

ORDINANCE NO. 82-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LORAIN COUNTY PUBLIC HEALTH TO PROVIDE CERTAIN PHASE II STORMWATER SERVICES IN THE CITY OF AVON AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon and Lorain County Public Health (LCPH) are committed to improving the water quality in Lorain County and protecting the health of residents within its jurisdiction; and

WHEREAS, the City of Avon has been issued a National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit by the Ohio Environmental Protection Agency (OEPA) which requires the City to perform specific functions related to inspecting and monitoring stormwater quality within the municipality; and

WHEREAS, one part of the Avon's MS4 plan includes the monitoring of storm sewer outfalls after periods of dry weather to determine if any signs of illicit discharges are present; and

WHEREAS, the OEPA requires that a policy be in place relative to actions to be taken when an illicit discharge is discovered, including specifically identifying who will correctly draw stormwater samples, maintain a proper chain of custody, store and transport the samples in an acceptable manner and test the samples according to standardized methods; and

WHEREAS, LCPH has the proper testing capabilities as well as staff knowledgeable in sampling protocols and procedures who can provide the City with Phase II Stormwater Sampling Services in support of the Avon's MS4 compliance efforts; and

WHEREAS, LCPH and the City had previously entered into an agreement in 2018, per Ordinance 50-18, and in 2020, per Ordinance 27-20 for performance of these stormwater services; and

WHEREAS, LCPH is amenable to enter into a new agreement which would extend the provision of LCPH services on an as needed basis through December 31, 2023 as determined by the Avon City Engineer and set a per sample cost structure for sampling and a per hour rate for additionally requested supplemental services. Said agreement is attached hereto as Exhibit A; and

WHEREAS, Council finds that entering into this new agreement to extend the services of LCPH in the area of stormwater testing to be necessary in order to protect the health, safety and welfare of the citizens of Avon and insure compliance with stormwater regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - The Mayor is hereby authorized to execute an agreement with Lorain County Public Health for the provision of stormwater sampling services in the 2021, 2022 and 2023 calendar years in substantially the same form as set forth in the attached Exhibit A which is incorporated herein by this reference, the original of which, once fully executed, will be on file in the office of the Clerk of City Council.

Ordinance No. 82-21 (Con't)

Section 2 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to retain the services of LCPH to maintain compliance with Avon's MS4 Stormwater Permit Program; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director