

Resolution No. 21-3

MARCH 3, 2021

**RESOLUTION APPROVING MEMORANDUM
OF UNDERSTANDING BETWEEN RICH COUNTY
AND THE WOODRUFF IRRIGATING COMPANY
REGARDING THE WOODRUFF WATERSHED
PROJECT (DAM UPGRADE)**

WHEREAS, the Watershed Protection and Flood Prevention Act (PL-566) authorizes the U.S. Department of Agriculture, Natural Resources Conservation Service ("NRCS") to help local organizations and units of government plan and implement watershed projects; and

WHEREAS, under the Act, the NRCS provides technical and financial assistance to solve natural resource and watershed problems; and

WHEREAS, under the Act, the NRCS works through local government sponsors to carry out watershed projects; and

WHEREAS, the NRCS has approved a PL-566 project to renovate the Woodruff Irrigating Company's dam; and

WHEREAS, the NRCS and Woodruff Irrigating Company have asked Rich County to be a project sponsor; and

WHEREAS, Rich County has determined that it is in the County's interest to support the project by being a project sponsor; and

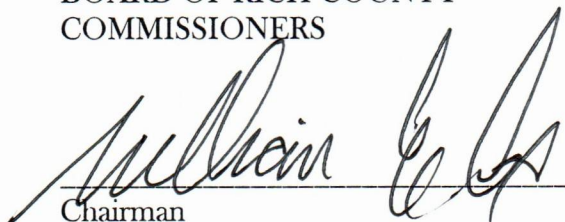
WHEREAS, it is advisable to have the County's involvement, liability, and the parties' obligations to each other reduced to writing;

NOW, THEREFORE, the Rich County Board of Commissioners approves a Memorandum of Understanding (attached) between Rich County and the Woodruff Irrigating Company and authorizes the Chairman to sign on behalf of Rich County.


This resolution shall be effective on the date it is adopted.

APPROVED and ADOPTED this 3 day of March, 2021.

BOARD OF RICH COUNTY
COMMISSIONERS


Chairman

ATTEST:


Becky Peart
Rich County Clerk

Commissioner Bill Cox voted	<u>yes</u> .
Commissioner Sim Weston voted	<u>yes</u> .
Commissioner Jonathan B. Lee voted	<u>yes</u> .

**Memorandum of Understanding
between Rich County and the Woodruff Irrigating Co.
Regarding the Woodruff Watershed Project (Dam Upgrade)**

The Woodruff Irrigating Company is undertaking a PL-566 project to upgrade the Woodruff Dam. The U.S. Department of Agriculture is funding and assisting the project under the Watershed Protection and Flood Prevention Program (Public Law 83-566).

Rich County has agreed to be a program sponsor. This Memorandum of Understanding sets out expectations between Rich County and the Woodruff Irrigating Co.

1. Rich County agrees to support the Woodruff Irrigating Co.'s project by being a sponsor.
2. The Woodruff Irrigating Co. is solely responsible for the planning, design, and construction of the project. The Woodruff Irrigating Co. is also solely responsible for selecting engineering and construction firms and for overseeing work.
3. The Woodruff Irrigating Co. assumes the sole liability for the design, engineering, construction, and maintenance of the project. Rich County, by agreeing to be a program sponsor, has a limited role and assumes no such liability.
4. The Woodruff Irrigating Co. will approve invoices for period work completed on the project. The Woodruff Irrigating Co. will submit approved invoices for completed work to Rich County as often as it deems appropriate, but at least quarterly.
5. Rich County agrees to accept invoices as approved from the Woodruff Irrigating Co. for periodic work completed. Rich County will pay the submitted invoice, advancing the funds, and will then seek reimbursement from the U.S. Department of Agriculture.

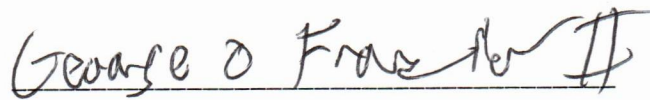
FOR RICH COUNTY



William Cox, Chairman
Rich County Board of Commissioners

3-3-21
Date

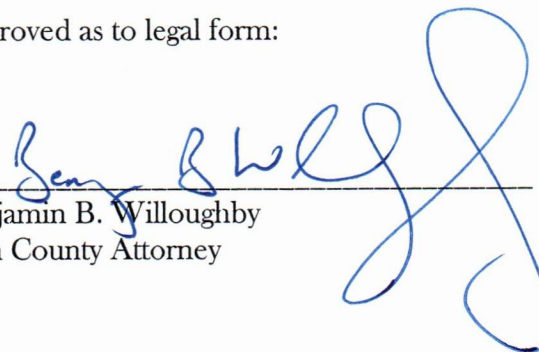
FOR WOODRUFF IRRIGATING CO.



George O. Frasier II

3-3-21
Date

Approved as to legal form:



Benjamin B. Willoughby
Rich County Attorney

3/3/21