

[TEMPLATE]
MEMORANDUM OF UNDERSTANDING
[COLLABORATIVE X]

[NOTE: ANY ITEMS IN SQUARE BRACKETS ARE NOTES THAT WILL NOT REMAIN IN THE FINAL VERSION OF THE MOU, and EVERYTHING HIGHLIGHTED IN YELLOW IS STRICTLY FOR EXAMPLE PURPOSES. ALTHOUGH COLLABORATIVES COULD USE THESE AS DRAFTED HERE, THEY SHOULD CONSIDER THE THINGS THAT ARE MOST IMPORTANT TO THEM, AND THAT THEY WANT TO WORK ON.]

I. Purpose

The purpose of this Memorandum of understanding (MOU) is to describe the mutual responsibilities of each member of the _____ [Collaborative X] and the process by which the Leadership Committee intends to implement the principles in the _____[Collaborative X's] vision statement.

_____ [Collaborative X] was formed for purposes of discussion and to develop a cooperative effort for watershed protection [may have additional items, such as water quality, community protection, forest health, etc]. _____[Collaborative X]'s role is advisory and voluntary, with no regulatory authority granted to it. Members of _____[Collaborative X] are strongly encouraged, but not bound to implement recommendations made by _____[Collaborative X].

II. Entities

At this time the charter members of the Leadership Committee includes the following legal entities, agencies, organizations, and/or interested individuals [the collaborative should include a variety of governmental entities, NGOs, interest groups, etc.]:

- Xx
- Xx
- Xx
- Xx
- Xx

III. Vision, Goals, and Objectives

The scope of efforts by _____[Collaborative X] will apply to _____[define place—watershed or landscape boundaries]. The following mission statement reflects the interests and spirit of _____[Collaborative X], and provides guiding direction for the program and projects to be undertaken.

[EXAMPLE] Mission Statement

The Watershed Protection Program seeks to protect water quality and ecological health of _____ [watershed or landscape name or description through the cooperative efforts of stakeholders, with emphasis on community values

[EXAMPLE GOALS, OBJECTIVES AND INITIAL TASKS]

Watershed stakeholders have identified the following preliminary list of goals.

- Protect water quality in the _____ and its tributaries to support beneficial uses, which could include drinking water supply and cold-water fisheries.
- Sustain the productivity and diversity of the ecological systems within the watershed.
- Address water quality impacts related to water quality management .
- Identify and recommend management practices for nonpoint pollutant sources that may include but are not limited to grazing, forestry, transportation corridors, mining, erosion, and septic systems.
- Minimize impacts from catastrophic events through preventative planning and activities

Preliminary objectives to attain these goals follow:

Understand the Watershed-identify current and future contamination trends that may jeopardize water quality, use the best available scientific information for resource allocation and land management discussion, incorporate the effects of growth and development in the basin, and protect historic and cultural resources.

Prioritize Watershed Issues – incorporate diverse community values, incorporate desired ecosystem conditions based on historic and current considerations, and prioritize contamination concerns using water quality standards as preliminary objectives.

Develop a Coordinated Watershed Protection Program – coordinate with other planning and development efforts to optimize data collection, involve the public in planning, and give first priority in planning to cooperative projects among the members.

Identify and Recommend Implementation of Effective Management Strategies – practice adaptive management strategies to bridge the gap between science and management, and blend objectives of the Clean Water Act and Safe Drinking Water Act.

Maintain and Improve Water Quality and Related Resources – achieve water quality that supports the beneficial uses of streams, and sustain or improve habitat for valuable renewable resources.

Preliminary tasks to accomplish the goals and objectives include, but are not limited to:

Task 1 – Develop Public Involvement. The planning and implementation of the Watershed Protection Program will involve the public throughout the process. The public will have an avenue to participate in the planning process directly and through the community representatives on the Leadership Committee and Watershed Advisory Group (WAG)

Task 2 – Identify Pollutant Sources / Contaminants of Concern. The purpose of this task is to identify the beneficial uses of the river and the constituents of concern for the respective uses and determine the existing and potential pollutant sources to the river

Task 3- Prioritize Water Quality Concerns. The program will include a susceptibility analysis to determine the potential for adverse water quality impacts. Once contaminant sources and constituents are identified. Water quality concerns will be prioritized to focus management and protection strategies and achieve the most benefit at the lowest cost (both economic and societal costs)

Task 4 – Identify Alternative Management Strategies. Watershed protection strategies will be developed to protect the water quality in the _____ Both structural and nonstructural management strategies will be identified and evaluated to mitigate water quality impacts.

Task 5 – Draft a Watershed Protection Plan. Create a Comprehensive watershed protection plan that documents the planning process and identifies management strategies. Documentation includes reports summarizing program activities, participants and key findings.

Task 6 – Identify and Recommend Management Strategies. In consideration of the vision and specific objectives identified, the program will include an implementation program.

Task 7 – Coordinate Long-term Water Quality Monitoring. The Watershed Protection Program will identify existing water quality monitoring efforts and coordinate with these programs to avoid redundant monitoring.

V. Organization and Operations

The institutional structure of _____[Collaborative X] includes a Leadership Committee that is supplemented by a Watershed Advisory Group (WAG). The Leadership Committee members will provide project direction and final decision-making; however, the (WAG) will include a larger group of people that represent various constituencies, agencies, or interests within the project area, and will provide input to the Leadership Committee. The Leadership Committee will operate under the structure and rules outlined in the initial Operating Bylaws for Leadership Committee (Exhibit A).

VI. Signatories

Signatories hereto sign this Memorandum of Understanding through officers or representatives with the authority to sign on behalf of the entities they represent. Any signatory may terminate their participation under the Memorandum of Understanding with written notice to the Leadership Committee by giving sixty (60) Days notice of Termination. Said written notice expressing intent to terminate participation will be accompanied with an explanation of why the signatory and the entity he/she represents is terminating participation in _____[Collaborative X]

VII. Amendments to MOU

This Agreement together with all references, exhibits, and attachments that are hereby incorporated with this reference shall constitute the entire agreement between the parties with respect the subject matter in this Agreement. This Agreement shall not be amended, modified, or altered in any way, manner except in writing by all parties.

VIII. [Optional, depending on type of collaborative and the intent] Future Nonprofit Corporation Status

It is the intent of the members of the _____[Collaborative X] to become a 501(c) (3) nonprofit corporation in the State of Colorado for the purpose of soliciting funds from public and private grants, foundations, and other sources such as private donors and implementing projects. Because the members of _____[Collaborative X] represent many different entities, the mission and goals of the program will best be met through the soliciting of funds that are supplemental to, but independent from it's many members. The solicitation of federal and private funds through a nonprofit corporation incurs no obstacles with limitations of the Tabor Amendment for participating government entities. Participation in a nonprofit corporation poses no conflict of interest to the various local, state and federal government entities representing membership in _____[Collaborative X].

IX. Membership Fee

Each member of the _____[Collaborative X]Leadership Committee shall contribute an annual membership fee of \$XX..

X. Definitions

Memorandum of Understanding – A brief written statement outlining the terms of an agreement or transaction. An informal record embodying something that the parties desire to fix in memory by the aid of written evidence.

Signatories – In general an organization whose officer signs a document, and becomes party thereto.

Stakeholder – A person or persons entrusted with the value of an item or object.

Watershed – A geographical area where surface runoff from streams and other natural water sources is carried by a drainage system to a common outlet.

SIGNATORIES

Organization

Organization

Name

Name

Signature

Position

Date

OPERATING BYLAWS FOR LEADERSHIP COMMITTEE

I. Purpose of the Leadership Committee

The Leadership Committee for _____ [Collaborative X] will implement the program Mission Statement; convene stakeholders; provide leadership for stakeholders to identify and recommend projects, programs, and management strategies that address the concerns and needs of stakeholders; and also addressing concerns of regulatory agencies.

The Leadership Committee's efforts will include, but not be limited to, the following primary activities.

- Provide oversight and management of staff or contractors, budgets, and any business activities of _____ [Collaborative X], in coordination with the fiscal host(s).
- Develop a strong public Involvement program – The public will be involved throughout the planning and implementation process.
- Develop an understanding of the watershed – This understanding will be achieved by identifying pollutant sources and constituents of concern related to the beneficial uses of the river.
- Prioritize water quality and ecological concerns – Prioritizing concerns will focus protection strategies and achieve the most benefit at the lowest cost (both economic and societal costs)
- Identify and recommend implementation of effective management strategies to protect water quality and ecological health. Management strategies may include structural and nonstructural best management practices, adaptive management strategies, and strategies that consider objectives of regulations and laws, such as the Clean Water Act, Source Water Assessment and Protection program, total Maximum Daily Loads, etc.
- Coordinate long-term monitoring – Long-term monitoring will coordinate with existing monitoring efforts and identify additional targeted monitoring to evaluate the effectiveness of _____ [Collaborative X's] initiatives.

II. Boundaries

The boundaries of the _____ Watershed are defined as the area draining to the _____ and it's tributaries from _____ to the head waters.

III. Leadership Committee Membership

The charter Leadership Committee will include a total of XX members that include one representative from each of the following legal entities.

Leadership Entities, Agencies, and Organizations (Groups)

- Xx
- Xx
- Xx

Each group identified above shall identify one representative and may identify an alternate. Group representatives and alternates may only represent one member entity at a time. Committee members can be added in the future as other groups are identified, based on the original criteria and majority vote of the Leadership Committee. Member groups that miss three consecutive meetings will be removed from the Committee.

IV. Organization

The Leadership Committee will have primary supervision of the development and implementation of the Watershed Protection Program and each Leadership Committee member will have one vote. Officers of the Leadership Committee will consist of Chair, Vice Chair, and Secretary/Treasurer. New officers will be elected during the first month of each calendar year. Officers will be nominated through a nominating committee and confirmed by a majority vote of the Leadership Committee.

Participation from other watershed stakeholders is strongly encouraged and the Leadership Committee may solicit feedback and be assisted by other groups, including the Watershed Advisory Group (WAG). The members of WAG may participate in the program for all purposes except voting. WAG members may assist the Leadership Committee members by soliciting input from various watershed constituents to ensure that all interests are heard and considered in decisions (e.g., private landowners, communities, and special interest groups). The WAG may include, but is not limited to representatives from the following entities. There are no restrictions on WAG membership.

Initial Watershed Advisory Group Members include:

-
-

-
-
-
-
-
-
-

Subcommittees may be formed as needed to perform tasks identified by the Leadership Committee. Each subcommittee shall serve at the pleasure of the Leadership Committee and could include standing or short-term subcommittees.

IV. Meetings

Meetings of the Leadership Committee will be held at least quarterly. Written notice of meetings shall be given to each Leadership Committee member and others as appropriate, at least 14 days before the meeting is scheduled. Written notice of special meetings shall be given to each Leadership Committee member at least 3 days before the meeting is scheduled. At least X% of the Leadership Committee members must be present to constitute a quorum. No vote may be taken in the absence of a quorum.

V. Decision Making

It is the intent of the Leadership Committee to achieve a strong consensus on all action items. In the event that consensus is not achieved and, in a quorum vote in which **3 or more** [should be appropriately scaled to size of Committee] members vote negatively on an issue, the item under consideration will be tabled until stronger consensus can be achieved.

VII. Compensation

No compensation or reimbursement will be authorized or paid to Leadership Committee members who are representatives of entities. However, the Leadership Committee may authorize reimbursement of certain expenses for members to defer the costs of travel to participate in the Leadership Committee, as it deems appropriate.

VIII. Conflict of Interest

If a Leadership Committee member has a potential or actual conflict of interest in an issue before the Committee, he/ she will disclose conflict prior to formal consideration of the issue, or as soon as the potential or actual conflict becomes known. A Leadership Committee member will not vote on an issue if there is a conflict of interest.

IX. Responsibilities [May be refined as objectives and tasks are defined]

- Provide leadership to guide and implement the Mission Statement and identified goals.
- Help to integrate various stakeholder interests in the watershed around a joint management program.
- Manage program budget and allocate funding for projects and activities.
- Cooperatively work with other stakeholders.
- Provide recommendations and input with other agencies and entities programs.
- Research, develop, and implement plans and practices for water quality maintenance and improvement.
- Coordinate studies that may be appropriate for development of potential water quality improvement solutions.
- Help develop funding.

XI. Amendments to Operating Bylaws

These bylaws may be amended by any regular or special meeting of the Leadership Committee provided the amendment has been submitted in writing by the Leadership Committee at the previous meeting and included in the minutes of that meeting.