

**Memorandum of Agreement  
Between  
Pennington SWCD and Pennington County  
For Administration of the Pennington County Buffer Ordinance**

This agreement is made between Pennington SWCD, hereinafter called SWCD and Pennington County, hereinafter called County for administration of the Buffer Ordinance, pursuant to authorizing resolutions of the boards of the SWCD and County.

Therefore, the SWCD and County agree as follows:

**A. The SWCD agrees to:**

1. Assist the County in administering the Buffer Ordinance.
2. Complete compliance determinations.
3. Issue Notice of Noncompliance and Validation of Compliance to the County.
4. Provide information needed to the Pennington County Assistant Engineer for writing the Corrective Action Notices.
5. Review documentation submitted from a parcel owner on the correction of a violation set forth in a Corrective Action Notice and document compliance.
6. Be a member of the Technical Evaluation Panel (TEP) that reviews appeals.
7. Document expenses and time spent on Buffer activities.
8. Coordinate Board of Adjustment hearings as needed.
9. Follow County procedures regarding notices and hearings.

**B. The County Agrees to:**

1. Accept all complaints from individuals, entities and agencies at the Pennington County Assistant Engineer's Office.
2. Provide 75% of the Riparian Protection Aid received from the State of Minnesota to the SWCD. Any funds not utilized by the County for enforcement of the buffer ordinance within one year from the year the funds were received will be given to the SWCD up to a total of 90% maximum.
3. Send Corrective Action Notices on County letterhead.
4. Sign and deliver the Corrective Action Notices and APOs sent to landowners via certified, return receipt mail or personal delivery service.
5. Collect and retain penalties paid
6. Provide legal counsel and support the SWCD for administration and enforcement.
7. Accept appeals of Corrective Action Notices from parcel owners at the Pennington County Assistant Engineer's Office.
8. Delegate a County Ditch Authority representative to the TEP.
9. Delegate the Board of Adjustment to act on the appeal of Corrective Action Notices.

This agreement may be amended by mutual agreement of Pennington SWCD and Pennington County by resolutions of their respective boards.

This agreement shall become effective upon signature of all duly authorized signatures and shall remain in effect until terminated by agreement of the parties or thirty days after written notice of termination by either party to the order.

  
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Board Chair Pennington SWCD

1-18-18  
Date

  
\_\_\_\_\_  
Board Chair Pennington County

12/27/2017  
Date