

By Legislators Zale, DiFlorio and Drawe

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2017

**AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN MONROE COUNTY AND COUNTIES OF NIAGARA, ORLEANS, CAYUGA, WAYNE AND OTHERS FOR LAKE ONTARIO REGIONAL DREDGING PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or her designee, is hereby authorized to execute a Memorandum of Understanding between Monroe County and the Counties of Niagara, Orleans, Cayuga, Wayne and Others for the Lake Ontario Regional Dredging Program and to authorize the expenditure of \$5,000 to support the efforts of the Regional Dredging Management Council.

Section 2. Funding for the Memorandum of Understanding is included in the 2017 operating budget of the Department of Planning and Development, general fund 9001, funds center 1401010000, Planning Services.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Intergovernmental Relations Committee; November 28, 2017 - CV: 5-0

Planning & Economic Development Committee; November 27, 2017 - CV: 5-0

Ways and Means Committee; December 7, 2017 - CV: 11-0

File No. 17-0341

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



## Office of the County Executive

MONROE COUNTY, NEW YORK

**Cheryl Dinolfo**  
*County Executive*

November 9, 2017

<b>OFFICIAL FILE COPY</b>	
No. <u>170341</u>	
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
<b>INTRGOV REL</b>	<b>-L</b>
<b>PLAN &amp; ACTION</b>	
<b>WAYS &amp; MEANS</b>	

To The Honorable  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

**Subject:** Authorize a Memorandum of Understanding between Monroe County and the Counties of Niagara, Orleans, Cayuga, Wayne and Others for the Lake Ontario Regional Dredging Program

Honorable Legislators:

I recommend that Your Honorable Body authorize the attached Memorandum of Understanding between Monroe County and the Counties of Niagara, Orleans, Cayuga, Wayne and Others for the Lake Ontario Regional Dredging Program, and to authorize the expenditure of \$5,000 to support the efforts of the Regional Dredging Management Council ("Council").

This program is intended to accomplish the first steps in the implementation of a Regional Dredging Management Plan ("Plan") among the various counties for the harbors serving navigation along the south shore of Lake Ontario. The parties to the Memorandum of Understanding will form a Regional Council consisting of one designated representative from each county. The Council will review the Plan's recommendations and alternatives and develop an organizational form, management structure, funding opportunities and overarching principles upon which to implement a Regional Dredging Management Program. Each party to the Memorandum of Understanding will provide funding in the initial amount of \$5,000 to support the efforts of the Council in addition to providing in-kind service through its designate as a member of the Council. Monroe County's participation in the Council will be contingent upon the Council's commitment that no local development corporation will be formed in connection with the Regional Dredging Management Program.

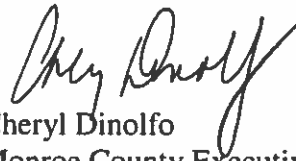
**The specific legislative action required is** to authorize the attached Memorandum of Understanding between Monroe County and the Counties of Niagara, Orleans, Cayuga, Wayne and Others for the Lake Ontario Regional Dredging Program and to authorize the expenditure of \$5,000 to support the efforts of the Regional Dredging Management Council.

Environmental assessments were completed for this action and it was determined that there would be no significant effect on the environment.

Funding for the Memorandum of Understanding is included in the 2017 operating budget of the Department of Planning and Development, general fund 9001, funds center 1401010000, Planning Services. No additional net County support is required in the current Monroe County budget.

I recommend that this matter be referred to the appropriate committees for favorable action by Your Honorable Body.

Sincerely,



Cheryl Dinolfo  
Monroe County Executive

CD:db

## **MEMORANDUM OF UNDERSTANDING LAKE ONTARIO REGIONAL DREDGING PROGRAM**

This Memorandum of Understanding (“MOU”) between the Counties of Niagara, Orleans, Cayuga and Wayne (the “Parties”), and others as may be added through the addendum procedure detailed below, is intended to accomplish the first steps in the implementation of a Regional Dredging Management Plan for the harbors serving navigation along the south shore of Lake Ontario.

**Whereas**, the small harbors serving recreational boating along the south shore of Lake Ontario generate approximately \$94 million annually in economic activity, support over 1,350 jobs, and provide sales tax revenues of approximately \$7.6 million annually for the local counties and New York State, and

**Whereas**, these same small harbors provide safe harbors of refuge for vessels on Lake Ontario, and

**Whereas**, these harbors can only provide these important benefits if adequate water depths are maintained in their access channels by regular, periodic dredging of accumulated sediments, and

**Whereas**, the dredging needs for the Lake Ontario harbor access channels, even those under the responsibility of the US Army Corps of Engineers, are not being met due to federal budget constraints, lack of responsibility by other levels of government, and the limitations of sporadic privately funded dredging, and

**Whereas**, the dredging needs are anticipated to be exacerbated under a new regulation plan (Plan 2014) recently adopted and implemented by the International Joint Commission, and

**Whereas**, the Parties jointly developed a Regional Dredging Management Plan detailing the dredging needs and providing several recommendations and alternatives by which the required periodic dredging of all the harbor channels could be funded and achieved, and

**Whereas**, the Parties wish to finalize and begin implementation of the Regional Dredging Management Plan,

**Now, therefore**, in consideration of the above, the Parties agree and enter into this MOU as set forth below.

1. The Parties will form a Regional Dredging Management Council (the “Council”) consisting of one designated representative of each of the Parties.

2. The Council will review the Regional Dredging Management Plan recommendations and alternatives to decide upon the organizational form, management structure, funding opportunities and other overarching principles upon which to implement a Regional Dredging Management Program. Initial funding provided by the parties will be utilized to provide administrative support services during this effort including preparation for and attendance at Council meetings as required.
3. The Council will, with the assistance of consultants as required, determine potential sources for grant funding to provide program start-up funds. The Council, with the assistance of consultants as required, will then prepare and submit such grant applications. The start-up funds so obtained, anticipated in the \$100,000 to \$125,000 range, will be utilized to:
  - a) Conduct any legal work needed to establish the dredging program organizational structure.
  - b) Perform final engineering analysis of the dredging needs and the equipment and/or contractor services necessary to achieve the program, including details of any oversight efforts that will be required for contractor services.
  - c) Develop a finalized cost estimate to implement and conduct the dredging program.
  - d) Provide a firm finalized schedule for the periodic dredging of each of the channels identified in the Regional Dredging Management Plan.
  - e) Contact all parties with current or previous permits for dredging of the channels, evaluate the status of each, and conduct preparatory work to assume responsibility for the permits by transfer to the Council or its future designate. Any effort related to individual permit applications and/or renewals will be completed by the Council or its designate at a future date.
  - f) Determine sources and receive firm commitments for program funding. This to include, at the direction of the Council, the preparation of applications as necessary or desirable for one-time or seed funding for program implementation and/or initial operation as well as any identified sources for long-term operational support.
  - g) Effort by the Council and/or consultants as required to prepare for and attend regional meetings, meetings with potential funding agencies, and lead public presentations on the Regional Dredging Management Plan implementation.
4. It is anticipated that the Council, or its designate, will maintain overall management and decision-making responsibility for the operation of the dredging program once implemented.

**Financial Responsibilities**

Each of the Parties to this MOU agree to provide initial funding in the amount of five thousand dollars (\$5,000.) to support the efforts of the Council as detailed in items 1) through 3) above in addition to any in-kind service to be provided by its designate to the Council, including any travel or other expenses incurred by the designate in performing the duties of a member of the Council

**Additional Parties**

Other Counties with harbors along the south shore of Lake Ontario, namely Monroe and Oswego, with the concurrence of the Council, may become parties to this MOU by executing the addendum attached as Exhibit A and submitting it to the Council along with the contact information for its designate to sit on the Council and its funding contribution.

In Witness, the Parties hereto have executed this MOU by their officers duly authorized:

**Cayuga County**

Signed: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Niagara County**

Signed: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Orleans County**

Signed: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Wayne County**

Signed: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT**

DRAFT

**ADDENDUM  
MEMORANDUM OF UNDERSTANDING  
LAKE ONTARIO REGIONAL DREDGING PROGRAM**

By execution of this Addendum, \_\_\_\_\_ County agrees to be a party to the MOU regarding the Lake Ontario Regional Dredging Program and to abide by the responsibilities and commitments as detailed in the MOU.

In Witness, this Addendum has been executed the officer duly authorized:

\_\_\_\_\_ **County**

Signed: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_