Yahara WINS Executive Committee
February 14, 2018 Meeting

Agenda Item:
4: Clean Lakes Alliance Memorandum of Understanding

Background and Analysis:
In early 2017, Yahara WINS and the Clean Lakes Alliance executed a Memorandum of Understanding (MOU) that recognized a mutual goal of both parties in accomplishing phosphorus reductions in the Yahara Watershed. The initial term of the MOU was calendar year 2017.

As written, the MOU can be extended by up to four additional one-year terms. In initial MOU extension discussions held during late 2017, Clean Lakes Alliance indicated that they would like to make two revisions to the MOU:

- Change the written notification requirement to Yahara WINS regarding extension of the MOU from 30 days in advance of the expiration of the MOU to 15 days. This request is in recognition that Clean Lakes Alliance may not have their annual budgets approved until early December and they cannot commit to extending the MOU until their annual budget is approved.

- Include language in the MOU that would give Clean Lakes Alliance an opportunity to provide input in the event that WINS issues a press release or engages in a press event that is related to an expenditure which utilizes dollars contributed to WINS under the MOU.

Extension of the MOU was considered by the Yahara WINS Executive Committee at its December 13, 2017 meeting. After significant discussion, the Executive Committee approved extending the MOU for one extension term covering the calendar year 2018 in an amount of $100,000, subject to review and approval of the final MOU revision language by WINS Counsel and the Executive Committee.

Clean Lakes Alliance proposed specific revision language in a letter dated January 11, 2018, a copy of which is attached. WINS Counsel has reviewed the proposed revision language and his recommendation is to agree to the revision language. This language is now being brought before the Executive Committee for consideration and approval. An Extension and Amendment document for the MOU that incorporates the revised language is also attached.

Options and Recommendation
1. Approve the proposed revision language.
2. Propose alternate revision language.

Option 1 is the recommended option. WINS Counsel has reviewed the proposed language and his recommendation is to agree to the revision language. Option 2 should only be considered if significant concerns related to the proposed language are identified by the Executive Committee.
January 11, 2018

Kathy Lake, Executive Committee President
Mr. Dave Taylor, Consulting Director
Yahara WINS
1610 Moorland Road
Madison, WI 53713

RE Extension of and Amendments to Yahara WINS and Clean Lakes Alliance Memorandum of Understanding

Dear Ms. Lake and Mr. Taylor,

On behalf of the Clean Lakes Alliance, we are writing to extend the Yahara River Watershed Improvement Network Intergovernmental Agreement Group (“Yahara WINS”) and Clean Lakes Alliance Memorandum of Understanding, dated January 27, 2017, (the “MOU”) for the period January 1, 2018 to December 31, 2018 with the following changes discussed below.

As per our discussions, and in order to accommodate our board and committee schedules, we understand that the parties to the MOU have agreed to amend Section 2.b. effective December 1, 2017, as follows:

The right of the Clean Lakes Alliance to extend this agreement may be exercised by the delivery of written notice to Yahara WINS on or after the date on which installment 3 is contributed to Yahara WINS and within 30 15 days of the expiration of the agreement.

In addition, in order to clarify our coordinated approach for strategic communications on phosphorus reduction, we propose to amend Section 7, Strategic Communication, to add a provision, 7.b. as follows:

7.b. Yahara WINS shall acknowledge Clean Lakes Alliance when projects that are being funded or co-funded through this agreement are included in press releases or media events initiated by Yahara WINS.

Please sign where indicated below and return an electronic copy to my attention via email by January 31, 2018, to confirm the above extension of and amendments to the MOU. Please let us know if you have any questions at (608) 255-1000.

In Partnership,

Yahara WINS

James Tye, Executive Director

Clean Lakes Alliance

Name: ____________________________
Title: ____________________________
Extension and Amendment of the Memorandum of Understanding
Between Yahara WINS and Clean Lakes Alliance

Extension

1. The Yahara Watershed Improvement Network Intergovernmental Agreement Group (Yahara WINS) and the Clean Lakes Alliance are parties to a Memorandum of Understanding (MOU), with an initial term of January 1, 2017 through December 31, 2017 and up to four Extension Terms.

2. Per Section 2b. of the MOU, Clean Lakes Alliance agrees to exercise its right to extend the term of the MOU by one Extension Term, with the Extension Term beginning on January 1, 2018 and ending on December 31, 2018.

3. Clean Lakes Alliance funding level to Yahara WINS in this Extension Term will be $100,000.

4. Except for the amendments identified below, all other conditions of the MOU remain in effect.

Amendments

1. The last sentence in 2b is revised to read: “The right of the Clean Lakes Alliance to extend this agreement may be exercised by the delivery of written notice to Yahara WINS on or after the date on which Installment 3 is contributed to Yahara WINS and before 15 days prior to the expiration date of this agreement”

2. A new section 7.b. is added, which reads as follows: “Yahara WINS shall acknowledge Clean Lakes Alliance when projects that are being funded or co-funded through this agreement are included in press releases or media events initiated by Yahara WINS.”

Signatures

IN WITNESS WHEREOF the parties hereto have set their hands at Madison, Wisconsin.

For the Clean Lakes Alliance

___________________________________ _____________________
James Tye Date
Executive Director

For Yahara WINS

___________________________________ _____________________
Martin Griffin Date
Yahara WINS Executive Committee President