

THIS AGREEMENT, made and entered into as of the **10th** day of **July, 2019**, by and between the **WESTCHESTER COUNTY SOIL AND WATER CONSERVATION DISTRICT**, having its principal office at 148 Martine Avenue, Suite 432, White Plains, New York 10601- 3311, hereinafter referred to as the "DISTRICT" and the **COUNTY OF WESTCHESTER**, a municipal corporation having its principal office at 148 Martine Avenue, Suite 900, White Plains, New York 10601-3327, acting by and through the County of Westchester Department of Planning, hereinafter referred to as the "COUNTY", individually a "Party" or together the "Parties".

WHEREAS, the DISTRICT, was formed in 1967 by Resolution No. 41-1967 of the Westchester County Board of Supervisors pursuant to the New York State Soil and Water Conservation Districts Law, being Chapter 727 of the Laws of 1940, as amended; and

WHEREAS, the DISTRICT, governed by its Board of Directors (the "DISTRICT BOARD"), consists of seven at-large members who shall reside in the COUNTY and who shall be appointed by the Westchester County Executive as per Article I, Section 6.2, of the New York State Soil and Water Conservation Districts Law; and

WHEREAS, the DISTRICT's mission and its annual work plan is structured around distinct soil and water resources and ecological and agricultural conservation and management goals and objectives oriented towards suburban and urban environments; and

WHEREAS, the DISTRICT considers a wide range of issues, including but not limited to, restoring streams, freshwater and tidal wetlands and other natural resources to improve water quality and fish and wildlife habitat, and retrofitting and installing stormwater management practices to improve water quality and control excessive storm water runoff; protecting and managing streams, wetlands, ponds, lakes, reservoirs and floodplains; controlling erosion and sedimentation and polluted stormwater runoff by advocating the use of best management practices through public education and outreach; encouraging and facilitating the development and implementation of soil and water resources conservation practices and strategies based on watershed-wide perspectives and analyses; and promoting sound soil and water resources conservation techniques and natural resources stewardship through public outreach and education; and

WHEREAS, the DISTRICT currently receives managerial, technical and administrative support from the COUNTY to assist the DISTRICT in carrying out its mission, annual work plan and other activities and responsibilities of the DISTRICT that benefit the residents of the COUNTY; and

WHEREAS, those employees of the COUNTY who assist the DISTRICT, assist the DISTRICT under the general guidance, direction and authority of the DISTRICT BOARD and the Commissioner of the County Department of Planning (the "Commissioner"); and

WHEREAS, those employees who assist the DISTRICT shall work on both DISTRICT and COUNTY matters; and

WHEREAS, to memorialize the relationship between the DISTRICT and COUNTY, the Parties enter into this agreement.

NOW, THEREFORE, in consideration of the promises and the respective representations and agreements hereinafter contained, the Parties hereto agree as follows:

1. For the term commencing February 1, 2019 through January 31, 2024, the COUNTY shall provide certain employees to assist the DISTRICT in carrying out its mission, annual Work Plan and other activities and responsibilities of the DISTRICT that benefit the residents of the COUNTY. The COUNTY shall be reimbursed by the DISTRICT in an amount not to exceed \$60,000.00 per year in New York State funding to the District, and an aggregate amount not to exceed \$300,000.00 over the term of this agreement. The amount of hours per week that COUNTY employees devote to the DISTRICT's mission and annual work plan is dependent on the type of work to be performed and employee commitments to other work of the COUNTY. Attached to this agreement, as Attachment "A," is a listing of COUNTY employees assisting the DISTRICT and their respective job functions.

2. The DISTRICT BOARD shall be administratively led by a District Manager who shall be the Principal Environmental Planner of the COUNTY and who will manage and coordinate all DISTRICT projects, activities and programs and supervise all COUNTY employees, consultants and contractors assisting the DISTRICT under the auspices of the DISTRICT BOARD. Pursuant to Article 1, Section 9(1-a) of the New York State Soil and Water Conservation Districts Law, the DISTRICT BOARD shall have the power to authorize officers and employees to perform such duties as are necessary for the operation of the DISTRICT.

3. The District Manager shall draft an annual report and annual work plan for the DISTRICT in consultation with, and subject to the approval of, the DISTRICT BOARD. COUNTY employees assigned to the DISTRICT shall implement the projects, activities and programs in the current year's work plan and document the same in the following year's annual report.

4. Any COUNTY employees assisting the DISTRICT shall be under the responsibility and control of the DISTRICT BOARD only when working on DISTRICT matters. COUNTY staff members assisting the DISTRICT shall keep daily time sheets when working on DISTRICT matters.

5. Any work performed for the DISTRICT by COUNTY employees shall not conflict with the proper discharge of his/her official duties for the COUNTY. Should a conflict arise, a meeting among the Commissioner, DISTRICT Chairperson, and any others as shall be appropriate or necessary, shall take place to resolve the conflict.

6. The DISTRICT agrees to compensate the COUNTY, when feasible, for monies the DISTRICT receives for those COUNTY employees who assist the DISTRICT.

7. The DISTRICT agrees that the COUNTY shall be the treasurer of the DISTRICT to assist the District Manager and the assistant treasurer, in the event the DISTRICT BOARD elects an Assistant Treasurer, who may or may not be a DISTRICT BOARD member. To the extent practical, all monies received by the DISTRICT shall be payable to the Westchester County Department of

Planning, the County of Westchester, or the Westchester County Soil and Water Conservation District. Said monies shall be received and disbursed by the treasurer on the order of the DISTRICT BOARD.

8. The COUNTY agrees that COUNTY staff members assisting the DISTRICT shall be covered by the COUNTY'S Workers' Compensation Insurance.

9. This agreement represents the full and final intent of the Parties. This agreement may not be changed or modified, except in writing, and subscribed to by both Parties hereto.

10. This agreement shall be governed by the Laws of the State of New York., and may be terminated by any Party hereto upon a written notice of thirty (30) days, delivered by hand to the non-terminating Party.

IN WITNESS WHEREOF, the parties have signed their names the day and year first written.

COUNTY OF WESTCHESTER

WESTCHESTER COUNTY SOIL AND
WATER CONSERVATION DISTRICT

By: 
Norma V. Drummond

By: 
Janice Blaire

Title: Commissioner of Planning

Title: Chair, Board of Directors



Approved as to form
County of Westchester
Senior Assistant County Attorney

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On the 10th day of JULY, 2019, before me came Norma V. Drummond to me known, being duly sworn by me, did depose and say that she is the Commissioner of the Westchester County Department of Planning, a municipal corporation with an office address of 148 Martine Avenue, 4th Floor, White Plains, New York, and she executed the foregoing instrument on behalf of the County of Westchester.



NOTARY PUBLIC
JAMES R. CARPINIELLO
Notary Public, State of New York
No. 02CA6012105
Qualified in Westchester County
Commission Expires ~~August 17, 20~~
JANUARY 4, 2023

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On the 10th day of JULY, 2019, before me came JANICK BLAIRE to me known, who being by me duly sworn, did depose and say that he/she/he resides at IRVINGTON New York, that he/she is the Chairperson of the Westchester County Soil and Water Conservation District Board of Directors.



NOTARY PUBLIC
JAMES R. CARPINIELLO
Notary Public, State of New York
No. 02CA6012105
Qualified in Westchester County
Commission Expires ~~August 17, 20~~
JANUARY 4, 2023

ATTACHMENT "A"

DISTRICT MANAGER

DESCRIPTION OF DUTIES

The District Manager appointed by the District's Board of Directors ("District Board") is the Principal Environmental Planner of the Westchester County Department of Planning. The District Manager coordinates, administers, supervises and implements the annual work plan of the District. The District Manager may, from time to time, act on behalf of the District Board at the District Board's discretion consistent with the terms set forth in this agreement and the New York State Soil and Water Conservation Districts Law.

This position involves the planning and execution of soil and water conservation and natural resources management projects, activities and programs as designated by the District Board and as required in order to carry out the District's mission and annual work plan in accordance with the New York State Soil and Water Conservation Districts Law. As District Manager, the Principal Environmental Planner is responsible for all aspects of District management, including administrative and technical matters. The District Manager assumes the managerial aspects of the administrative responsibilities for the organization and execution of the planning and implementation phases of soil and water conservation related work. Work is performed under policy direction of the District Board. The District Manager is responsible for all County employees assigned to the District.

ENVIRONMENTAL PLANNER

DESCRIPTION OF DUTIES

The Environmental Planner serves as the District's administrative assistant, administering and implementing the work of the District. The Environmental Planner is part of the County Department of Planning. The Environmental Planner may, from time to time, act on behalf of the Board of Directors at the Board's discretion consistent with the terms set forth in this agreement and the New York State Soil and Water Conservation Districts Law.

This position involves the planning and execution of soil and water conservation projects and programs, as designated by the District Board and District Manager. The Environmental Planner assumes the administrative responsibilities for the District and execution of the planning and application phases of conservation programs. Work is performed under policy direction of the District Board and supervision of the District Manager.

Like the Principal Environmental Planner, this employee is responsible for technical planning and implementation of conservation-related practices. This employee also performs a variety of technical duties and other assistance to landowners, groups, cooperators, organizations and units of government related to the planning and establishment of various soil and water conservation practices. This employee is also responsible for other related work as required, including other administrative and clerical duties of the District.

SECRETARY

DESCRIPTION OF DUTIES

From time to time, the services of a secretary will be needed to assist with the administrative and clerical duties of the District. The secretary may be an employee of the County Department of Planning. However, he/she may act on behalf of the District Board at the District Board's discretion consistent with the terms set forth in this agreement and the New York State Soil and Water Conservation Districts Law.

67596

DATE June 12, 2019

TO: Board of Acquisition and Contracting

FROM: Norma V. Drummond
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement between the County of Westchester, acting by and through its Department of Planning, and the Westchester County Soil and Water Conservation District to provide staff and other support services in order to carry out district related projects and activities.

The attached resolution authorizes the County of Westchester (the "County"), acting by and through its Department of Planning (the "Department"), to enter into an agreement with the Westchester County Soil and Water Conservation District (the "District") to provide staff and other support services in order to carry out District related projects and activities. The term of the agreement will be from February 1, 2019 through January 31, 2024 in the aggregate expected amount of \$300,000.00 (\$60,000.00 for each year which is the anticipated amount of annual New York State funding to the District), which will be provided by the District to the County.

This agreement will protect the public health and provide a safe environment in the County by protecting and improving water quality and abating polluted stormwater through various projects and activities of the District. The mission of the District is to conserve the soil and water resources of the County, improve water quality, control soil erosion and sedimentation damage, abate polluted stormwater, preserve, enhance and retain natural resources, protect public lands and promote the health, safety and general welfare of the residents of the County.

The Department will, on an annual basis, submit a voucher and other documentation on the District's behalf, to the New York State Soil and Water Conservation Committee to request the annual state funding for administrative, managerial and technical support staff hours provided by the Department.

Accordingly, I recommend approval of the attached resolution.

NVD/cp/LAC
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Planning, is hereby authorized to enter into a five-year agreement with the Westchester County Soil and Water Conservation District (the "District") in the aggregate expected amount of \$300,000.00 (\$60,000.00 for each year) pursuant to an approved budget, for a period commencing February 1, 2019 through January 31, 2024, to provide staff and other support services in order to carry out the District's projects and activities; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents and take all actions necessary to effectuate the purposes of this resolution.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2019	19	101	0100	9732	N/A	\$60,000.00
2020	19	101	0100	9732	N/A	\$60,000.00
2021	19	101	0100	9732	N/A	\$60,000.00
2022	19	101	0100	9732	N/A	\$60,000.00
2023	19	101	0100	9732	N/A	\$60,000.00

Budget Funding Year(s):
(must match resolution)

FY(s) 2019-2023 Start Date: February 1, 2019

End Date: January 31, 2024

Funding Source

Tax Dollars _____

State Aid \$300,000.00

\$300,000.00
(must match resolution)

Federal Aid _____

Other _____