

**ORDINANCE NO. 131-23**

**AN ORDINANCE RATIFYING THE MAYOR'S EXECUTION OF 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 take 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 of Avon with Phase II Stormwater Sampling Services in support of the Avon's MS4 compliance efforts; and

**WHEREAS**, LCPH and the City of Avon had previously entered into an agreement in 2021, per Ordinance 82-21; 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, 2026 as determined by the Avon City Engineer and sets 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.

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

Section 1 – That the agreement between the City of Avon and Lorain County Public Health (LCPH) for the provision of stormwater sampling services in the 2024, 2025 and 2026 calendar years, which was executed by the Mayor on November 20, 2023, is hereby ratified. A copy of said agreement is attached hereto and incorporated herein as [Exhibit A](#).

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

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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 ratify the Mayor's execution of an agreement to retain the services of LCPH to maintain compliance with Avon's OEPA 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: \_\_\_\_\_  
Electronically and at City Hall as  
Provided by Council

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