

## **Title**

Wells Run - A Memorandum of Understanding by and between the City of Hyattsville, the Town of University Park, and the Town of Riverdale Park

## **Motion #**

89-05-10

## **Recommendation**

I move that the Mayor and Council authorize Mayor Gardiner to execute the amended Memorandum of Understanding establishing the Inter-Municipal Collaborative Committee on Wells Run.

## **Submitted By**

City Administrator on behalf of Gardiner

## **Department**

Legislative

## **Background**

The City of Hyattsville received correspondence from the Town of University Park on March 18, 2010 requesting the city join with two nearby municipalities to establish the Inter-Municipal Collaborative Committee on Wells Run. Wells Run originates in Hyattsville near Northwestern High School, and continues through University Park and into Riverdale Park and the Northeast Branch. The City Council has discussed the MOU at two previous meetings, and the Environment Committee also discussed the MOU with representatives from UP, RP, and the City Council. The City Attorney has reviewed the MOU and indicated there are no legal concerns with the City joining the MOU. Based on suggestions that arose at the Environment Committee meeting, representatives from the three communities discussed a number of revisions to the original MOU. The revisions that have been incorporated in this version of the MOU are: 1) Clarification that the purpose of the MOU is to protect and restore the integrity of Wells Run to serve all communities as a healthy stream and passive recreation area for generations. 2) Charging the Inter-Municipal Collaborative Committee with advising the municipalities and developing a short-term and long-term stream restoration plan; facilitating the development of passive recreational enhancements along Wells Run; facilitating the evaluation of stormwater plans that may impact Wells Run; and, facilitating the collection and dissemination of environmental data in support of the three items immediately above. 3) Establishing the composition of the Committee (three members from each community, with at least one being an elected Council member from that community) 4) Clarifying that the Committee cannot represent the communities without the explicit approval of each and all communities 5) Stating the Municipalities may amend this Memorandum of Understanding and the directives to the Committee Establishing a sunset date five years after the MOU is signed. Other points in the original

MOU and in this revised MOU include: The Municipalities: • Recognize their mutual interest in the protection and restoration of Wells Run, and agree to work together to protect Wells Run and restore it to healthy condition • Agree to share technical and scientific data and analyses of the stream • Agree to work collaboratively in building community support, and to solicit the support of the Federal Government, Maryland, Prince George's County, and other entities needed to restore and protect Wells Run •

Agree to jointly plan and pursue actions to ensure that Wells Run for its entire length, remains a valuable community resource • Agree that membership is voluntary in nature and each may at any time terminate participation on the Committee.

## **Anticipated Staff Resources Required to Implement**

Attending and managing meetings, minutes of meetings, and assignments of the Committee. Review of annual deadlines and assumptions related to Wells Run; possible correspondence development and distribution related to the Committee and/or Wells Run; and solicitation of external funding for maintenance of water quality and protection of Wells Run.

## **City Administrator - Department Director Comments**

Recommend Approval City Administrator Elaine Murphy

## **Strategic Goals and Actions**

Goal 1. Ensure transparent and accessible governance; Goal 2. Ensure the long-term health of the City; Goal 3. Enhance a safe and pleasant community; Goal 4. Foster excellence in all City operations.

## **Current Year Budget Impact**

None anticipated

**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is effective this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the City of Hyattsville, the Town of Riverdale Park, and the Town of University Park, each of which is a municipal corporation of the State of Maryland, hereinafter referred to collectively as the Municipalities.

**W I T N E S S E T H**

Whereas, the stream known as Wells Run rises, flows, and enters into the Northeast Branch of the Anacostia River, all within the combined areas of the City of Hyattsville, Town of Riverdale Park, and Town of University Park in Prince George’s County, State of Maryland; and

Whereas, the residents of the Municipalities highly value Wells Run, the qualities and amenities which the stream visits upon their communities, and the potential to enhance the ecological and amenity value of Wells Run in each community; and

Whereas, the Municipalities are experiencing negative effects from the velocity and volume of storm water runoff consequent to the loss of impervious surface, which left unmitigated will diminish the integrity of major roadways serving our communities and endanger public safety; and

Whereas, the degradation of water quality and erosion in Wells Run are diminishing its safety and utility as a recreational stream; and

Whereas, the Municipalities have decided to establish the Inter-Municipal Collaborative Committee on Wells Run for the purposes of protecting and restoring the integrity of Wells Run so that it will serve all communities as a healthy stream and passive recreation area for generations.

NOW THEREFORE, in consideration of the sum of the foregoing, the mutual

promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Hyattsville, Town of Riverdale Park, and Town of University Park recognize their mutual interest in the protection and restoration of Wells Run, and agree to work together to protect Wells Run and restore it to healthy condition, and further agree as follows:

1. The “Whereas” clauses set forth above are included and incorporated as part of this Memorandum of Understanding.
2. The Inter-Municipal Collaborative Committee on Wells Run be and it is hereby established to advise the municipalities and is charged with: 1. developing a short-term and long-term stream restoration plan; 2. facilitating the development of passive recreational enhancements along Wells Run; 3. facilitating the evaluation of stormwater plans that may impact Wells Run; and, 4. facilitating the collection and dissemination of environmental data in support of the three items immediately above .

Each Municipality shall appoint three representatives to serve on the Committee for an initial term ending on July 1, 2012. At least one of the representatives must be a member of the municipality’s elected body. Subsequent appointments or the filling of vacancies shall be handled by each governing body in a manner it chooses; however, at all times at least one elected official from each municipality must serve on the Committee.

The Committee shall select its own Chair and other offices, and organize sub-committees as it requires. It may request expertise and information from individuals and entities, such as staff from the Anacostia Watershed Society, in order to carry out its mission. The Committee’s meetings shall be governed by the Maryland Open Meetings Act, and all meeting minutes shall be available to the public. The Committee shall provide to each municipality, at a minimum, an annual report by July 30<sup>th</sup> summarizing its meetings and activities for the preceding 12 months (more frequent updates to municipalities are expected of the Committee representatives).

3. The Municipalities agree to contribute expertise, perspective, and mutual support via membership and participation in the Inter-Municipal Collaborative Committee on Wells Run.
4. The Municipalities agree to share knowledge of the stream and its environment with each other, including photos of the stream, technical and scientific data, and analyses.
5. The Municipalities agree to work collaboratively in building community support, and to solicit the support of the Federal government, State of Maryland, Prince George’s County, and other entities needed to restore and protect Wells Run.



**To: Mayor and City Council**

**From: Hyattsville Environmental Committee**

**Re: Coordination on Wells Run with Riverdale Park and University Park**

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The Environmental Committee was pleased to host the July 14 meeting during which representatives of Hyattsville, Riverdale Park, and University Park continued discussion of water management for the Wells Run watershed. In recent months, Wells Run has suffered from poor water quality and flooding. Given these immediate concerns and the potential for other issues to arise in the watershed, the Environmental Committee urges the Hyattsville City Council to sign a Memorandum of Understanding (MOU) with Riverdale Park and University Park and to take actions to improve the water management in the Wells Run watershed. The MOU would establish a framework for jointly monitoring Wells Run and planning ways to preserve and restore the watershed. It would lead to a set of coordinated efforts to improve water quality and/or flows in the watershed.

Hyattsville and Wells Run are intimately connected. First, as the headwaters of the watershed lie within the Hyattsville, Wells Run receives runoff from Hyattsville. Second, as Wells Run is a tributary of the Northeast Branch of the Anacostia River, water from Wells Run returns to Hyattsville's eastern border. Consequently, the City has interests in managing the stormwater levels in Wells Run and in maintaining the quality of its water. Moreover, as a municipality within the watershed, the City has a responsibility to do so.

Protecting these interests and fulfilling this responsibility should be important municipal goals. They are best achieved in coordination with the other municipalities in the watershed. Coordination will have numerous benefits. It will maximize the mutual advantages of actions taken in different parts of the watershed. It will facilitate access to resources from higher levels of government by addressing a larger geographic area. Articulating water management issues more holistically also grounds more compelling arguments for these resources. Finally, coordinating actions affecting the watershed early on will alleviate future conflicts.

We understand that members of the Council would like for the MOU to include greater specificity on the mechanisms of cooperation and the scope of the proposed committee. Regarding the scope of the committee, we recommend that it be tasked with reviewing the full range of issues affecting the Wells Run watershed, including point and non-point source pollution as well as the volume and velocity of stormwater runoff entering Wells Run. Following the review of issues, key problems and "hot spot" areas should be identified for targeted interventions. Interventions may include projects or policy measures in one or more of the cooperating municipalities. The committee may find useful information in the U.S. Army Corps of Engineers' Anacostia Watershed Restoration Plan (2009), including the Northeast Branch Subwatershed Action Plan and Provisional Restoration Project Inventory, available at [www.anacostia.net](http://www.anacostia.net). For the committee to effect timely improvements, its recommendations need not fully address every issue in the watershed, but should address high-value interventions and reflect the cooperating municipalities' shared priorities.

As the water management challenges facing Wells Run are significant, the City of Hyattsville should carefully examine the potential damage the City and its residents might be doing to our immediate surroundings and to the larger Anacostia watershed. Finally, coordinated actions within the natural

boundaries of a watershed are the best way to address water management challenges. The Environmental Committee looks forward to supporting the efforts of the committee formed by an MOU among Hyattsville, Riverdale Park, and University Park and hopes that the Council will soon come forward with an agreement that reflects our intention to cooperate with our neighbors on responsibly managing local water resources.

# Environmental and Sustainability Action Plan for The City of Hyattsville

## Introduction:

This directive affirms the City of Hyattsville's commitment to responsible environmental stewardship through the consideration of the environment in its departmental operations and all facets of managing the City of Hyattsville resources. This commitment is manifested by incorporating principles of sustainability and energy efficiency into all of its building projects, day to day operations and resource use. The City affirms its commitment to handling departmental operations and project implementation as well as the design, construction, operation, maintenance, and rehabilitation of buildings in ways that conserve natural resources and reduce pollution.

## Background:

Sustainable operation of all aspects of running the City of Hyattsville can reduce the negative impacts on the environment as well as save the City of Hyattsville and its residents money by reducing the cost of energy (oil, natural gas, electricity) and consumables (paper, vehicles, general upkeep). The end result is an optimal balance of cost, environmental, societal and human benefits, which also meet the mission and function of the City, the various departments and the residents of the City of Hyattsville.

Sustainability is the concept of incorporating appropriate sustainable principles to improve the City's contribution to natural, social, and economic prosperity throughout its life cycle. Key themes of sustainability are interdependence, a broad area of concern, prosperity, and a timeline that includes current as well as future results.

## Policy:

To the maximum extent practical, the City of Hyattsville is committed to managing all aspects of the City, its facilities and their operation, in a way that promotes environmental stewardship. The Mayor, City Council, City Administrator, Department Heads and all staff should take the impact on the natural environment into consideration with respect to any and all actions, motions, policies, or procedures. The environmental impact should be minimal to none, with alternative sustainable approaches researched and reviewed.

## PRINCIPLES:

The essential principles of sustainable operation for the City of Hyattsville will address the following factors:

- SITE – Minimize adverse environmental and transportation impacts when choosing locations for projects and when determining siting, footprint, and orientation of infrastructure within a plot.
- ENERGY – Reduce energy use, increase efficiency of energy use, and minimize the City of Hyattsville’s consumption of non-renewable sources of energy.
- MATERIALS – Reduce consumption and waste by purchasing durable, reusable products and materials. Use environmentally preferable products, such as those that are repaired, restored, recycled, reusable, recyclable, non-toxic, of low-embodied energy content, and/or renewable.
- WATER – Protect and conserve water supplies, minimize pollution that may degrade the water quality of local waterways, and manage stormwater runoff.
- AIR – Minimize emissions of harmful air pollution, including greenhouse gas emissions.
- OPERATIONS AND MAINTENANCE – Design facilities for operational and maintenance efficiency, using materials noted for their longevity, robustness, and low toxicity.
- EDUCATION – Provide education to City residents on sustainable practices to lower energy use, make homes more efficient, increase repair and restoration, reuse, recycling, and other practices that reduce consumption and waste and have a positive impact on the environment.

#### GOAL:

The City of Hyattsville’s goal is to have the principles of sustainability and energy efficiency reflected in all aspects of City operations. The City of Hyattsville will demonstrate environmental leadership by consistently meeting and striving to exceed all environmental targets outlined by the State of Maryland and Prince Georges County guidelines and by implementing proven best practices regarding issues such as renewable energy and green house gas emissions, pollution prevention and brownfield remediation, and stormwater management and water quality.

#### OBJECTIVES:

It must be recognized that while there are many practices already completed and underway that have and will make a large impact on achieving the goal, there are others that will take years to achieve. The City of Hyattsville will:

- For all engineering, design, construction, deconstruction, maintenance, and operation of City of Hyattsville facilities, use the criteria laid out for LEED certification whenever possible.
- Integrate life-cycle and full-cost accounting in investment decisions regarding products, services, design, and construction projects affecting building systems, long-term energy, water, and other utility operating costs, equipment, landscaping, operations, and maintenance.
- Review contracts with City service providers (PEPCO, landscaping, etc.) in order to ensure environmental standards are met or exceeded.
- Review all currently owned and future purchased City property, including but not limited to vehicles, office equipment, furniture, and park equipment, for environmental and sustainability standards.
- Use City services and communication tools to promote environmentally friendly behaviors among residents.

**ADDITIONAL INFORMATION:**

City of Hyattsville employees seeking additional information about this policy may wish to refer to the following resources:

- US Green Building Council - <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>
- Maryland Department of the Environment - <http://www.mde.state.md.us/Air/climatechange/legislation/index.asp>
- ICLEI – Local Governments for Sustainability - <http://www.iclei.org/>
- Prince George’s County Department of Environmental Resources - <http://www.princegeorgescountymd.gov/Government/AgencyIndex/DER/>
- CoolCities - <http://coolcities.us/>
- EPA Green Communities Program - <http://www.epa.gov/greenkit/index.htm>
- SustainLane knowledge base - <http://www.sustainlane.us/>
- Energy Finder interactive tool - <http://www.energyfinder.org/>
- California Sustainability Alliance local government toolkits – [http://sustainca.org/programs/green\\_local\\_government/overview](http://sustainca.org/programs/green_local_government/overview)

# Wells Run

