Agenda Item:
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, during which time Clean Lakes Alliance agreed to contribute $100,000 to WINS to support phosphorus reduction efforts targeted in the upper part of the Yahara Watershed.

Funds provided under the MOU in 2017 have been used to support several important phosphorus reduction efforts in the Yahara Watershed. These include extension of a harvestable buffer agreement, purchase of low disturbance manure injection equipment by Yahara Pride Farms, and incentivizing participation in a program focusing on the aerial seeding of cover crops. A portion of these funds will also be carried over to 2018 to support a manure composting project.

As written, the MOU can be extended by up to four additional one-year terms. Clean Lakes Alliance would like to extend the MOU to the 2018 calendar year and provide $100,000 to WINS in 2018 to support phosphorus reduction efforts. The 2018 approved WINS budget includes $50,000 in revenue derived from grants and MOUs, without making attribution as to the specific source of those funds. If the MOU is extended, it will result in a $50,000 increase in revenue for 2018 that can be used to target additional phosphorus reduction activities in the Yahara Watershed. Taking steps to accelerate phosphorus reduction is viewed as a positive step toward improving water quality.

If extended, Clean Lakes Alliance would like to make two revisions to the MOU. These revisions are generally identified below:

- If Clean Lakes Alliance wishes to extend the MOU for an additional term, the current MOU requires that they provide written notice at least 30 days in advance of expiration of the agreement. They would like to change this to 15 days.
- To the extent 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, Clean Lakes Alliance will be given an opportunity to provide input.

The notification revision is simply a recognition that the Clean Lakes Alliance annual budget is typically not approved until early December and they can’t make a commitment regarding extending the MOU until after their budget is approved. Changing the notification from 30 days to 15 days has no practical impact on WINS. Regarding the second revision item, giving Clean Lakes Alliance an opportunity to have input on press releases, etc. related to expenditures in which MOU dollars are used is a reasonable request, but the specific wording of this revision will be important. That wording is being worked on with Clean Lakes Alliance and we are confident that agreement will be reached shortly.
Options and Recommendation

1. Approve extending the MOU for one extension term covering the calendar year 2018 in an amount of $100,000, subject to review and approval of final MOU revision language by WINS counsel.

2. Approve extending the MOU for one extension term covering the calendar year 2018 subject in an amount of $100,000, with additional revisions that are identified by the Yahara WINS Executive Committee being made for clarity or other purposes, with execution of the extension subject to review and approval of extension language by WINS counsel.

3. Request that additional information be collected and brought back to the Executive Committee at a later date for use in making a decision regarding extending the MOU.

Option 1 is the recommended option. Extending the MOU will allow WINS to make additional investments in phosphorus reduction efforts in the upper part of the Yahara Watershed beyond those anticipated in the 2018 approved WINS budget. WINS and the Clean Lakes Alliance have a mutual interest in achieving phosphorus reductions the Yahara Watershed, and formal collaboration is viewed as a positive by both groups. As an aside, Clean Lakes Alliance has indicated that they would support carrying over a portion of the 2018 MOU funds to support 2019 operational costs associated with a Yahara Pride solid manure composting project, should WINS agree to participate in this project.

Option 2 is similar to option 1 and could be adopted if the Executive Committee identifies specific revisions to the MOU that it believes are necessary for clarity or other purposes.

Option 3 could result in significant delays for executing an extension to the MOU, depending on how long it takes to collect the additional information and to convene a subsequent meeting of Executive Committee. This option should be adopted only if the Executive Committee has significant questions/concerns about the MOU.