

CITY OF CLAYTON, OHIO

RESOLUTION NO. R - 04 - 24- 23

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR MEMORANDUM OF UNDERSTANDING WITH THE MONTGOMERY COUNTY SOIL AND WATER CONSERVATION DISTRICT AT AN ANNUAL COST OF \$9,000.00

WHEREAS, via City Charter Section 8.02(C)(1) and enactment of Ordinance No. 12-23-27, the current minimum competitive bid threshold is \$77,398.00; and

WHEREAS, Clayton Charter Section 8.02(C)(3)(b) exempts intergovernmental contracts from competitive bidding; and

WHEREAS, the City of Clayton is required to file an annual report with the Ohio EPA detailing the status of compliance with permit conditions and including an assessment of the appropriateness of the Best Management Practices and progress toward achieving measurable goals; and

WHEREAS, the Montgomery County Soil and Water Conservation District staff has the expertise to provide assistance to the City of Clayton staff to ensure the City's compliance with Ohio EPA requirements and City staff has recommended approval of the Memorandum of Understanding appended hereto as **Exhibit A** and incorporated herein, allowing the City of Clayton and the Montgomery County Soil and Water Conservation District to work together to achieve the goals stated therein.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City Manager is hereby authorized to enter into the attached three-year Memorandum of Understanding (**Exhibit A**) in substantially the same form as appended hereto and for a cost of \$9,000.00 annually. The appended Memorandum of Understanding is incorporated herein and made a part hereof.

ADOPTED BY COUNCIL ON APRIL 4, 2024.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Register Herald

Date of publication

April 10th, 2024



CLERK

MEMORANDUM OF UNDERSTANDING

Upon this 19th of March, 2024 this Memorandum of Understanding was entered into by and between the City of Clayton, (hereinafter referred to as “Clayton”), and the Montgomery Soil and Water Conservation District, (hereinafter referred to as “the District”).

STATEMENT OF PURPOSE

Whereas, Clayton is responsible for the administration of its Small Municipal Separate Storm Sewer System General Permit (hereinafter referred to as “MS4”); and

Whereas, Clayton is in need of services for the Public Education & Outreach, Public Involvement, Illicit Discharge Detection & Elimination, Pollution Prevention & Housekeeping, and Reporting of these control measures to the Ohio EPA; and

Whereas, the District, through its conservation of natural resource work, has determined that assisting Clayton meets its water quality requirements and is compatible with the District’s mission, and

Whereas, the District, through its water quality work, is familiar with the MS4 regulations and has the expertise to meet said requirements, and

Whereas, recognizing this mutual concern and responsibility, Clayton and the District set forth their responsibilities in this Memorandum of Understanding.

It is therefore agreed;

That the District shall be responsible for the following:

1. Prepare two water quality newsletter articles and a homeowner’s brochure.
2. Conduct a Stillwater River Cleanup or equivalent MS4 education and outreach activity.
3. Locate and map 100 percent of the storm outfalls and dry weather screen them once per permit cycle (4 years) or dry weather sample 25% of the storm outfalls each year.
4. Assist with the placement of new storm water infrastructure on maintenance.
5. Update Stormwater system maps as needed.
6. Provide annual training for employees and audit their pollution prevention & good housekeeping activities.
7. Assist in the preparation of the Ohio EPA annual report. Which will be submitted by the Clayton Public Works Director or assigned designee.

That Clayton shall be responsible for the following:

1. Provide the District access to related maps, ordinances, and records.
2. Provide the District access to Clayton's storm water manholes and catch basins.
3. Provide the District access to employees and facilities for auditing and training purposes.
4. In consideration of performance of such services, the District shall receive a fee in the amount of Nine Thousand Dollars (9,000.00) for these services to be paid annually by March 31st, 2024, 2025, 2026.

IT IS MUTUALLY AGREED:

1. The District and Clayton will meet periodically, or as needed to review, and where possible coordinate this MS4 program for the maximum public benefit.
2. This agreement shall commence on March 31st, 2024 and terminate April 1st, 2027. The parties may mutually agree to extend this agreement on an annual basis.
3. This memorandum may be amended at any time by mutual consent of the parties hereto or may be terminated by either party by giving sixty (60) days notice in writing to the other.
4. If, in the event that the quantity of work provided by the District for these services exceeds that provided in 2024-2026 by more than 25 percent, the District shall establish an equitable price and request that Clayton amend this memorandum accordingly.
5. If, in the event that Clayton determines that the services covered by this Agreement have not been completed, all payments under this agreement shall be suspended until there has been full compliance with the terms of this agreement by the District.

IN WITNESS WHEREOF, this memorandum is executed and agreed to on the day, month, and year written below.

**MONTGOMERY SOIL AND WATER
CONSERVATION DISTRICT**

By: J. Mark Judy
Board Chairman

Date: 4-18-24

CITY OF CLAYTON

By: [Signature]
City Manager

Date: April 5, 2024