

RESOLUTION NO. 2024-50

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WILLOWICK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES, STORMWATER MANAGEMENT DIVISION, FOR FUNDING TO REHABILITATE A PORTION OF THE CITY'S STORMWATER SYSTEM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willowick has requested and the Board of the Lake County Commissioners through the Lake County Department of Utilities, Stormwater Management Division, has agreed to fund the rehabilitation of a portion of the City's stormwater system on East 305th Street in the amount of \$250,000.00, pursuant to Sections 6117.41 through to and including 6117.44 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Willowick, County of Lake, and State of Ohio:

Section 1. That the Mayor of the City of Willowick is hereby authorized to enter into the written Memorandum of Understanding with the Board of Lake County Commissioners through the Lake County Department of Utilities, Stormwater Management Division, for funding in the amount of \$250,000.00, and in a form substantially similar to the Memorandum of Understanding annexed as Exhibit A and incorporated herein, and to execute any and all documentation necessary to formalize the validity and implementation of that Memorandum.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 3. This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick and further provides for the usual and necessary daily operation of the municipal stormwater system; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____, 2024

Monica Koudela, President of Council

SUBMITTED to the Mayor for his approval
on _____, 2024

APPROVED by the Mayor on
_____, 2024

ATTEST:

Christine Morgan, Clerk of Council

Michael J. Vanni, Mayor

MEMORANDUM OF UNDERSTANDING
BOARD OF LAKE COUNTY COMMISSIONERS
AND
THE CITY OF WILLOWICK

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this _____ day of _____, 2024, by and between the City of Willowick ("City") and the Board of Lake County Commissioners through the Lake County Department of Utilities, Stormwater Management Division ("District").

WHEREAS, the parties to this agreement are parties to a separate Memorandum of Understanding by the terms of which the City has agreed to participate as a member community in the storm water management program of the District ("User Agreement") and

WHEREAS, the City is rehabilitating the sewers on E. 305th Street Sewer Rehab Project "(Improvement and/or Project "), and

WHEREAS, pursuant to Sections 6117.41 through and including 6117.44 of the Revised Code, the County and City are authorized to collaborate with each other for the acquisition and completion of the Improvement and to provide assistance for the financing of and compensation for the Improvement; and

WHEREAS, the City, has requested the use of \$250,000.00 in District funds for the stormwater system of the Improvement as shown on the attached cost share breakdown, and

WHEREAS, the District has agreed to fund the rehabilitation of the stormwater system in an amount of \$250,000.00, and

WHEREAS, the City has agreed to bid the Improvement and the District, from District funds, has agreed to forward the funds to the City for those costs associated with the rehabilitation of the stormwater system of the Improvement in accordance with the terms and conditions of this MOU.

NOW THEREFORE, the parties hereby agree as follows:

Duties of the City:

The City agrees to do the following:

1. To prepare, submit and obtain the necessary permits for the Improvement.
2. To undertake construction of the Improvement located in the City as described herein in accordance with the Improvement Plans and all County requirements for such projects and in accordance with the final Improvement cost estimate.

3. To determine the final Improvement cost.
4. To utilize District funds, City funds, and Ohio Public Works Commission ("OPWC") funds for the Improvement.
5. To return any District funds forwarded to the City not used on the stormwater collection system to the District upon project closeout.
6. To notify the District prior to authorizing any cost overruns of the stormwater collection system of the Improvement that the City would request the payment for from District funds
7. In the event the City withdraws from the District during any period of time during which the Improvement is still under construction, the City agrees:
 - a. To pay any remaining obligations of the Improvement.

Duties of the District:

The District has determined that the Improvement is eligible for funding under the District's Illicit Discharge Detection and Elimination Program. The District, therefore, agrees:

1. To assist the City in determining final Improvement cost.
2. To encumber \$250,000.00 in District funds to be deposited with the City for use on this Improvement based on the attached cost breakdown of funding sources for the project.

Duties of Parties:

The parties jointly agree to do the following:

1. Work jointly with the other party to reduce the amount of the final project cost by exploring options for direct participation by the District; any such participation shall be of such nature and in such amount as shall be jointly agreed to by the parties.
2. Each party agrees and acknowledges that this MOU is entered into pursuant to the authority granted to each party by the Ohio Revised Code, the Charter and Ordinances of the City of Willowick and that authorizing legislation has been passed by each party.

IN WITNESS WHEREOF, the parties have affixed their hands and seals in Lake County, Ohio this _____ day of _____ 20_____.

BOARD OF LAKE COUNTY COMMISSIONERS

John Plecnik, President

John Hamercheck, Commissioner

Rich Regovich, Commissioner

CITY OF WILLOWICK

Michael J. Vanni, Mayor

Approved as to form:

Stephanie E. Landgraf, Law Director

Date

Lake County Prosecuting Attorney

Date