

Commissioners' Office, Lake County  
Painesville, OH, May 4, 2006

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

Commissioner Sines presented the following resolution and moved its adoption.

**RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY STORMWATER MANAGEMENT DIVISION AND THE VILLAGE OF KIRTLAND HILLS**

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 Division is recommending execution of a Memorandum of Understanding between the Lake County Board of Commissioners on behalf of the Lake County Stormwater Management Division and the Village of Kirtland Hills, and

WHEREAS, the Lake County Stormwater Management Division acting on behalf of the Village of Kirtland Hills will be responsible for compliance with the laws of the Ohio Environmental Protection Agency regarding Phase II Stormwater Illicit Discharge Detection and Elimination activities and corresponding education activities as set forth in the Agreement. Said Memorandum of Understanding 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 a Memorandum of Understanding between the Lake County Board of Commissioners on behalf of the Lake County Stormwater Management Division and the Village of Kirtland Hills.

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; Stormwater Management Division; Honorable John F. Turben, Mayor of the Village of Kirtland Hills, 8026 Chillicothe Rd., Kirtland Hills, OH 44060.

Commissioner Aufuldish seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: Troy, Aufuldish and Sines

"NAYS": Commissioner: 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 May 4, 2006, and recorded in the Commissioners' Journal, Volume 2006.

WITNESS my hand this fourth day of May, 2006 in Painesville, Ohio.

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

**Memorandum of Understanding**

**Lake County Board of Commissioners  
&  
Village of Kirtland Hills**

This Memorandum of Understanding ("MOU") is entered into this 4<sup>TH</sup> day of MAY, 2006, between the Village of Kirtland Hills ("Village"), by its Council, and Lake County, by its Board of County Commissioners ("Commissioners"). This agreement shall be subject to annual review and modification as provided below.

**Purpose**

The Village and Commissioners recognize the advantages of working collaboratively to provide stormwater related assistance to communities and property owners through the Lake County Stormwater Management Department ("LCSMD"). The purpose of this MOU is to acknowledge certain duties undertaken by the LCSMD and to define the role of the Village 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 Village also provides certain stormwater services to its residents.
3. Both the LCSMD and the Village 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 Village as contained within this document.
2. Use its best faith efforts to collect information from and consult with the Village when fulfilling certain duties.
3. Use its best faith effort to collect information, consult with its partners and the Village to coordinate stormwater management services between its partner organizations (Attachment A).
4. Recognize the role in the stormwater management program of the Village.
5. Use operational and maintenance services that can be provided by the Village.

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6. Adopt, apply and enforce the Village recommendations when the LCSMD deems them technically feasible and economically reasonable solutions to resource management and conservation problems.

The LCSMD and its partners agree to provide the following services to the Village, when requested by and/or authorized by the Village:

**1. Public Education and Outreach and Public Involvement and Participation**

- a. Develop and distribute newsletter addressing stormwater pollution.
- b. Make newsletter and other educational publications available on the LCSMD website.
- c. Develop and implement a mass media program.
- d. Make educational materials from partner agencies available in public places throughout drainage district.
- e. Conduct or make available at least three stormwater management workshops annually during permit period for developers, public employees and private groups.
- f. Prepare community specific stormwater presentations when requested.
- g. Prepare educational workshop on water quality impacts from illicit discharges for homeowners and small businesses in member LCSMD communities.
- h. Work with the Village to identify target areas for catch basin and stormwater discharge (outfall) labeling program.
- i. Advertise storm sewer labeling program on LCSMD website and in at least one LCSWCD publication per year.
- j. Lead storm sewer labeling program.
- k. Involve local students in stream monitoring program each year.
- l. Lead annual stream cleanup workdays on major streams.
- m. Advertise annual stream clean up events on stormwater website and in stormwater newsletter.
- n. Install stream crossing signs and advertise for public sponsorship.

**Special Note** for items k thru m: Provide/Requires written authorization from private property owners and Village officials.

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**2. Construction Site Stormwater Runoff Control**

- a. Develop of erosion and sediment control regulations.
- b. Establish procedures to accept and consider public comments concerning construction sites.
- c. Document public comments and take appropriate action, when requested by the Village.
- d. Provide at least two workshops per year to educate developers, builders and installers on how to comply with erosion and sediment control rules.
- e. When requested by the Village, provide assistance for the review of stormwater management plans for development and redevelopment projects in Lake County and participating Level 2 communities.
- f. When requested by the Village, provide assistance for the inspection of active construction sites for Lake County and participating Level 2 communities. The frequency of inspections may vary but subdivisions will be visited at least once every two weeks. Individual lots will be inspected a minimum of once per month during the construction period.
- g. Pursue injunctions to abate violations, as directed by the Village

**3. Post Construction Stormwater Runoff Control on New Development and Redevelopment (greater than 1 acre disturbance)**

- a. Provide assistance to the Village in the development of a riparian and wetland setback regulation.
- b. Develop model stormwater management rules and regulations.
- c. Work to have development and redevelopment projects include structural best-management practices (BMPs) in the project plans
- d. Conduct a post-construction site visit, coordinated by the Village, immediately after completion of the project for Lake County and participating Level 2 communities to ensure that stormwater management controls have been properly installed.
- e. Conduct a six-month post-construction site visit, coordinated by the Village, to ensure all stormwater management controls are operating effectively.

**4. Good Housekeeping and Pollution Prevention**

- a. Develop employee training program for the Village.

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- b. Distribute training program or directly train the Village for all employees involved in construction and maintenance activities.
- c. Clean and maintain all regional facilities (storm sewers, culverts, detention basins, ditches, etc.) on a five-year cycle or more frequently when needed within the Village<sup>1</sup>.

**5. Administration, Regulation and Enforcement**

- a. Provide interagency and intercommunity coordination services.
- b. Ensure the Village is informed of regulatory issues.

**6. Finance**

- a. Actively seek grant and low interest loan funding for stormwater projects located within the LCSMD drainage district dealing with public education, public involvement, illicit discharge detection and employee training.
- b. Conduct all budgeting and accounting for LCSMD.
- c. Provide the Village with an annual accounting of LCSMD funds and general work activities in the form of an annual report.

**7. Data Collection and Management**

- a. Maintain base mapping and property records for regional stormwater system.
- b. Conduct stream sampling and habitat surveys as requested by the Village.

**8. Planning, Design and Construction of Regional Drainage Systems**

- a. Conduct planning program for those regional stormwater systems within the Village including hydrologic and hydraulic studies, water quality studies and watershed planning. Regional stormwater systems will be identified on a map through the combined efforts of Village staff, the Village Engineer and the LCSMD.
- b. Coordinate with the Village to conduct rain and flow monitoring and evaluation projects on those regional stormwater systems within the Village.
- c. When requested by the Village, provide assistance to prepare floodplain map revisions for areas within the Village.

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<sup>1</sup> For purposes of this MOU; Regional facilities are defined as storm systems (ditches, culverts, storm sewers, etc.) associated with a county road as well as storm systems that convey multi-jurisdictional Stormwater through the Village.

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- d. Prepare and fund a capital program for the construction and repair of regional stormwater infrastructure based on priority of needs.

**9. Operations and Maintenance**

- a. Be responsible for all operational and maintenance activities related to the regional stormwater system located within the Village. System includes streams, culverts, bridges, stream banks and channels, storm sewers, inlets and catch basins, and detention and infiltration facilities.
- b. The LCSMD and the Village will meet a minimum of every two years to update the regional stormwater system map.

**Duties of the Village**

The Village agrees to provide the following services related to the LCSMD NPDES stormwater permit:

**1. Construction Site Stormwater Runoff Control**

- a. If deemed appropriate, adopt erosion and sediment control ordinance covering soil disturbing activities greater than one acre
- b. Issue verbal and/or written stop work orders for violations of erosion and sediment control rules.
- c. Complete timely and appropriate legal action to pursue injunctions to abate violations.

**2. Post Construction Stormwater Runoff Control on New Development and Redevelopment**

- a. Adopt a riparian and wetland setback resolutions / ordinances if deemed appropriate.
- b. Ensure new developments include structural best management practices to reduce the impacts of stormwater if required under the OEPA General Construction Permit.

**3. Good Housekeeping and Pollution Prevention**

- a. Assist LCSMD by making employees available for the County sponsored employee-training program and/or use LCSMD prepared materials to train all the Village maintenance and construction employees.

The Village agrees to work cooperatively with the LCSMD and provide such additional services as may be necessary.

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**Agreed Procedures**

1. The LCSMD and the Village 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 the Village are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.
3. The Village 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. This agreement may be amended or terminated at any time by mutual consent, or terminated by either party giving two months notice in writing to the other. Termination will begin at the end of the calendar year.
5. The LCSMD hereby agrees to not increase the Drainage Service Fee for the Village prior to the end of the current National Pollutant Discharge and Elimination System (NPDES) permit term.
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. 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 Village 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 requested to perform pursuant to this Agreement. The parties further agree that the Commissioners shall indemnify and hold the Village 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 the Village is required to perform pursuant to this Agreement.
7. In the event that this Agreement is terminated for any reason, any and all real property located within the Village that was acquired by the Commissioners for any purpose related to the LCSMD shall be transferred to the Village on such terms as the Village and Commissioners shall agree. Any such transfer shall comply with all applicable statutes and regulations.

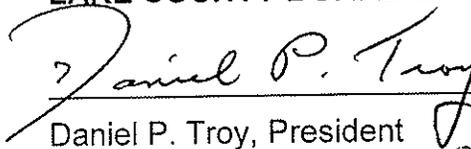
**Memorandum of Understanding**

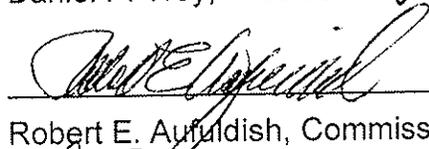
**Lake County Board of Commissioners  
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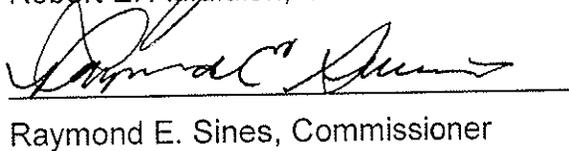
8. For the 2006 billing period (tax year 2006), Level Two services will be provided at a total sum of \$11,564.28<sup>2</sup>. In addition, the LCSMD will reimburse 50% of the Village's annual membership fee paid to Chagrin River Watershed Partners.

In witness thereof, the parties here to have affixed their hands and seals in Lake County, Ohio this 4<sup>TH</sup> day of MAY, 2006:

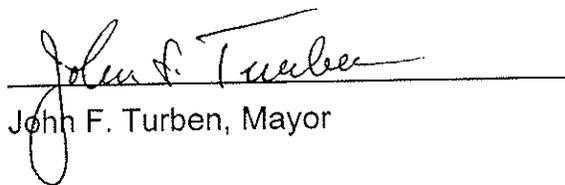
**LAKE COUNTY BOARD OF COMMISSIONERS**

  
Daniel P. Troy, President

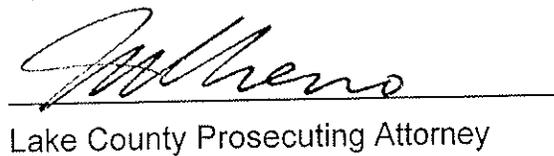
  
Robert E. Aufuldish, Commissioner

  
Raymond E. Sines, Commissioner

**VILLAGE OF KIRTLAND HILLS**

  
John F. Turben, Mayor

Approved as to form:

  
Lake County Prosecuting Attorney

4-20-06  
Date

<sup>2</sup> Residential & Non-Residential rate information subject to change based on property information and data reviewed annually by the Stormwater Management Department.

Member Communities:

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

Partners:

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