

P/C 11/9/21
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1st R 11/16/21
2nd R 12/7/21
3rd R 12/21/21
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11228-2021

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AMENDMENT TO THE COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS)
AND THE CITY OF BROOK PARK,
AND DECLARING AN EMERGENCY

WHEREAS; THE City of Brook Park entered into a regional
Stormwater Management Program Service (SMP Service Agreement) as
evidenced by Ordinance No. 10032-2016, passed August 2, 2016 and

WHEREAS, as a component of implementing a regional stormwater
management program a "Community Cost-Share Account" has been
created; and

WHEREAS, the Community Cost-Share Account is to provide
funding to assist the City of Brook Park with the District approved
project; and

WHEREAS, the District supports the Community Cost-Share
Stormwater MCM #6 Implementation Plan as a Community Cost-Share
project proposed by the City of Brook Park; and

WHEREAS, on October 15, 2019, Ordinance 11125-2019 was passed
by this Council, to procure the necessary construction services to
complete the work for the Elmdale Drainage Improvements project;
and

WHEREAS, the costs have changed and it is necessary that the
cost-share agreement be amended.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of
Brook Park, State of Ohio, that:

SECTION 1: The Mayor is authorized and directed to execute on
behalf of the Municipality an amendment Community Cost-Share
Stormwater MCM #6 Implementation Plan by and between the Northeast
Ohio Regional Sewer District and the City of Brook Park, set forth
in the Agreement attached hereto as Exhibit "1"

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and authorizing the Mayor to enter into an amendment to the Agreement for a Community Cost-Share with Northeast Ohio Regional Sewer District; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: December 21, 2021

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

12/21/21
DATE

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11228-2021

passed on the 21st day of December 2021 by said council.

Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing December 22, 2021
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schmuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

AMENDMENT TO
COMMUNITY COST-SHARE AGREEMENT
(DISTRICT AGREEMENT NO. 19008797)
BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT
AND
CITY OF BROOK PARK



This Amendment to Agreement (the "Amendment") is made and entered into this _____ day of _____, 2021, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013, and City of Brook Park (City) acting pursuant to Ordinance/Resolution No. _____, adopted on _____, 2021.

Recitals

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the "*Community Cost-Share Account*" that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, on or around December 5, 2019, the District and City entered into a Community Cost-Share Agreement (the "Agreement") for City's Elmdale Drainage Improvements project (the "Project"); and

WHEREAS, bids came in over the initial budget estimate; and

WHEREAS, it is, therefore, necessary for the parties to amend the Agreement to increase the funding allocated to the Project;

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Amendment, the parties agree as follows:

1. By execution of this Amendment, the District and City agree that the total Community Cost-Share funding allocated to the Project under the Agreement shall be increased by the amount not to exceed \$7,515.50 for an amended total funding amount of \$46,515.50, as further described in the Request for Budget Modification attached hereto as Exhibit "A."

2. The provisions of this Amendment are hereby incorporated into the Agreement, as if fully rewritten therein. All terms used herein shall be defined and construed in the manner set forth in the Agreement. Except as otherwise provided in, or as otherwise necessary or appropriate to give effect to the terms of this Amendment, all the provisions, terms and conditions contained in the Agreement and not inconsistent with this Amendment shall remain unchanged and in full force and effect. In the event of any conflict between the Agreement and this Amendment, the terms, conditions, and provisions of this Amendment shall control.

The parties have executed this Amendment on the day and year first above written.


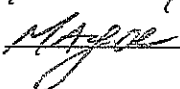
NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Kyle Dreyfuss-Wells
Chief Executive Officer

AND

BY: _____
Darnell Brown, President
Board of Trustees

CITY OF BROOK PARK

By:  _____
Title:  _____

The Legal Form and Correctness of this
Instrument is hereby Approved:

CITY OF BROOK PARK

Assistant/Director of Law

This Instrument Prepared By:
Cyrus L. Patton
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Amendment may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Amendment shall have the same legal effect as if such signatures were in their originally written format.

**MODIFICATION TO
AGREEMENT NO.**

19008797

NORTHEAST OHIO REGIONAL SEWER
DISTRICT

WITH

CITY OF BROOK PARK

FOR

COMMUNITY COST-SHARE AGREEMENT
AMENDMENT:

ELMDALE DRAINAGE IMPROVEMENTS

Total Additional Cost: \$7,515.50

Total Revised Agreement Amount: \$46,515.50

The legal form and correctness of the within
instrument are hereby approved.

CHIEF LEGAL OFFICER

Date

CERTIFICATION

It is hereby certified that the amount required to
meet the contract, agreement, obligation, payment
or expenditure, for the above, has been lawfully
appropriated or authorized or directed for such
purpose and is in the Treasury or in process of
collection to the credit of the fund free from any
obligation or certification now outstanding.

CHIEF FINANCIAL OFFICER

Date

Budget Center 8100

EXHIBIT A



Community Cost-Share Program
REQUEST FOR BUDGET MODIFICATION

Community Cost-Share Program
Request for Budget Modification

Member Community: Brook Park

Project Title: 6203 Elmdale - Drainage Improvements

Project Manager: *Edmund P. Pate*
Signature

Date: 09/16/2021

Justification and Description of Changes:

Provide a summary of the revised budget (by category) and include a brief justification and itemized breakdown for the amount proposed in each category. For example, stream restoration project extended by 500 feet of streambank @ \$150/linear ft. to protect newly discovered underground utility.

Summary of Project Modification:

Project Expenses	Original Budget	Revised Budget	Details
Professional Services	8900	8900	
Personnel (Member Community Staff Only)			
Subcontract	30000	37515.50	Bids came in over the initial budget estimate
Equipment			
Materials			
Other	100	100	
TOTAL	\$ 39000	\$ 46515.5	\$7,515.50 increase - lmm

Direct all Community Cost-Share budget modification questions and requests to the Watershed Team Leader, 216-881-6600, and the Grant Programs Administrator is to be copied on all correspondence pertaining to budget modification.