

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: Troy, Aufuldish and Sines

Mr. Aufuldish presented the following resolution and moved its adoption.

**RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS, ON BEHALF OF THE LAKE COUNTY STORMWATER MANAGEMENT AGENCY, AND THE LAKE COUNTY SOIL AND WATER CONSERVATION DISTRICT**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code, and

WHEREAS, the Lake County Stormwater Management Agency is recommending execution of an Agreement between the Lake County Board of Commissioners, on behalf of the Lake County Stormwater Management Agency, and the Lake County Soil and Water Conservation District, and

WHEREAS, the Lake County Soil and Water Conservation District, when and as directed by the Lake County Stormwater Management Agency will undertake and perform such services within its jurisdiction as are necessary and appropriate to carry out Phase II Stormwater Illicit Discharge Detection and Elimination activities and corresponding education activities as set forth in the Agreement. Said Agreement is incorporated herein by reference and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby authorizes execution of an Agreement between the Lake County Board of Commissioners, on behalf of the Lake County Stormwater Management Agency, and the Lake County Soil and Water Conservation District.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Budget Director; [redacted] Stormwater Management Agency; and Dan Donaldson, Lake County Soil and Water Conservation District.

Mr. Troy seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: Troy, Aufuldish and Sines

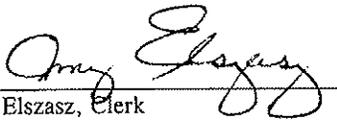
"NAYS": None

Resolution adopted,  
Amy Elszasz, Clerk

CLERK'S CERTIFICATION

I, Amy Elszasz, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 30, 2004, and recorded in the Commissioners' Journal, Volume 2004.

WITNESS my hand this 30th day of March, 2004 in Painesville, Ohio.

  
\_\_\_\_\_  
Amy Elszasz, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

**Memorandum of Understanding**

**Lake County Board of Commissioners  
&  
Lake County Soil and Water Conservation District**

This Memorandum of Understanding ("MOU") is entered into this 30<sup>th</sup> day of March, 2004, between Lake County Soil and Water Conservation District ("LCSWCD"), by its Board of Supervisors, and Lake County, by its Board of Commissioners ("Commissioners"). This agreement shall be subject to annual review and modification as provided below.

**Purpose**

The Commissioners recognize the need for effective collaboration in carrying out their mandated responsibilities in fulfillment of a National Pollutant Discharge Elimination System ("NPDES") permit from the Ohio Environmental Protection Agency ("OEPA"). The purpose of this MOU is to acknowledge certain duties undertaken by the Lake County Stormwater Management Department ("LCSMD") in fulfillment of its OEPA permit number 3GQ00068\*AG, authorizing discharges of stormwater from a municipal separate storm sewer system (MS4), and to define the role of the LCSWCD in assisting the LCSMD to fulfill those duties.

The parties to the MOU hereby recognize the following:

1. The LCSMD was formed by the Lake County Board of Commissioners pursuant to O.R.C. 6117.01 to assist local communities in the management of stormwater runoff and related resource management issues. LCSMD, through its staff, is a recognized expert in stormwater management issues.
2. The LCSWCD also provides certain stormwater management guidance to Lake County communities and is also a recognized expert, through its staff, in stormwater management issues.
3. To ensure compliance with the NPDES stormwater permit, both the LCSMD and the LCSWCD will work together to provide stormwater services to local residents.

**Duties of LCSMD**

Under this MOU, LCSMD agrees to the following:

1. Use best faith efforts to ensure that stormwater services are provided to the LCSWCD as required in NPDES permit number 3GQ00068\*AG.

2. Use its best faith efforts to collect information from and consult with the LCSWCD when fulfilling certain permit obligations.
3. Use its best faith effort to collect information, consult with its partners and the LCSWCD to coordinate stormwater management services between its partner organizations (Attachment A) to ensure its member communities meet their obligations under the NPDES permit.
4. Recognize the role in the stormwater management program of the LCSWCD.
5. Utilize technical services that can be provided by the LCSWCD.
6. Adopt, apply and enforce LCSWCD recommendations when the LCSMD deems them technically feasible and economically reasonable solutions to resource management and conservation problems.
7. Have LCSWCD representation on an advisory committee or other board created to address natural resource issues, conservation easements, or water quality issues involving the LCSMD or Lake County Engineer's Department.

#### **Duties of LCSWCD**

LCSWCD agrees to provide the following services related to the LCSMD NPDES permit number 3GQ00068\*AG:

- 1. Minimum Control Measure #1 and #2 – Public Education and Outreach and Public Involvement and Participation**
  - a. Continue to provide educational materials to Lake County residents.
  - b. Continue to educate students (approximately 1700) about stormwater pollution annually. LCSMD will provide LCSWCD with educational materials to be included in the current education program.
  - c. Create and distribute newsletters, allowing LCSMD to contribute articles.
  - d. Contribute articles to LCSMD publications.
  - e. Provide LCSMD with up to 20% of the LCSWCD Education Information Coordinator's time to assist with stormwater education and outreach.
  - f. Provide LCSMD with a quarterly report summarizing educational work performed by LCSWCD that is relevant to LCSMD operations and/or the NPDES permit number 3GQ00068\*AG.

- g. Coordinate a storm drain stenciling program including identifying target areas, advertising the program through various media, recruiting volunteers, and producing relevant reports and press releases.
- h. Continue to coordinate the LCSWCD's watershed watch program which includes monitoring with approximately 600 middle and high school students annually and report relevant data to LCSMD.
- i. Lead/coordinate/participate in cleanups and workdays on Lake County streams and rivers as conditions and opportunities warrant, annually if possible.

**2. Minimum Control Measure #3 – Illicit Discharge Detection and Elimination**

- a. If supplied with appropriate materials and procedures could conduct stream sampling of suspected illicit discharges are found during LCSWCD's routine field work.
- b. Provide LCSMD with a quarterly report summarizing any illicit discharge detection and elimination work.

**3. Minimum Control Measure #4 – Construction Site Stormwater Runoff Control**

- a. Assist with the development and updating of erosion and sediment control regulations for the county's township areas and participating communities provided they have a revised MOU (2003 or newer) with LCSWCD to provide such services and are current with annual appropriations to the LCSWCD.
- b. Establish procedures to accept and consider public comments concerning erosion and sediment control issues on construction sites.
- c. Document public comments and take appropriate action.
- d. Provide/coordinate/participate in, workshops and educational seminars to educate developers, builders and installers on how to comply with erosion and sediment control rules.
- e. Review erosion and sediment control plans for Lake County and participating communities.
- f. Conduct site inspections on active construction sites for compliance with county or municipal erosion and sediment control rules in the participating Level 2 communities.
- g. Pursue injunctions with the relevant authorities to abate violations.

- h. Provide LCSMD with a quarterly report summarizing construction site stormwater runoff work relevant to NPDES permit number 3GQ00068\*AG and LCSMD operations.

**4. Minimum Control Measure #5 – Post Construction Stormwater Runoff Control on New Development and Redevelopment**

- a. Assist with the development, and implementation of riparian and wetland setback regulations for the county's township areas and participating communities.
- b. Assist with the development and implementation of stormwater management rules and regulations.
- c. Provide LCSMD with a quarterly report summarizing post construction stormwater control work.

**5. Minimum Control Measure #6 – Good Housekeeping and Pollution Prevention**

- a. LCSMD with good house keeping education programs.
- b. Provide LCSMD with a quarterly report summarizing good housekeeping and pollution prevention work.

**6. Other**

- a. Dedicate up to 25% of time of LCSWCD Storm Water Specialist to LCSMD to execute this agreement and other mutually agreed to tasks.

LCSWCD agrees to provide other mutually agreed to additional services not specifically referred to in this MOU as may be reasonably requested by LCSMD.

**Agreed Procedures**

1. The LCSMD and LCSWCD will meet periodically to review the effectiveness of this agreement, coordinate individual and joint progress and exchange information.
2. All services provided by LCSMD and LCSWCD are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.
3. The LCSWCD recognizes the LCSMD's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.

4. The LCSMD will offer the LCSWCD a yearly appropriation to support the additional services provided to the LCSMD above those offered prior to this agreement. It is understood that the appropriation may change annually depending on the required services that year.
5. This agreement may be amended or terminated at any time by mutual consent, or terminated by either party giving six months notice in writing to the other. Termination will begin at the end of the calendar year.
6. It is mutually understood and agreed that each party recognizes that the other party has specific and separate duties to perform under the terms of this agreement and that there are specific joint tasks to be performed that are required to satisfy the stormwater phase II regulations contained in the NPDES permit. The parties agree to work separately or together as the circumstances may require on any and all issues which may be brought to either party's attention from time to time by regulatory agencies or others having jurisdiction over either the parties or the permits referred to herein. The parties agree that the LCSWCD shall indemnify and hold the Commissioners harmless from any and all claims, actions, or causes of action and any and all damages, direct or indirect that may arise as a result of the work that LCSMD is required to perform pursuant to this Agreement. The parties further agree that the Commissioners shall indemnify and hold the LCSWCD harmless from any and all claims, actions, or causes of action and any and all damages, direct or indirect that may arise as a result of the work that LCSWCD is required to perform pursuant to this Agreement.

In witness thereof, the parties here to have affixed their hands and seals in Lake County, Ohio this 30<sup>TH</sup> day of MARCH, 2003:

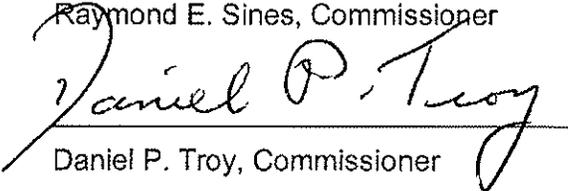
**LAKE COUNTY BOARD OF COMMISSIONERS**



Robert E. Aufuldish, Commissioner



Raymond E. Sines, Commissioner



Daniel P. Troy, Commissioner

LAKE COUNTY SOIL AND WATER CONSERVATION DISTRICT

Richard Baker

Richard Baker, Chairman

Approved as to form:

[Signature]

Lake County Prosecuting Attorney

9-23-08

Date

AS' &

Member Communities:

Concord Township  
Fairport Harbor Village  
Grand River Village  
City of Kirtland  
Kirtland Hills Village  
Leroy Township  
Madison Township  
Mentor on the Lake City  
Painesville City  
Painesville Township  
Perry Township  
Perry Village  
Timberlake Village  
Waite Hill Village  
Wickliffe City  
Willoughby Hills City  
Willowick City

Partners:

Chagrin River Watershed Partners, Inc.  
Lake County General Health Department  
Lake County Soil and Water Conservation District  
Ohio State University Extension