FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING
(Pathways)

WHEREAS, the Town of Jackson, and Teton County, Wyoming ("the Parties") entered into that certain Memorandum of Understanding ("MOU") regarding the Pathways Program, dated September 8, 2003, and;

WHEREAS, the Parties wish to Amend the MOU to articulate and clarify differences between major maintenance/capital repairs, versus routine maintenance of the Pathways system, and to have such amendment effective as of the 1st day of February, 2004,

NOW, THEREFORE, the Parties hereby amend that paragraph of the September 8, 2003 MOU styled "Management/Maintenance of Infrastructure" by striking and readopting it to read as follows:

> "Management/Maintenance of Infrastructure:
> Management of the Pathways Program Infrastructure will be the responsibility of the Town Administrator. The Pathways Program includes pedestrian, bicycle, equestrian, and Nordic trails throughout the Town and County, and pedestrian/bicycle infrastructure components of the Town and County's transportation system.
>
> Routine maintenance, including: mowing, weed control, sweeping, trash removal, staining of benches, signs and fences, Nordic grooming/snow removal, and recreational programming will be the responsibility of the Parks & Recreation Department. Maintenance priorities, and levels of service, will be established with input from and in consultation with the Pathways Coordinator. Friends of Pathways and the Pathways Coordinator will manage the Adopt-A-Trail volunteer maintenance program in coordination with the Parks & Recreation Department. All costs for routine maintenance will be budgeted and accounted for within the Parks and Recreation Department Budget.
>
> Major maintenance, repair and replacement needs, including: sealing, striping, signage, fencing, shoulder and bridge repairs (and other repairs as needed) will be the responsibility of the Pathways Department, through the Pathways Coordinator. The Coordinator will prepare, and submit for approval, the annual Pathways Capital Improvements Program, which will include an Annual Pathways Maintenance Program and Capital Improvement Program (for new projects). The Pathways Capital Improvement Program will be developed in coordination with the Parks & Recreation, County Engineering and Town Public Works Departments. All costs for major maintenance, repair, and replacement projects, as well as new construction, will be budgeted and accounted for within the

respective Pathways Capital Budgets of the Town and County (depending on the location of the pathway, trail or pedestrian/bicycle facility).

All of the rest and remainder of the MOU not specifically changed by this Amendment shall remain in full force and effect.

Teton County Commission

Andy Schwartz, Chair

Town of Jackson

Mark Barron, Mayor

ATTEST:

Sherry Daigle, Teton County Clerk

ATTEST:

Roxanne DeVries Robinson, Town Clerk

MEMORANDUM OF UNDERSTANDING

Town of Jackson
and
Teton County

Effective September 8, 2003

This Memorandum of Understanding identifies the parties' current understanding of their working relationships and responsibilities relative to non-motorized transportation, to be incorporated in a future cooperative agreement executed pursuant to applicable law.

The Jackson Town Administrator will supervise the Pathways/Trails Coordinator ("Coordinator"), whose responsibility it is to coordinate pedestrian, bicycle, equestrian, and Nordic trail projects and programs serving non-motorized transportation and recreation users in Teton County ("County") and the Town of Jackson ("Town").

Financial agreement:
All of the operational expenditure and revenue transactions pertaining to Pathways will be recorded in a separate department of the General Fund of the Town of Jackson and will be part of the Town of Jackson reporting entity. The Town of Jackson and Teton County will evenly (50/50) share the net operational costs of the Pathways Department. Net operational costs are defined as all operational expenditures, including any indirect cost allocations, less any operational revenue. All capital expenditures, and any associated revenue, will be recorded within the jurisdiction where the project is located. There will be no net cost sharing for capital outlay.

Effective September 1, 2003, all expenditures pertaining to the administration and operation of the Pathways Program will be paid by the Town of Jackson and then invoiced to Teton County. Teton County will not accept Pathways-related operational revenue or incur Pathways-related operational expenditures other than through the Town of Jackson. An exception to this provision is for grant proceeds and grant-related expenditures where Teton County is the grantee. Maintenance expenditures for pathways maintenance will continue to be budgeted within the Parks and Recreation Department.

On a monthly basis and subject to Town of Jackson invoicing, Teton County will remit one-half of the actual monthly operational costs incurred by the Town of Jackson for the Pathways Program.

The Pathways Program is required to comply with both the Town of Jackson's and Teton County's budgetary procedures, which includes format and timing requirements for appropriation requests. All appropriations and budgeted revenue need approval from both the Jackson Town Council and Teton County Commissioners before the budget is considered "approved". Adjustments to appropriations and budgeted revenue throughout the fiscal year require the approval of both the Town of Jackson Town Council and Teton County Commissioners. The Pathways Department will comply with both the Town of Jackson's and Teton County's supplemental appropriation process.

The Pathways Program is also required to comply with both the Town of Jackson's and Teton County's Capital Improvement Plan (CIP) procedures, which includes format and timing requirements for project submittal. All capital projects require approval from either the Town of Jackson Town Council or the Teton County Commissioners before the project is considered "approved" and before it is included in the published Capital Improvements Plan.

Management/Maintenance of Infrastructure:
The Parks & Recreation Department is responsible for operations and management of all completed pedestrian, bicycle, equestrian, and Nordic trails, including ongoing maintenance, grooming, and implementation of repair and replacement programs, and oversight of all non-motorized infrastructure and facilities. Maintenance priorities are to be established with input from and consultation with the Pathways Coordinator. Pathways maintenance costs will be budgeted for and accounted within the Parks and Recreation Department Budget.

Planning:
The Coordinator will work with the Pathways Task Force advisory group to develop both long- and short-range plans for non-motorized pedestrian and bicycle systems.

Both long- and short-range plans shall be reviewed and must be approved by:

- Jackson Town Administrator
- Parks & Recreation Director or designee;
- County Engineer and Planning Director or their designees for projects within the unincorporated county;
- Town Engineer and Planning Director or their designees for projects within the town;
- Wyoming Department of Transportation, when applicable; and
- County or Town departments, such as public works, fire protection, law enforcement, or others as applicable.

Based on final approval from the Town Council and Teton County Commissioners funding for planned projects shall be incorporated into respective Town and County Capital Improvement Programs, and coordinated with the County's Grant Writer and other resources upon approval of long-range plans and Capital Improvement Programs.

Project/Program Design:
For each project, on a project by project basis, prior to consideration and approval by the respective government entity, the Coordinator will meet with the Jackson Town Administrator, Parks & Recreation Director or his designee, and others as appropriate to establish milestones and determine the department responsible for each.

Milestones include, but are not limited to:

Identification of stakeholders
Project design
Acquire permits
Approval and appropriation by County or Town
Preparation of construction or procurement documents
Bidding

Contracting
Construction or program management
Maintenance cost estimates (including repair/replacement)
Maintenance

Staff from each department shall have periodic meetings to provide updates on proposed and projects-in-progress. Staff includes, but is not limited to the Jackson Town Administrator, Parks Superintendent, Coordinator, Park Planner, and Engineering Technical staff.

Planning Department Reviews:
The Pathways Coordinator is to participate in the in development review process for private and public developments. County and Town Planning Offices will provide the opportunity for the Pathways Coordinator to review all development plans.

Teton County Commission

Bill Paddleford, Chair

ATTEST:

Sherry Daigle, Teton County Clerk

Town of Jackson

Mark Barron, Mayor

ATTEST:

Donna M. Baur, Deputy Town Clerk