the McKenzie River, parties to the Agreement agree to develop and implement a separate Memorandum of Understanding with additional stakeholders in the McKenzie Watershed, to facilitate implementation of Action IV. of the Recreation Action Plan. Action IV. focuses on "Promoting partnerships and citizen involvement efforts to address maintenance, funding, crime, safety, and recreational access issues."

- 9 Each party agrees to indemnify, save, and hold the other parties harmless against and from all claims, lawsuits, injuries, damages, and expenses of defense caused by the indemnifying party's negligence in the course of carrying out any action or activity agreed to in this agreement.
10. This Agreement shall be in effect for three years from January 1, 2008 through December 31, 2010 unless extended by mutual written agreement of the parties hereto.
11. No amendment of the terms and conditions of this Agreement shall be valid unless the same is in writing and signed by all the parties.

DATED this _____ day of _____, 2008.

Eugene Water & Electric Board

By: _____

Title: _____

Date: _____

Lane County, Oregon

By: _____

Title: _____

Date: _____

Oregon Department of Fish & Wildlife

By: _____

Title: _____

Date: _____

Bureau of Land Management

By: _____

Title: District Manager

Date: _____

Oregon Parks and Recreation Department

By: _____

Title: _____

Date: _____

By: _____

Title: Contracting Officer

Date: _____

United States Forest Service

By: _____

Title: District Ranger

Date: _____

City of Eugene

By: _____

Title: _____

Date: _____

McKenzie River Cooperative Maintenance Partnership McKenzie River Access Sites

River Access Site	Land Owner	Managing Agency	River Mile	Boat Access
Bellinger Landing	ODFW	LCP	15.6	Ramp
Ben & Kay Dorris	OPRD	LCP	41.6	Ramp
Deerhorn Park	LCP	LCP	28.8	Ramp
Finn Rock Store	Rosboro	Rosboro	50.8	Ramp
Forest Glen Landing	ODFW	LCP	53.5	Ramp
Greenwood Landing	LCP/ODFW Easement	LCP	33.0	Ramp
Hamlin	ODFW	LCP		Ramp
Hayden Bridge	EWEB	LCP	11.4	Ramp
Helfrich Landing	LCP	LCP	40.6	Ramp
Hendricks Bridge	LCP	LCP		Ramp
H.J. Morton	LCP	LCP		Ramp
Jennie B. Harris	OPRD	LCP		Ramp
Leaburg Dam	EWEB	EWEB	35.5	Slide
Leaburg Lake (Ike's)	EWEB	EWEB	36.6	Ramp
Leaburg Landing	LCP	LCP	30.6	Ramp
Rennie's Landing	BLM	BLM	44.6	Ramp
Rodakowski Landing	ODFW	LCP		Ramp
Silver Creek Landing	BLM	BLM	46.4	Ramp
Walterville Canal	EWEB	EWEB		
Winter Landing	EWEB	LCP		Ramp