

Agreement

For “Contain the Rain” BMP Cost-Share Program

THIS AGREEMENT is entered into by and between the Board of County Commissioners of Johnson County, Kansas, acting through its Public Works Department (hereinafter “the County”) and the City of Westwood, Kansas, (hereinafter “the City”) (hereinafter collectively “the Parties”) as of the 14th day of March, 2024.

Recitals

A. The City and the County cooperate, in general, and have entered into numerous beneficial arrangements in the past for the control of stormwater runoff to reduce the amount of pollutants in local streams, prevent stream bank erosion, and reduce flooding caused by stormwater.

B. The Stormwater Management Advisory Council determined that it is in the best interests of the residents of Johnson County for the County’s Stormwater Management Program to participate in a cost-share program with the City that promotes the use of best management practices including rain barrels, rain gardens, native trees, and native plantings on residential property to reduce stormwater runoff as well as increase public awareness of stormwater-related issues, all as required by federal NPDES stormwater rules and regulations.

C. The City has developed the Contain the Rain Program (“Program”), a BMP cost-share program which allows its residents to seek and receive reimbursement for a portion of costs related to the installation of certain BMPs.

D. The County, with the concurrence of the Stormwater Management Advisory Council, hereby agrees to provide \$6,000 to the City for its Program upon the following terms and conditions:

Agreement

1. **Purpose of Agreement.** The Parties enter into this Agreement for the purpose of providing City residents the opportunity to receive partial reimbursement for implementing certain stormwater best management practices. The Parties acknowledge that residents shall be allowed to apply for funding in accordance with the Program requirements set forth in the attached Exhibit A.
2. **County Contribution.** The County agrees to contribute up to \$6,000 towards the Program. Not more than once each calendar quarter, the City shall submit to the County a statement satisfactory in form and content to the Manager of the Stormwater Management Program detailing the expenditure of funds during the preceding calendar quarter.
3. **Administration of Program.** It is acknowledged and agreed that the City shall enter into all contracts relating to the Program in its own name and not as an agent of the County. The City agrees to be solely responsible for the administration of all other contracts for the Program. Any contract disputes shall be resolved by the City at the City’s sole cost and expense.
4. **Reporting Requirements.** The City agrees to provide a final report, formatted as set forth in the attached Exhibit B, to the County summarizing the projects completed under the Program.

5. **Duration and Expiration of Agreement.** This Agreement shall be effective as of March 18, 2024, and shall expire on January 31, 2025. The Parties acknowledge and agree that any prior agreements on the same subject matter have expired and neither party has any unfilled obligations under that agreement.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in duplicate by each of the Parties hereto.

City of Westwood, Kansas

Johnson County Public Works Department

David E. Waters
Mayor

Brian Pietig
Director of Public Works

Approved as to form:

Approved as to form:

Ryan Denk
City Attorney

Scott Abbott
Asst. County Counselor

Attest:

Abby Schneweis
City Clerk

Exhibit A

Contain the Rain Program Requirements – 2024

The City encourages individual homeowners and businesses to incorporate Stormwater Best Management Practices (BMPs) on their property to aid in the improvement of local and regional water quality. Additionally, the City encourages planting native plants and trees to support the natural ecosystem and provide food sources for birds and pollinators. The program will reimburse applicants up to 50% of eligible expenses, not to exceed a project reimbursement cap for the proper installation of the following BMPs:

Project Type	Project Reimbursement Cap
Rain Barrel	\$75 per barrel, up to two
Native Tree	\$150 per tree, up to two
Native Plant Garden (must receive runoff)	\$1000
Rain Garden (must have pre-approval)	\$1000

Program Applicant Guidelines

1. All trees and plants must be native to KC Metro area. Cities may provide plant lists to participants for guidance.
2. Trees must not be planted where it will interfere with traffic sight lines or in the right-of-way.
3. Homeowner is responsible for verifying the tree species is appropriate for space. Consult <https://www.arborday.org/trees/righttreeandplace/> for more information.
4. The City is not liable for personal injury or property damage resulting from work related to the project.
5. The funded project must be maintained for a minimum of three years. All maintenance costs are the sole responsibility of the applicant and/or property owner. The City is not responsible for trees or plants that do not survive.
6. The applicant is responsible for obtaining applicable permits, including notifying Kansas One-Call before digging. The Dig Safe phone number is 811.
7. To be reimbursed:
 - a. City will reimburse participant after all costs have been incurred, final receipts submitted and project final approval obtained. Project and costs must be complete in the funding year.
 - b. All reimbursements are on a first-come, first-served basis until funding runs out.
 - c. Applicant is responsible for all project costs.
 - d. All projects and/or installations must be completed with all final documentation submitted by November 30, 2024.
8. For Rain Gardens Only:
 - a. Pre-approval required before work can begin.
 - b. City requires access to property for evaluation of the application prior to the start of project, during installation and after project is complete for final inspection.
 - c. Projects pre-approved for funding carry no implied warranty or guarantee of reimbursement by City.
 - d. Implementation of approved project is sole responsibility of applicant.

Instructions to Apply for Rain Garden Reimbursement

1. Complete pre-approval application. Applicant provides:
 - a. Completed online or paper application
 - b. Description of proposed project and preliminary sketch or design
 - c. Photo(s) of project location on property
 - d. Cost summary and/or contractor's estimate for project
 - e. Contractor's Certificate of Insurance listing City name as additional insured
 - f. Anticipated project schedule and completion date
2. Submit form and supporting documents/photos online or mail to contact below.
3. A site visit will be scheduled by JoCo SMP staff. This initial site visit must be complete before work can begin.
4. After initial site visit, and once pre-approval is issued, project may begin.
5. Contact JoCo SMP staff for final inspection once project is complete.
6. Submit final receipts and photos, if applicable, to JoCo SMP staff for final approval.
7. Approval decision will be issued within five business days of completed final application.
8. Payment of approved projects will be issued within six-eight weeks.

All reimbursements made on a first-come, first-served basis while funding is available. Pre-approval of project does not guarantee reimbursement.

Contact Information:

Lesley Rigney
Johnson County Stormwater Management Program (JoCo SMP)
1800 Old 56 Hwy, Olathe, KS 66061
Lesley.Rigney@jocogov.org
913-715-8316

Exhibit B

Contain the Rain Final Report Template – 2024

Total Reimbursement Amount Requested/ Official Invoice

Project Table

Last Name	First Name	Street Address	City	Zip	Email	Project Type	Project Reimbursement

Project Narrative

- Program Background: Include brief overview of project, name(s) of program contacts, program website
- Promotion/ outreach methods and strategies
- Participation overview
- Program assessment (successes, lessons learned, suggestions for program improvement)
- Project Documentation (photos, unique designs, positive feedback)
- Project Location Map (optional)