



BOARD OF COMMISSIONERS
Agenda Item Summary

Agenda Category: Agreements

Item No:

Date: July 30, 2019

Originating Department: Public Works

Issue: In the matter of an agreement between Klamath County and Klamath Watershed Partnership (KWP) for noxious weed control.

Background: Klamath County enters into agreements with outside agencies to treat noxious weed infestations on their property. The purpose of this agreement is to treat noxious weed-infested tax lots identified by KWP within the "Sprague River and Keno Noxious Weed Eradication Project" boundary for KWP within Klamath County and KWP desires to retain Klamath County to accomplish said work.

Fiscal Impact: Income of \$16,600.50 to the Weed Control Budget.

Recommended Motion: Board to approve and sign the agreement between Klamath Watershed Partnership and Klamath County for noxious weed control. Fiscal Impact is \$16,600.50 income to the Weed Control Budget.

DONE AND DATED this _____ day of _____, 20__.

Chair
Approved
Denied

Vice-Chair
Approved
Denied

Commissioner
Approved
Denied



Klamath County – Noxious Weed Control

305 Main Street | Klamath Falls, OR 97601 | Phone (541) 883-4696 | Fax (541) 882-3046

www.klamathcounty.org

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and between **KLAMATH COUNTY**, herein referred to as "**COUNTY**" and **KLAMATH WATERSHED PARTNERSHIP**, herein referred to as "**KWP**".

RECITALS:

Klamath County desires to treat noxious weed-infested tax lots identified by KWP within the "Sprague River and Keno Noxious Weed Eradication Project" boundary for KWP within the County of Klamath, State of Oregon and KWP desires to retain Klamath County to accomplish said work.

AGREEMENT:

- (1) County shall notify KWP three (3) days prior to commencing treatment on KWP project and of the location of such treatment.
- (2) Chemicals to be applied shall be applied according to methods approved by the governmental body having jurisdiction.
- (3) Applications of herbicides will be performed and supervised by County officers or employees.
- (4) County agrees to apply the herbicides in accordance with label instructions and under the supervision of qualified personnel.
- (5) Charges for the work will be in accordance with attached Commissioners' Budget Resolution No. 2019-011.

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- (6) At the end of each month, County shall submit to KWP an itemized statement for all costs incurred in the treatment of noxious weeds on the "Sprague River and Keno Project". In consideration of the fulfillment of all stipulations of this agreement to the satisfaction and acceptance of KWP, KWP shall pay to Klamath County, the amount due, not to exceed \$16,600.50.
- (7) The County shall prepare and furnish to KWP evidence that all designated work has been performed. The notice that the Weed Control treatment work has been completed, along with the County's billing for labor and materials shall be sent to: Klamath Watershed Partnership, 205 Riverside Drive, Suite C, Klamath Falls, OR 97601.
- (8) KWP further agrees that should it be necessary for County to pursue collection procedures for the sums due and owing that KWP will pay reasonable attorney fees plus costs and disbursements whether or not suit is instituted to collect the sums, and if suit is instituted, to pay County's attorney fees upon trial and appeal.
- (9) KWP releases and forever discharges Klamath County and its employees from any claims and demands against Klamath County for personal injury or property damage (including livestock damage). KWP shall defend, save and hold harmless Klamath County, its officers, agents, employees and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities or inaction of KWP or its subcontractors, agents, or employees or Klamath County under this agreement.
- (10) Klamath County makes no express or implied warranties of fitness or merchantability of the herbicides used.
- (11) This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed
the date and year first herein written.

KLAMATH WATERSHED PARTNERSHIP

Signature

Title

KLAMATH COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Approved _____

Approved _____

Approved _____

Denied _____

Denied _____

Denied _____

Date _____

Date _____

Date _____

County Counsel

BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF KLAMATH, STATE OF OREGON

(IN THE MATTER OF ESTABLISHING WEED CONTROL FEES FOR 2019)

RESOLUTION NO. 2019-011

WHEREAS, Klamath County was first declared a weed control district on April 27, 1929; and

WHEREAS, the Board of County Commissioners have declared certain weeds noxious in Klamath County, Oregon; and

WHEREAS, the owner or occupant of land within Klamath County must destroy or prevent the seeding of weeds declared noxious; and

WHEREAS, some landowners, Government agencies and utility companies wish to contract with Klamath County for noxious weed control services and compensate the County for the service provided; and

WHEREAS, Klamath County must charge fees that will reimburse the County for all costs incurred in providing the service;

THEREFORE, BE IT RESOLVED the Board of County Commissioners of Klamath County, Oregon, adopts the following fee schedule for calendar year 2019. Licensed Applicator \$23.60/hour; Driver/Helper \$20.33/hour; Overhead 94% of labor; Spray Equipment \$8.00/Hour; Vehicle \$12.00/hour; All Terrain Vehicle \$7.00/hour; Boat \$1.00/hour.

KLAMATH COUNTY BOARD OF COMMISSIONERS

		
Chair	Commissioner	Commissioner
Approved <u>X</u>	Approved <u>/</u>	Approved <u>✓</u>
Denied _____	Denied _____	Denied _____
Date <u>1/8/19</u>	Date <u>1 8 19</u>	Date <u>1-8-19</u>