AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Gunnison County Legal Instrument # _____

Date of Request: 3/26/2013 **Contractual Deadline:** **Received in Administration:** 3/28/13

Desired Agenda Date: 4/2/2013 **Amount of Discussion Time Desire**

Action Requested: Ratify Chairperson signature

Parties to the Agreement: Gunnison County, Saguache County, Dolores County, Montezuma County, Delta County, Montrose County, Hinsdale County, Mesa County, San Miguel County, Ouray County and San Juan County, Utah

Term Begins: 3/27/2013 **Term Ends:** none **Grant or Contract #:**

Summary: Memorandum of Understanding among Gunnison County, Saguache County, Dolores County, Montezuma County, Delta County, Montrose County, Hinsdale County, Mesa County, San Miguel County, Ouray County and San Juan County, Utah regarding the Gunnison Sage-grouse and its habitat

Recommendation: Approval

Fiscal Impact:

Submitted by: County Attorney **Return To:** County Attorney

Finance Department Review: ○ Required ⊗ Not Required

Comments:

Signature Discharge Date

County Attorney Review: ● Required ○ Not Required

Comments:

Approved

Certificate of Insurance Required

Yes ___ No ✓ Initials

Signature Discharge Date 3/28/2013

Returned to Administration: 3/28/2013 **Original Returned:**

County Manager Approval:

NB 3-28-13

Signature 4/2/13 Date

● Consent Agenda ○ Regular Agenda Time Allotte ___ 7

Revised January 2011

MEMORANDUM OF UNDERSTANDING
AMONG THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF DOLORES COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF DELTA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, UTAH

This MEMORANDUM OF UNDERSTANDING ("MOU") is hereby made and entered into by and among the Board of County Commissioners Of Gunnison County, Colorado, The Board of County Commissioners Of Saguache County, Colorado, The Board Of County Commissioners Of Dolores County, Colorado, The Board Of County Commissioners Of Montezuma County, Colorado, The Board Of County Commissioners Of Delta County, Colorado, The Board Of County Commissioners Of Montrose County, Colorado, The Board Of County Commissioners Of Hinsdale County, Colorado, The Board Of County Commissioners Of Mesa County, Colorado, The Board Of County Commissioners Of San Miguel County, Colorado. The Board Of County Commissioners Of Ouray County, Colorado And The Board Of County Commissioners Of San Juan County, Utah, together referred to as the "Parties".

A. Introduction.

The Parties, individually and collectively, intend to ensure that reasonable and adequate work is being conducted, and shall continue to be conducted, to reach the goal of increasing the current abundance, viability and vitality of Gunnison Sage-grouse and their habitat. The purpose of this MOU is to identify measures and strategies to achieve this goal. This will be accomplished by sharing data, strategies, plans and tools, engaging in dialogue, providing among the Parties and to others recommendations and critique and fostering a rangewide perspective on Gunnison Sage-grouse and their habitat.

B. Activities.

The Parties are engaging in several working relationships among themselves and with other entities and individuals regarding the Gunnison Sage-grouse, and expect those relationships to continue. The Parties enter into this MOU to memorialize:

1. The intent of the Parties to continue informally their joint discussions;
2. The intent of the Parties formally to schedule and conduct regular coordination meetings;
3. The intent of the Parties to take specific coordinated actions to reach the goal of increasing the current abundance, viability and vitality of Gunnison Sage-grouse and their habitat;
4. The intent of the Parties, when reasonable, to enter into formal intergovernmental agreements to implement actions that result from this MOU.
5. The fact that the Parties, individually and in combinations, already have accomplished significant efforts to foster the Gunnison Sage-grouse. These efforts have included, but are not limited to, planning and land use regimes, conservation easements and fee acquisitions, Conservation Reserve Program ("CRP"), conservation/biologist staffing and consultants, and execution of conservation candidate agreements with assurances ("CCAA").

C. Authorities.

The authorities to enter into this MOU include, but are not limited to, the Colorado Constitution, Article XIV, Section 18 and for Utah, the Interlocal Cooperation Act (11-13-101, UCA, 1953 *as amended*).

D. Reservations.

This MOU is entered into without prejudice to, and without waiving, any jurisdiction or other rights, powers and privileges of any of the Parties.

This MOU is not a final agency action by any of the Parties, and is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, between the Parties, or by any non-party.

This MOU is not intended to supersede existing state or federal law, rule, regulation, or pre-existing MOU(s). Nothing in this MOU will be construed as affecting the authorities of the Parties or as binding beyond their respective authorities.

E. Coordination Meetings.

The Parties will initially hold coordination meetings, at least monthly, in person or by joint telephone call, to discuss implementation of this MOU.

F. Similar Activities.

This MOU in no way restricts the Parties from participating in similar activities with other public or private agencies, organizations, or individuals.

G. Effective Date, Duration, and Amendment.

This MOU takes effect among any signatory party upon the signature of that party hereto.

H. Separate Activities and Resources.

Each of the Parties will conduct its own activities and utilize its own resources, including expenditure of its own funds, in implementing this MOU. Each Party will carry out its separate activities as expeditiously as possible in a coordinated and mutually beneficial manner.

I. Obligation of Funds.

Nothing in this MOU shall commit any Party to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property between the Parties will require separate agreements and be contingent upon the availability of appropriated funds.

J. Authorized Representatives.

By signature below, each of the Parties certifies that its representatives are authorized, pursuant to the authority of the Parties' Commissions, to act in their respective areas for matters related to this agreement.

K. Counterparts: Facsimile or Scanned Electronic Transmission.

This Agreement may be executed by facsimile or scanned electronic transmission and/or in any number of counterparts, any or all of which may contain the signatures of less than all the parties, and all of which shall be construed together as but a single instrument and shall be binding on the parties

as though originally executed on one originally executed document. All facsimile or scanned electronic counterparts shall be promptly followed with delivery of original executed counterparts.

L. Any Party may join or withdraw from this MOU at any time.

Board of County Commissioners of
The County of Gunnison, Colorado

Paula Swenson

Date: 3/26/13

Paula Swenson, Chairperson

Board of County Commissioners of
The County of Saguache, Colorado

_____ Date: _____

Linda Joseph, Chairperson

Board of County Commissioners of
The County of Dolores, Colorado

_____ Date: _____

Douglas R. Stowe, Chairperson

Board of County Commissioners of
The County of Montezuma, Colorado

_____ Date: _____

Steve Chappell, Chairperson

Board of County Commissioners of
The County of Delta, Colorado

_____ Date: _____

C. Doug Atchley, Chairperson

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Board of County Commissioners of
The County of Gunnison, Colorado

Date: _____

_____
Paula Swenson, Chairperson

Board of County Commissioners of
The County of Saguache, Colorado

Linda Joseph

Date: March 21, 2013

Linda Joseph, Chairperson

Board of County Commissioners of
The County of Dolores, Colorado

Date: _____

_____
Douglas R. Stowe, Chairperson

Board of County Commissioners of
The County of Montezuma, Colorado

Date: _____

_____
Steve Chappell, Chairperson

Board of County Commissioners of
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Date: _____

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C. Doug Atchley, Chairperson

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_____ Date: _____
Paula Swenson, Chairperson

Board of County Commissioners of
The County of Saguache, Colorado

_____ Date: _____
Linda Joseph, Chairperson

Board of County Commissioners of
The County of Dolores, Colorado

_____ Date: 8-26-2013
Douglas R. Stowe, Chairperson

Board of County Commissioners of
The County of Montezuma, Colorado

_____ Date: _____
Steve Chappell, Chairperson

Board of County Commissioners of
The County of Delta, Colorado

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C. Doug Atchley, Chairperson

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Linda Joseph, Chairperson

Board of County Commissioners of
The County of Dolores, Colorado

_____ Date: _____
Douglas R. Stowe, Chairperson

Board of County Commissioners of
The County of Montezuma, Colorado

Steve Chappell Date: 3-25-13
Steve Chappell, Chairperson

Board of County Commissioners of
The County of Delta, Colorado

_____ Date: _____
C. Doug Atchley, Chairperson

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_____ Date: _____
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Linda Joseph, Chairperson

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Douglas R. Stowe, Chairperson

Board of County Commissioners of
The County of Montezuma, Colorado

_____ Date: _____
Steve Chappell, Chairperson

Board of County Commissioners of
The County of Delta, Colorado

C. Doug Atchley Date: 3/25/2013
C. Doug Atchley, Chairperson

Board of County Commissioners of
The County of Montrose, Colorado

Ronald D. Henderson

Date: 3/21/2013

Ronald D. Henderson, Chairperson

Board of County Commissioners of
The County of Hinsdale, Colorado

_____ Date: _____

Cindy Dozier, Chairperson

Board of County Commissioners of
The County of Mesa, Colorado

_____ Date: _____

Steven Acquafresca, Chairperson

Board of County Commissioners of
The County of San Miguel, Colorado

_____ Date: _____

Joan May, Chairperson

Board of County Commissioners of
The County of Ouray, Colorado

_____ Date: _____

F. Mike Fedel, Chairperson

Board of County Commissioners of
The County of San Juan, Utah

_____ Date: _____

Bruce Adams, Chairperson

Board of County Commissioners of
The County of Montrose, Colorado

_____ Date: _____
Ronald D. Henderson, Chairperson

Board of County Commissioners of
The County of Hinsdale, Colorado

C F Dozier Date: 3-26-13
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Board of County Commissioners of
The County of Mesa, Colorado

_____ Date: _____

Steven Acquafresca, Chairperson

Board of County Commissioners of
The County of San Miguel, Colorado

Joan May _____ Date: 3/27/13

Joan May, Chairperson

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Bruce Adams Date: 3-25-2013
Bruce Adams, Chairperson