

**ORDINANCE NO. 50-18**

**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**

**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 samples, maintain a proper chain of custody, store and transport in an acceptable manner and finally tested according to standard methods; and

**WHEREAS**, Lorain County Public Health 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**, the City of Avon and LCPH have formulated an agreement which establishes that the LCPH services will be provided on an as needed basis 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; and

**WHEREAS**, Council finds that authorizing the Mayor to execute this agreement with LCPH to be in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 – That the Mayor is hereby authorized to execute an agreement with Lorain County Public Health for the provision of stormwater sampling services for calendar years 2018 & 2019 in substantially the form as set forth in the attached Exhibit A which is incorporated herein by this reference.

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.

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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 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: \_\_\_\_\_  
Craig L. Witherspoon, 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