

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING WITH THE CHAGRIN RIVER WATERSHED
PARTNERS, INC., AND DECLARING AN EMERGENCY.**

WHEREAS, the Chagrin River Watershed Partners, Inc. ("CRWP") is a non-profit corporation formed by communities in the Chagrin River watershed to assist those communities in the management of storm water runoff and related resource management issues; and

WHEREAS, this Council finds and determines that it is appropriate for the Village of Chagrin Falls to enter into an agreement with CRWP to acknowledge certain duties undertaken by the Village of Chagrin Falls in fulfillment of a permit from the Ohio Environmental Protection Agency under General National Pollution Discharge and Elimination System Permit No. OHQ000003 authorizing discharges of storm water from a municipal separate storm sewer system (MS4), and to define the role of the CRWP in assisting the Village of Chagrin Falls to fulfill those duties.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That the Mayor be, and is hereby authorized to enter into a Memorandum of Understanding with the Chagrin River Watershed Partners, Inc., in order fulfill the duties undertaken by the Village of Chagrin Falls in fulfillment of a permit from the Ohio Environmental Protection Agency authorizing discharges of storm water from a municipal separate storm sewer system (MS4), and to define the role of the CRWP in assisting the Village of Chagrin Falls to fulfill its duties. A copy of said Memorandum of Understanding is attached hereto and incorporated herein as "Exhibit A," provided that such agreement shall be amended as determined necessary by the Director of Law to protect the interests of the Village of Chagrin Falls. The Mayor may execute such further documentation and perform such additional actions as may be necessary to accomplish the purposes of the contract.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that the Village needs to enter into the grant agreement while funding is still available

ORDINANCE NO.: 2015- 40
INTRODUCED BY: MR. PATTON

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for such grants and, further, so that work may be performed in this construction season; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: October 12, 2015



Council President

Submitted to the Mayor for
his approval on this
13 day of October, 2015

Approved by the Mayor
October 13, 2015



Mayor

I hereby certify that Ordinance No. 2015- 40 was duly enacted on the 12 day of October, 2015, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council

MEMORANDUM OF UNDERSTANDING
Chagrin River Watershed Partners, Inc. & the Village of Chagrin Falls

This Memorandum of Understanding (MOU) is between the Village of Chagrin Falls (the Village) and the Chagrin River Watershed Partners, Inc. (CRWP). The duration of this agreement shall be from January 1, 2015 to December 31, 2019, subject to annual review and modification as provided below.

Section A

The purpose of this MOU is to acknowledge certain duties undertaken by the Village of Chagrin Falls in fulfillment of a permit from the Ohio Environmental Protection Agency, (Ohio EPA) authorizing discharges of stormwater from a municipal separate storm sewer system (MS4), and to define the role of the CRWP in assisting the Village of Chagrin Falls to fulfill those duties. The parties to this MOU hereby recognize the following background to this MOU:

1. CRWP is a non-profit corporation formed by communities in the Chagrin River watershed to assist those communities in the management of stormwater runoff and related resource management issues. CRWP, through its staff, is a recognized expert in stormwater management issues.
2. The Village of Chagrin Falls is a member in good standing of the CRWP.
3. The Village of Chagrin Falls is required to obtain a permit from Ohio EPA under General National Pollution Discharge and Elimination System (NPDES) Permit No.: OHQ000003 for stormwater discharges from its MS4, as defined in the permit.

Section B

Under this MOU, the Village of Chagrin Falls agrees to the following:

1. It will use its best faith efforts to provide CRWP with information about its obligations under the permit, issues pertinent to stormwater management, and the plans, programs, and resources that it has committed to fulfilling its obligations under the permit.
2. It will consider in good faith each year its decision to retain membership in CRWP and will continue such membership as long as it is deemed in the best interests of the Village of Chagrin Falls. Nothing in this agreement shall be construed to commit the Village of Chagrin Falls to continuing membership in CRWP.
3. Its permit obligations are solely its responsibility and will continue in accordance with the terms of the permit whether or not the Village of Chagrin Falls remains a member of the CRWP.

Section C

Under this MOU, CRWP agrees to the following:

1. It will use best faith efforts to collect information, consult with the Village of Chagrin Falls on its program and plans, and assist the Village of Chagrin Falls in review and



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Phase II Member Assistance

implementation of its Stormwater Management Program and fulfilling its obligations under the permit.

2. All costs for time spent by staff on regular and customary work will be covered by the Village of Chagrin Falls' annual dues to CRWP. Any increases to CRWP Member dues are determined by the CRWP Board of Trustees, on which the Village of Chagrin Falls is represented. The Village of Chagrin Falls shall reimburse CRWP for all out of pocket costs incurred on its behalf. Any additional costs for specific materials, consulting, or programs will be negotiated and accepted by mutual agreement at the time such materials or service are provided. Nothing in the MOU shall be construed to commit the Village of Chagrin Falls to any specific expenditure.

Section D

Under this MOU, CRWP further agrees to provide the following services to the Village of Chagrin Falls:

1. **Minimum Control Measures #1: Public Education and Outreach.** CRWP will provide the following services:
 - a. No fewer than two (2) articles per year to be used by the Village of Chagrin Falls for print media, digital media, or social media related to stormwater and watershed management issues, and other printed or digital materials as requested.
 - b. Participate as a speaker and offer technical advice for public meetings and events as requested by the Village of Chagrin Falls. CRWP's participation may include developing presentations and related handouts and researching and recommending other speakers as dictated by the topic. CRWP will also notify the Village of Chagrin Falls of meetings outside of the Village and assist the Village in advertising these to residents. The Village of Chagrin Falls, or sponsoring organization, will organize and advertise these public meetings.
 - c. Assist in the preparation and presentation of public educational materials and presentations offered through the Northeast Ohio Public Involvement and Public Education workgroup.
2. **Minimum Control Measures #2: Public Involvement and Participation.** CRWP will provide direct outreach and technical assistance to landowners at the Village of Chagrin Falls' request.
3. **Minimum Control Measures #3: Illicit Discharge Detection and Elimination.** At the request of the Village of Chagrin Falls, CRWP will provide technical assistance for meeting the requirements of this MCM.
4. **Minimum Control Measure #4: Construction Site Stormwater Runoff Control.** CRWP will provide a model code and assist the community with updating its erosion and sediment control code to be compliant with Ohio EPA's most recent MS4 and Construction General permits. CRWP will also support the Village of Chagrin Falls in implementing its erosion and sediment control code.



5. **Minimum Control Measure #5:** Post-Construction Stormwater Runoff Control on New Development and Redevelopment. CRWP will provide the following services:
 - a. CRWP will assist the community with updating its comprehensive stormwater management code to be compliant with Ohio EPA's most recent MS4 and Construction General Permits. CRWP will also support the Village of Chagrin Falls in implementing its comprehensive stormwater management code.
 - b. CRWP will provide model codes as needed to implement the Village of Chagrin Falls' Stormwater Management Program under this MCM, and consult with the Village of Chagrin Falls, as well as other agencies, to assist in the adoption and revision of codes. These model codes may include comprehensive stormwater management, riparian and wetland setbacks, conservation development, off street parking and other policies intended to limit long-term stormwater quality and quantity concerns.
 - c. Assist in the preparation and presentation of professional-level educational materials and presentations on post-construction stormwater management offered through the Northeast Ohio Stormwater Training Council.
 - d. At the Village of Chagrin Falls' request, review development plans and advise on effective post-construction stormwater management techniques including stormwater control measures that address water quality problems noted in the U.S. EPA approved Total Maximum Daily Loads for the Chagrin River Watershed (http://www.epa.ohio.gov/portals/35/tmdl/ChagrinRiverTMDL_final_may07.pdf).
6. **Minimum Control Measure #6:** Pollution Prevention and Good Housekeeping on Community Operations. At the Village of Chagrin Falls' request, CRWP will assist in the preparation and presentation of educational materials and presentations on this MCM. CRWP can provide walk-throughs of municipal facilities and provide recommendations regarding implementing this MCM.
7. CRWP will cooperate with other providers of services to the Village of Chagrin Falls in fulfillment of permit requirements including, but not limited to, local health districts and Soil and Water Conservation Districts.
8. CRWP will assist the Village of Chagrin Falls in the preparation of grant proposals as requested to improve stormwater management.
9. CRWP will provide a list of services rendered to the Village of Chagrin Falls to aid in the preparation of its Phase II annual report.
10. CRWP may provide other services, as appropriate, as requested by the Village of Chagrin Falls.

Section E

It is intended by the parties that this MOU clearly express the intentions and understandings of the parties that will govern their best faith efforts to cooperate in the fulfillment of the Village of Chagrin Falls' obligations under the Ohio EPA Permit. Nothing herein shall be considered a contractual commitment by either party.



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The Village of Chagrin Falls' binding obligations shall be limited to the terms of the permit and to decisions that may be made by the appropriate officials, acting in accordance with Ohio law.

CRWP's good faith efforts to provide the assistance described herein shall continue only as long as the Village of Chagrin Falls remains a member in good standing of CRWP, in accordance with the ordinances of the corporation. CRWP's provision of services under this MOU shall also be consistent with its mandate to provide similar services to its other member communities and park districts on a fair and equitable basis.

Section F

This MOU may be reviewed on an annual basis and modified to the extent necessary to effectively meet the goals of each of the parties. Either party may terminate this agreement upon 30 days written notice. Upon termination, the parties will seek to fulfill pending projects and commitments based upon mutual agreement.

This memorandum and the understandings contained herein are hereby accepted by the Village of Chagrin Falls and CRWP.

Chagrin River Watershed Partners, Inc.

Heather Elmer, Director

Village of Chagrin Falls

Mayor Thomas Brick