MEMORANDUM OF UNDERSTANDING

Between Spartanburg County and Partners for Active Living

WHEREAS, the Spartanburg County Council has adopted, in principle, the Parks Enhancement Plan, which includes ten policy directives, among which are:

- Improving the community’s quality of life, encouraging neighborhood redevelopment and tax base expansion are among the reasons that Spartanburg County should consider making parks and recreation investments.

- Spartanburg County should focus trail development on in-park walking trails and connecting recreation assets to neighborhoods and centers of activity, for the purpose of wellness, recreation and safe walking routes to parks.

- Spartanburg County should facilitate and support the efforts of private groups to develop parks and recreation assets.

- Spartanburg County should partner with other public and private agencies, such as schools, towns, water districts and community organizations, to improve parks and recreation availability as well as public information about parks and recreation assets, and

WHEREAS, the quality of life in the Upstate, South Carolina region is critical to attracting new businesses and retaining existing business, in order to provide jobs for citizens and to expand the tax base of local governments, and

WHEREAS, Partners for Active Living (PAL), working in concert with the City of Spartanburg and Spartanburg County, has developed a long-term “Spartanburg Trails and Greenways Master Plan” which identifies desirable projects and recommends a methodology to implement the projects, and

WHEREAS, a key element of the recommendations was selecting an entity to develop the trail projects,

WHEREAS, PAL is willing and able to take on this important role and has provided a proposal that includes coordinating the activities of organizations interested in trail development through a “Greenways Advisory Committee,” seeking support and funding for trails projects, partnering with local government to implement the projects and recruiting volunteers to assist in maintaining trails, and

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS that Spartanburg County and PAL have reached certain understandings that will facilitate development of an ongoing partnership and agree as follows:
1. Spartanburg County has provided a grant to PAL, in the amount of $22,000 for FY14, FY15, and FY16 to assist in funding trail development. It is Spartanburg County’s intention, subject to funding availability, to continue this grant for FY 17 and FY 18, and

2. The Parks and Recreation Director will assign a staff member to serve as liaison to PAL. PAL and the Spartanburg County Parks Department will work together to plan trails projects. As required, joint programs and projects will be reviewed by and approved by the respective governing bodies, and

3. The Spartanburg County Parks Department and PAL will provide cross-linking on their respective websites.

4. It is understood that PAL staff and volunteers do not work under the direction of the County nor are the staff and volunteers employed by the County. PAL understands that its staff and volunteers may be exposed to risks and dangers involved in trail development and maintenance activity and that the staff and volunteers must only engage in those activities for which they have the skills, qualifications, preparation and training, and

5. PAL agrees to indemnify and hold the County and its officers, agents and employees harmless from and against any loss, damage, claim, accidents, injuries, penalties, charges, liability, exposure and the like caused or arising from any negligent acts or omissions by the PAL, its agents or volunteers. PAL shall not be responsible for any loss, damage or liability caused by the County, its agents, staff or other consultants employed by it. This section shall survive the termination of this Agreement.

6. NOTICES. All notices and any payments hereunder may be delivered or mailed. If mailed, they shall be sent to the contacts at the following respective addresses:

   To: County:  
       Parks and Recreation Director  
       Spartanburg County Parks Department  
       9039 Fairforest Road  
       Spartanburg, SC 29301

   Partners for Active Living:  
   Executive Director  
   Partners for Active Living  
   P.O. Box 6728  
   Spartanburg, SC 29304-6728

   Copy to:  
   County Attorney  
   Spartanburg County  
   P.O. Box 5666  
   Spartanburg, SC 29304
7. The term of this Memorandum of Understanding shall be from the date hereof and shall extend through June 30, 2018. Either party hereto may terminate this Agreement upon at least one hundred eighty (180) days advance written notice to the other party.

WITNESSES:

[Signatures]

Spartanburg County
By: [Signature]
County Administrator

Partners for Active Living
By: [Signature]
Executive Director

[Signature]
APPROVED AS TO FORM
SPARTANBURG COUNTY ATTORNEYS OFFICE
DATE: 7/18/12