



## Legislation Text

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Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Appropriate \$10,000.00 from the Wetlands Encroachment Restricted Fund Balance Account to the Community Development Leadership and Management Service - Other Professional Services Account for the Purpose of Dispersing to the Colonial Soil and Water Conservation District to Fund the City's Participation in the Virginia Conservation Assistance Program and Authorize the City Manager to Execute a Memorandum of Understanding with the Colonial Soil and Water Conservation District for the City's Participation in the Virginia Conservation Assistance Program.

### **PURPOSE/BACKGROUND:**

#### **Discussion:**

Living shoreline installations are increasingly becoming both a priority and a challenge for Hampton property owners. As discussed with City Council at its May 25, 2022 work session, one opportunity to provide property owners with technical and financial assistance to install living shorelines is for the City to enter into an agreement with the nearest Soil and Water Conservation District (SWCD) to participate in the Virginia Conservation Assistance Program (VCAP). VCAP is an existing, statewide, urban cost-share program administered by regional Soil and Water Conservation Districts. VCAP provides financial incentives, as well as technical and educational assistance, to property owners installing eligible Best Management Practices (BMPs).

Hampton is not located within a SWCD service area; therefore, in order for City property owners to be eligible to participate, the City would need to enter into a Memorandum of Understanding (MOU) with the Colonial SWCD. The MOU would, among other things, focus the City's participation on living shorelines, state that the Colonial SWCD will provide up to 20 initial site visits and VCAP funding for up to 10 eligible living shoreline projects, and state that the City will provide up to \$10,000 to the Colonial SWCD for participating in VCAP. Property owners who qualify for the program and follow the six-step process for application and approval can generally receive a reimbursement for 80% (up to \$30,000) of the living shoreline installation cost.

Pursuant to the Virginia Tidal Wetlands Act and the City's Wetlands Ordinance the City's Wetlands Board collects certain fees and charges, which may be utilized for the creation, enhancement, or restoration of tidal wetlands. At its meeting on August 23, 2022 the City's Wetlands Board recommended that the City Manager approve and City Council appropriate up to \$10,000 of those funds to support the City's participation in VCAP.

#### **Impact:**

The City's participation in VCAP would provide opportunities for Hampton property owners to receive technical and financial assistance to install living shorelines in the City. If all 10 projects at the current maximum cost share of \$30,000 were approved, VCAP will provide up to \$300,000 in state funding

directly to Hampton property owners for living shoreline projects in the City.

**Recommendation:**

Approve.

**WHEREAS**, the Virginia Conservation Assistance Program (VCAP) is a statewide, urban cost-share program administered by regional Soil and Water Conservation Districts (SWCDs) that provides financial incentives, as well as technical and educational assistance to property owners installing eligible best management practices, including living shorelines;

**WHEREAS**, the City of Hampton (the "City") is not located within a SWCD service area and, therefore, must enter into a Memorandum of Understanding (MOU) with the Colonial SWCD for Hampton property owners to be eligible to participate in VCAP;

**WHEREAS**, under the terms and conditions of the MOU, the City will agree to provide up to \$10,000 to the Colonial SWCD to support the City's participation in VCAP, specific to living shorelines;

**WHEREAS**, pursuant to Hampton City Code § 41.1-22(c) mitigation fees and civil charges collected by the City's Wetlands Board (the "Wetlands Fees") are placed into a special revenue account to be used, as approved by the City Manager and subject to the review and recommendation of the Wetlands Board, for the creation, enhancement or restoration of tidal wetlands;

**WHEREAS**, at its August 23, 2022 meeting, the City's Wetlands Board recommended that the City Manager approve and City Council appropriate up to \$10,000 of the Wetlands Fees to support the City's participation in VCAP, specific to living shorelines; and

**WHEREAS**, City Council has determined that the Wetlands Fees should be appropriated for this purpose, and the terms and conditions of the MOU are acceptable.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, Virginia hereby amends the Fiscal Year 2023 Council Approved Budget to appropriate \$10,000 from the Wetlands Encroachment Restricted Fund Balance Account to the Community Development Leadership and Management Service - Other Professional Services Account for the purpose of dispersing to the Colonial Soil and Water Conservation District to fund the City's participation in the Virginia Conservation Assistance Program, in accordance with a Memorandum of Understanding with the Colonial Soil and Water Conservation District; and

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager, or her designee, to take any and all actions necessary to execute the Memorandum of Understanding with the Colonial Soil and Water Conservation District, upon approval by the City Attorney.