

RESOLUTION NO. 62-2016

INTRODUCED BY: Mayor Ann Marie Donegan and Council as a Whole

AN RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT AND THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT FOR THE IMPLEMENTATION OF PUBLIC INVOLVEMENT AND PUBLIC EDUCATION (PIPE) PROGRAM UNDER OHIO EPA MS4 PERMIT AND DECLARING AN EMERGENCY

WHEREAS, the City of Olmsted Falls has a permit through the Ohio EPA Municipal Separate Storm Sewer Discharge (MS4) Permit and pursuant to such permit and requirements, the City of Olmsted Falls is required to implement a public involvement and public education program; and

WHEREAS, the Northeast Ohio Regional Sewer District pursuant to agreement with the Cuyahoga Soil and Water Conservation District, and for the benefit of the City of Olmsted Falls, have agreed that the Cuyahoga Soil and Water Conservation District can provide such PIPE service programs at a minimal cost (the cost ultimately being borne by the Northeast Ohio Regional Sewer District). Now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1. That the Mayor is hereby authorized to enter into a certain Memorandum of Understanding on behalf of the City with the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District for purposes of providing PIPE programs for the benefit of the City, said Memorandum of Understanding being attached hereto as Exhibit "A" and incorporated herein as if fully rewritten.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls and for the further reason that it is immediately necessary to implement the education program required pursuant to the City's Municipal Separate Stormwater Discharge (MS4) Permit. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Jay Linn
Jay Linn, Council President

PASSED: NOVEMBER 7, 2016

APPROVED: Ann Marie Donegan
Ann Marie Donegan, Mayor

11.8.16
Date

APPROVED AS TO FORM: Gregory M. Sponseller
Gregory M. Sponseller, Director of Law

ATTEST: Angela Mancini
Angela Mancini, Clerk of Council

First Reading: NOVEMBER 7, 2016

Second Reading: SUSPENDED

Third Reading: SUSPENDED

POSTING CERTIFICATE OF OLMSTED FALLS
Angi Mancini, Clerk of Council of the City of Olmsted Falls, hereby certify that Res/Ord 62-2016 was duly posted on the 4 day of NOV, 2016 and will remain so posted for a period of 15 days after its effective date as required by the Charter of the City
Angela Mancini Clerk of Council

	Yea	Nay
Linn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garrity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Haviland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sculac	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stibich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I, ANGI MANCINI, CLERK OF COUNCIL OF OLMSTED FALLS, COUNTY OF CUYAHOGA, STATE OF OHIO, DO HEREBY CERTIFY THAT THE FOREGOING ORD. OR RESOL NO. 62 WAS DULY AND REGULARLY ADOPTED BY THIS COUNCIL AT A MEETING HELD ON NOV 7 2016
Angela Mancini CLERK

MEMORANDUM OF UNDERSTANDING
Between the Cuyahoga Soil and Water Conservation District
and the
Northeast Ohio Regional Sewer District
and the
City of Olmsted Falls

This Memorandum of Understanding ("MOU") is made this 26th day of October, 2017 ("Effective Date"), between the Cuyahoga Soil and Water Conservation District (SWCD) and the Northeast Ohio Regional Sewer District (NEORS), pursuant to the authority of Board of Trustees Resolution No. 277-16, adopted October 6, 2016, and City of Olmsted Falls for providing technical assistance in implementing soil and water conservation measures.

Purpose – Implementation of conservation education, stewardship, and public involvement activities that also corresponds to the City's Municipal Separate Storm Sewer System (MS4) permit.

Recognizing the need for effective collaboration in raising awareness through education, stewardship opportunities and public involvement and working to change the perceptions and behaviors of the public for a cleaner, healthier environment, such as what is required in the National Pollutant Discharge Elimination System (NPDES) permit, the City of Olmsted Falls, the Cuyahoga Soil and Water Conservation District (SWCD), and NEORS accept this agreement as the document which describes the process for exchange. Cooperation between these units of government facilitates better awareness of environmental issues and potential solutions for a healthier environment. In providing conservation *education* assistance and expertise to the City, the SWCD hopes to influence citizens to better protect and conserve soil and water resources. The Ohio Revised Code, Chapter 1515, describes the District's authority for engaging in this MOU.

Additionally, NEORS is required to provide Phase II stormwater regulation support services to member communities for Minimum Control Measure Nos. 1,2,3, and 6 under NEORS's Regional Stormwater Management Code (Title V), and is further authorized to provide such services through agreements with service providers such as the SWCD.

The SWCD, NEORS, and the City have mutually agreed to this scope of assistance related to education, stewardship and public involvement for the conservation of soil and water resources.

Cuyahoga SWCD Conservation Program

The SWCD will work with the City to provide a conservation program that includes public education and public involvement, such as that listed in the City's Storm Water Management Plan, local watershed action plan, and/or balanced growth plans, or others as mutually agreed upon. The goal of the education, stewardship and public involvement program is to reach diverse stakeholders, including City residents, City staff, school children, etc. through the following services:

1. SWCD staff will coordinate activities and facilitate program implementation with feedback from the City's designee and/or through an annual stakeholder meeting.

EXHIBIT "A"

2. SWCD staff will attend City council meetings, as requested.
3. SWCD will assist the City in planning and promotion of a local pollution prevention or clean water event and assist in identifying partnerships with various community stakeholders. Events may include stream clean ups, drain stenciling, water festivals or other activities to engage the public.
4. SWCD will create a variety of educational materials, including brochures, fact sheets, newsletters, newsletter articles, web-based information for the City's use, special mailings, educational posters and school programs, such as age-specific student programs and teacher workshops related to conservation concerns, including watershed issues, soils and water.
5. SWCD will provide opportunities for student involvement in local, state and national programs and competitions.
6. On the City's behalf, the SWCD will participate in the Northeast Ohio Public Involvement and Public Education Work group (NEO PIPE). Products produced by the NEO PIPE Work Group will be shared with the City.
7. The SWCD will seek opportunities to maximize impact and minimize additional program costs related to printing large quantities of selected materials that become available to the public.
8. The SWCD will provide an annual report of all activities undertaken, including copies of all fliers, notices, and types of stakeholders reached, attendance records and any data collected.

City of Olmsted Falls Role

1. The City will designate someone to serve as the liaison to the Cuyahoga SWCD and to help provide guidance regarding conservation education and public involvement and with coordination of activities such as improvement days, storm drain stenciling, and watershed planning activities.
2. The City will help to identify potential leaders, including civic leaders, civic groups, senior organizations, fraternal groups, scout leaders, school liaisons, business leaders and anyone else that should be contacted through an outreach program.
3. The City will disseminate program information in a timely manner.
4. The City will assume full responsibility for completion and submittal of their required annual reports.

Agreed Procedures

- The City agrees to grant an annual conservation appropriation to the SWCD, not to exceed \$5,500 per twelve-month period following the Effective Date and the Cuyahoga SWCD agrees to use the grant funds to provide a conservation program for the City.
- The City will provide a resolution to the SWCD that acknowledges this working agreement and provides documentation to facilitate dispersal of funds to the SWCD on an annual basis.
- That the SWCD is a conservation technical and education service agency and therefore is not

granted regulatory authority in the Ohio Revised Code.

- That the working relationship will be defined to include lines of communications with appropriate departments. The SWCD and the City will meet at least once a year to coordinate a work plan and exchange information with the goal of developing a multi-disciplinary approach to resource management.
- SWCD will provide a written annual report, relevant to its role, as outlined in this MOU.
- That credit will be given jointly to the SWCD and the City in any conservation publications produced.
- That all parties will review quality of service and address concerns as they arise.
- The City recognizes the SWCD's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.
- All services of the SWCD are offered on a non-discriminatory basis without regard to race, age, marital status, handicap or political persuasion.

Coordination between NEORS and SWCD

64. In accordance with Title V of NEORS's Regional Stormwater Management Code, NEORS will provide an appropriation in the amount of \$5,500 to the City, which shall use such appropriation to pay the Cuyahoga SWCD to carry out the services set forth in this MOU, the District's Request for Proposals (Exhibit A) and SWCD's Proposal (Exhibit B).

65. NEORS and SWCD shall jointly plan annual MCM #1 and MCM #2 activities.

66. SWCD shall provide the District with monthly reports of services provided to each community.

Term, Renewal, Termination

The term of this MOU shall commence on the date (the "Initial Effective Date") SWCD receives written notice from the City, in a form approved by SWCD and in accordance with Sections 5705.41 and 5705.44 of the Ohio Revised Code, as applicable, indicating that the City has agreed to grant funds, in an amount agreed to by the parties, to support SWCD's general operations for the following 12-month period (the "Initial City Notice"). The parties acknowledge, understand, and agree that any such funding shall be for the purposes of the SWCD's providing Phase II services for a period of *12 calendar* months following the Initial Effective Date (the "Initial MOU Term") and that this MOU shall terminate on the 12-month anniversary of the Initial Effective Date in the event the City and NEORS do not renew this MOU as set forth herein.

This MOU may be renewed by City for any 12-month period following the Initial MOU Term (a "Subsequent MOU Term") provided that the SWCD and NEORS receive written notice, as described above (a "Subsequent City Notice"), not less than 30 days prior to expiration of the Initial MOU Term (the date the District receives a Subsequent City Notice, a "Subsequent Effective Date"), and shall continue to renew for any 12-month period provided that the SWCD receives a Subsequent City Notice not less than 30 days prior to expiration of any Subsequent MOU Term then in effect. Such renewal shall be conditioned upon NEORS obtaining any necessary approvals from its Board of Trustees.

This MOU may be amended or terminated at any time by mutual consent of all parties, or the agreement may be terminated by any party giving thirty (30) day's advance written notice to the others.

In witness thereof, the Memorandum executed and agreed to on the latest day, month and year written below:

Cuyahoga Soil & Water
Conservation District

City of Olmsted Falls

By: Ruth Skuly
Chair

By: Hon. Ann Marie Donegan
Mayor

Date:

Date:

Northeast Ohio Regional Sewer District

By: Julius Ciaccia
Chief Executive Officer

And: Darnell Brown, President
Board of Trustees

Date:

Date:

October 26, 2016

Mu 10/28/16

Hon. Ann Marie Donegan, Mayor
City of Olmsted Falls
26100 Bagley Rd
Olmsted Falls, OH 44138

Re: MS4 Services-Public Involvement and Public Education

Dear Mayor Donegan:

Recently, the Northeast Ohio Regional Sewer District (Sewer District) recognized the Cuyahoga Soil & Water Conservation District as a **“Preferred Service Provider”** for the implementation of the Public Involvement and Public Education (PIPE) under the Ohio EPA Municipal Separate Storm Sewer Discharge (MS4) Permit. As such, Cuyahoga SWCD is able to offer your community the annual, comprehensive PIPE program for an annual amount of \$5,500. Those communities that enter into a Memorandum of Understanding (MOU) with us will be afforded the opportunity to be reimbursed for the cost of the program by the Sewer District under the Regional Stormwater Management Program.

Under the MS4 permit, your community is required to develop, implement, and enforce a Stormwater Management Plan that addresses six Minimum Control Measures:

- MCM #1: Public Education and Outreach
- MCM #2: Public Participation and Involvement
- MCM #3: Illicit Discharge Detection and Elimination
- MCM #4: Construction Site Runoff Control
- MCM #5: Post-Construction Runoff Control
- MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations

Criteria for the PIPE Program is to identify stormwater pollution concerns, have measurable goals, reach a variety of audiences, actively involve potentially affected stakeholder groups, and evaluate the program’s success. All of this must be reported annually to Ohio EPA.

Through this proposed MOU, Cuyahoga SWCD will provide the following:

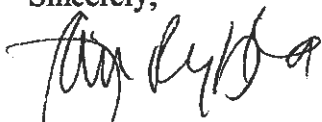
- This is a cost effective governmentally implemented program with excellent oversight
- An annual outreach strategy specifically designed for your community
- The PIPE program meets and exceeds the requirements of Minimum Control Measures 1 & 2
- Audiences are reached through a variety of methods, including the web, workshops, activities, events, and educational materials that address stormwater pollution prevention issues and corrective measures

- A detailed annual report of PIPE activities is provided for your city

To properly plan and provide enough staff for the 2017 program year, should you decide to utilize the Cuyahoga SWCD's services, a written letter of confirmation is required by **November 28, 2016**. A draft of an MOU between your community, the Sewer District, and the Cuyahoga SWCD is attached for your review and signature. The District's request for proposals and SWCD's proposal to the District is available by request. The signed MOU of understanding must be received no later than January 15, 2017.

Please do not hesitate to contact me if you wish to discuss this in more detail. I can be reached at 216-524-6580, ext.13 or by email at jrybka@cuyahogaswcd.

Sincerely,



Janine Rybka
District Administrator

Encl.