

SPONSOR: Heath/Stewart

ORDINANCE NO. 73-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND CT CONSULTANTS, 35000 KAISER COURT, WILLOUGHBY, OHIO 44094, FOR ENGINEERING SERVICES IN RESPONSE TO A CONSENT ORDER FROM THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson is currently in the process of addressing a consent order from the State of Ohio Attorney General's Office; and

WHEREAS, CT Consultants is a firm qualified to perform engineering services to assist the City in responding to the consent order; and

WHEREAS, the City and CT Consultants desire to enter into a contractual relationship whereby CT Consultants can provide engineering services to assist the City in responding to and addressing the issues in the consent order.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Mayor and/or City Council President is authorized to enter into an Agreement between the City of Jackson, Ohio, and CT Consultants, 35000 Kaiser Court, Willoughby, Ohio 44094, to provide engineering services in responding to and addressing issues in the consent order from the State of Ohio Attorney General's Office. A copy of the Agreement is attached hereto as Exhibit "A". The cost of this contract shall be in an amount not to exceed Two Hundred Ninety Thousand and No/100 Dollars (\$290,000.00), and shall be paid from line items 711-7525-53008.

Section Two. This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to enter into this agreement as soon as possible to timely and adequate address the issues in the consent order. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four.

It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 7-9-07

Ronald B. Spearman
PRESIDENT OF COUNCIL

Anna Brown
CLERK OF COUNCIL

Approved:

Date: 7-12-07

[Signature]
MAYOR

EXHIBIT "A"

March 28, 2007

Mr. Steve Benson
City Engineer
145 Broadway Street
Jackson, Ohio 45640-1656

***Re: Proposal for Engineering Services
In Response to a Consent Order from the State of Ohio***

Dear Mr. Benson:

In accordance with your recent direction, CT Consultants, Inc. (CT) is pleased to submit this proposal for the engineering services necessary to comply with the draft copy of the Consent Order currently being negotiated with the State of Ohio Attorney General's Office. We will perform the described services for the City of Jackson, hereinafter referred to as the City, in accordance with the terms and conditions set forth herein.

CT understands that the City will enter into a Consent Order with the State of Ohio. That agreement will require the City to undertake activities within a specified time frame to avoid additional penalties. In order to address the requirements of the agreement as presented by the City in their January 2007 response to the State's Draft agreement, CT has outlined the following steps:

SCOPE of SERVICES

Our scope of services is outlined to correspond to the City's Consent Order outline.

PART VIII-SEWER SYSTEM-Capacity, Management, Operation and Maintenance (CMOM)

To satisfy the requirements as outlined in the draft Consent Order, it will require the City to provide adequate conveyance capacity for peak wastewater flows; take steps to mitigate the effects of Sanitary Sewer Overflows (SSOs) and Water in Basements (WIBs), and provide notice of SSO events (as defined in Paragraph 21(c) of the Consent Order). This program shall be as defined by paragraph 21 of the Consent Order. These tasks are further defined as follows:

- a. Establish program goals that identify the steps necessary to achieve the elements set forth in Paragraphs 21(a) through (c) of the document.

- CT will meet with the City to define the current operating procedures and develop an outline of revisions required to comply with the conditions.
 - CT will assist the City in the development of a CMOM program.
 - The City will assemble their collection system records and schedule the operations personnel to meet and review the data with CT.
- b. Identify the administrative and maintenance positions responsible for implementing the measures required to achieve the goals established in Paragraph 21.
- CT will prepare an organization chart listing the collection system personnel and their duties and responsibilities in implementing the operation goals presented in the Consent Order.
 - The City will provide the current city personnel, both the collections systems and the administrative staff, and assist CT in describing their duties and responsibilities.
- c. Identify the chain of communication for reporting SSOs and WIBs as defined in Paragraph 5(e) and (f). This chain will include the steps involved after the receipt of a complaint or other information, and through defined process to the person responsible for reporting to the Ohio EPA, the Director or, when necessary, providing notification to the public.
- CT will develop a chain of communication for reporting the defined events and present it to the City for discussion and finalization.
 - The City will review the CT presentation and provide prompt approval of the document.
- d. Assist the City in establishing the legal authority to comply with Paragraph 21(d) of the Consent Order. This authority shall be defined through sewer use ordinances, service agreements or other legally binding documents, enacted by the City.
- CT will review the current sewer use ordinances and recommend revisions to comply with the Consent Order.
 - The City will provide the current legislation, document any proposed revisions and implement the necessary legislative actions.
- e. Present a list of the maintenance facilities and equipment required to operate the City's sewers and any maintenance contract areas in accordance with the Consent Order.
- CT will review the City's current maintenance equipment, personnel and procedures; and make recommendations to maintain compliance with the Consent Order.

- The City will provide a current list of the equipment, and associated maintenance procedures for the collection system.
- f. Assist the City in the completion of a sewer map for the sanitary sewer system.
- CT will expand the current mapping to meet the CMOM requirements. This task will require additional field work to identify the existing features of the City's sanitary sewer system. The data collected will be incorporated into the existing mapping that has been prepared for the City.
 - The City will provide assistance in the collection of the field information with their GIS units. This data will be forwarded to CT to be combined with the existing data base.
- g. Establish a system that will aid in the City in establishing and prioritizing appropriate CMOM activities, and to identify and illustrate trends in overflows, such as frequency and volume per Paragraph 21(g) of the Consent Order.
- CT will meet with the City to review the current operational practices. This informational meeting will include discussions focused on how the system reacts to storm events and other weather conditions.
 - CT will review the current collection system operation and procedures and then propose a written list of appropriate actions and necessary responses to those system events that will minimize the impact of adverse weather conditions on the system.
- h. Identify routine preventative operation and maintenance activities for the Jackson sewer system and maintenance contract areas;
- CT will provide a written list of activities that will prevent or mitigate operational problems within the current sewer collection system.
 - The City will provide CT with the current preventive maintenance activities being conducted in the collection system.
- i. Develop a program to assess the current capacity of the Jackson sewer system and treatment facilities.
- CT will utilize the data collected during the preparation of our previous reports, tabulate and interpret the combined data to develop a program to assess the capacity of the sanitary sewer system. A review of the treatment facility reports and operations manual will be completed to develop a program to assess the treatment capacity.

- The City will provide access to the treatment plant records and physical access to the collection system.
- j. Establish a system that provides for the identification and prioritization of structural deficiencies in the sewer system and analyze this information to identify and implement both short term and long term rehabilitation actions that address the correction of each deficiency.
- CT will compile a record of the structural deficiencies identified through previous reports and investigations. Several recommendations for rehabilitation have been incorporated into the repair contract planned for the downtown area. Using City records, the known deficiencies in the City's system will be identified, the recommended remedial actions associated with these problems will be tabulated, and this information will become the basis for a long term program to identify deficiencies, formulate the recommended repairs and plan for the implementation of the needed improvements.
 - The City will provide CT with their current knowledge and records for the collections system. This information is needed to develop a program that documents problems in the collection system, assesses the necessary repairs and plans for the implementation of the needed corrections.
- k. Identify appropriate and necessary training for the City staff, including staff responsible for the maintenance contract areas, on a regular basis.
- CT will meet with the City personnel to discuss the current staff and their capabilities. The current level of the City personnel will be documented and areas of potential improvement identified. To conclude this task, CT will provide recommended training programs and courses intended to keep the City personnel current with technology advances and EPA regulations.
 - The City will provide an open forum to discuss the current City personnel, the long range goals for the staff, and the required steps when an improvement is to be implemented.
- l. The establishment of inventories for all equipment and replacement parts including, but not limited to, identification of critical replacement parts.
- CT will review the current equipment and materials on hand for the operation of the collection system. Recommendations for additional materials and equipment will be provided.
 - The City will inventory their current material and equipment and present it to CT. Meetings will be held to discuss the City's operations.

- m. The establishment and implementation of requirements and standards for the installation of new sewers, pumps and other appurtenances, and rehabilitation and repair projects.
 - CT will prepare guidelines and specifications to be used during the design of collection system equipment and materials.
 - The City will provide the current specification and guidelines for improvements to the collection system and pumping stations. This information will be used as a basis for developing design standards.
- n. The establishment and implementation of procedures and specifications for inspecting and testing the installation of new sewers, pumps and other appurtenances for rehabilitations and repair projects.
 - CT will prepare procedures and specifications to be used during the installation of collection system equipment and materials.
 - The City will provide the current inspection and testing standards the collection system and pumping stations. This information will be used as a basis for developing installation standards.
- o. Monitor the implementation of and, where appropriate, measuring the effectiveness of each element of the program.
 - CT will develop an approach to facilitate the monitoring, the implementation and effectiveness of the elements described by OEPA as a CMOM program.
 - The City will provide information on the work performed and the improvements accomplished in regard to the elements of CMOM program.
- p. The establishment and implementation of a system for updating the program elements as appropriate based on monitoring or performance evaluations;
 - CT will develop a process to compile the data necessary and analyze each element of the CMOM program and recommend updates and improvements for the program.
 - The City will provide feedback and data on the program elements.
- q. The establishment of communication on a regular basis with interested persons regarding the implementation and performance of this program. The communication system should allow interested persons to provide input to the City as this program is developed and implemented; and

- CT will meet with the City and discuss the communication mechanisms. The goal of these meetings is to refine and implement the communication system.
 - CT will develop a plan intended to facilitate communication between the City and interested persons regarding the CMOM program.
- r. The utilization of the City's existing numeric identification system for all SSOs. The City shall provide periodic updates to the numeric identification system as necessary, or as required by the OEPA Director in his sole discretion.
- CT will continue to utilize the numeric system created during recent projects to develop a formal identification system for SSOs. The system shall be reviewed and updated on an annual basis during the implementation of the CMOM Program.
 - The City will provide CT with feedback and current information on the collection system. This data will include documentation on all WIBs and SSOs.

CT will submit a written summary of the CMOM program as required to meet the requirements described in Paragraph 23 of the Consent Order and will complete an audit of the CMOM program as required to meet the schedule as defined in Paragraph 24 of the Consent Order.

PART IX – SEWER SYSTEM – Overflow Emergency Response Plan (OERP)

To satisfy the requirements as outlined in the draft Consent Order, the requirement to develop an OERP will be as defined by Paragraphs 25 through 27 of the Consent Order. These tasks are further defined as follows:

- CT will review the current reporting procedure for residents and the sewer system operations department and will suggest training programs for the City. CT will further review and/or recommend changes to the OERP and recommend updates as necessary.
- CT will submit the OERP as required to meet the schedule as defined in Paragraph 25 of the Consent Order.
- The City will provide current communications, procedures; training and operational plans for CT to review and provide feedback on any suggested procedural changes.

PART X - SEWER SYSTEM - Downtown Area Sanitary and Storm Sewer Project

To satisfy the requirements as outlined in the draft Consent Order which requires development of a Downtown Area Sanitary and Storm Sewer Project, a program will be as defined by Paragraphs 28 through 31 of the Consent Order. These tasks are further defined as follows:

- CT will submit a General Plan for downtown area improvements as defined in Paragraph 28 of the Consent Order.
- CT will submit a Permit-To-Install for the downtown area improvements as defined in Paragraph 29 of the Consent Order.
- CT will conduct a one-year evaluation that concludes with a report, provides the locations of SSOs and WIBs, and documents the conditions and durations of these discharges. CT will also prepare a project report on the improvements to the operation of the Downtown area following the Improvement project as defined in Paragraph 31 of the Consent Order.
- The Consent Order requests determination of SSOs and WIBs to be identified and quantified for the City's sewer system. We do not anticipate extensive flow metering for this task. Metering would be done in the Part XI task as determined necessary by the EPA. We will develop the report based on available reports of SSOs and WIBs and the installation and metering of one meter location which will provide comparison with the 2004 meter data.
- The City will provide necessary reviews of the General Plan and contract documents in a timely fashion, and administer the construction of the improvements. Further the City will provide 12 months of documentation and reports on SSOs and WIBs after construction and forward same to CT for incorporation into project report.

PART XI – SEWER SYSTEM – SYSTEM EVALUATION AND CAPACITY ASSISTANCE PLAN (SECAP)

The draft Consent Order requires development of a SECAP plan four years after the execution of the Consent Order. This program shall be as defined by paragraphs 32 through 33 of the Consent Order. These tasks are further defined as follows:

- CT will provide an evaluation of the City's sewer system that is experiencing or contributing to SSOs. These evaluations will estimate the peak flows that discharge from the collections system; provide estimated capacities for the key system components; identify hydraulic deficiencies; and identify the major contributors to the peak flows observed.
- CT will establish appropriate actions to address each hydraulic deficiency identified in the collection system during the CMOM or SECAP programs. These actions will include prioritization, alternative analysis, and scheduling for all recommended projects identified under the SECAP. Should the implementation of a project be impacted solely due to the affordability of a project, an affordability analysis shall be prepared and submitted to OEPA.
- The City will provide up-to-date records for the system compiled in accordance with the CMOM program defined in the Consent Order. The City will authorize CT to provide additional flow monitoring and analysis that may become necessary to supplement the City records during the preparation of a SECAP in accordance with OEPA guidelines.
- This work is scheduled to commence in late 2009. The actual level of effort cannot be determined until after the completion and evaluation of the downtown improvement project.

INFORMATION / SERVICES PROVIDED BY CLIENT

The City of Jackson agrees to provide the following in the implementation of these engineering services:

- A. Access to documentation pertinent to the project which includes, previous contract documents, construction plans, etc.
- B. Designate a representative from the City to provide prompt answers and reviews to CT's submittals and requests for information.

FEE AND BILLING

CT will accomplish the work outlined above on an hourly rate basis with a not-to-exceed fee. The fees shown are subject to adjustment from the City for requested changes, and are not to be exceeded without further authorization. Any requested changes in the proposed tasks may require a revision to the authorized fee. Invoices will be submitted monthly for that portion of work actually completed during the period. Invoices are due upon receipt and past due thirty (30) days after receipt.

CT will perform the services described for:

Part VIII – CMOM Program	\$180,000
Field Data Collection	\$ 30,000
Develop CMOM Program	\$150,000
Part IX - Overflow Emergency Response Plan	20,000
Part X - Downtown Improvements	90,000
Part XI - SECAP	<u>TBD</u>
TOTAL:	\$290,000

SCHEDULE

CT will complete the Scope of Work in accordance with the following schedule. Months indicated is from the date of CT's authorization to proceed.

<u>MONTHS</u>	<u>TASK DESCRIPTION</u>
	VIII: Sewer System – CMOM
6	• Develop CMOM Program
9	• Submit Summary of the CMOM Program
14	• Submit an Audit of the CMOM Program
	IX: Sewer System – OERP
4	• Submit OERP to OEPA
6	• Implement OERP
	X: Sewer System – Downtown Sanitary and Storm Sewer Project
2	• Submit General Plan for Downtown area
3	• Submit PTI Application for Downtown area rehabilitation
15	• Complete Downtown area rehabilitation
28	• Complete 12-month evaluation and submit a report on the impact of Downtown area rehabilitation
	XI: Sewer System – SECAP
48	• Submit SECAP with implementation schedule
72	• Complete SECAP

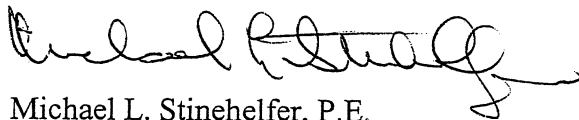
Mr. Steve Benson, City Engineer
City of Jackson
March 28, 2007
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CLOSURE

If you concur with the terms and conditions stated above and wish us to proceed with the aforementioned work, please sign and return one (1) copy of this Agreement. We appreciate the opportunity to provide our services to the City of Jackson.

Respectfully submitted,

CT CONSULTANTS, INC.



Michael L. Stinehelfer, P.E.
Vice President

MLS/sjb

Accepted by:

City of Jackson, Ohio

Date _____

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City of Jackson
Review of CT Consultants Proposal

May 23, 2007

1. Four main elements
 - a. CMOM – Capacity, Management, Operation and Maintenance
 - b. Overflow Emergency Response Plan
 - c. Downtown Area Rehabilitation Project
 - d. SECAP – System Evaluation and Capacity Assurance Plan
2. CMOM
 - a. Creates an administrative system to monitor the effectiveness of the City's maintenance program
 - b. Develops specific steps to mitigate the impacts from SSO's and WIB's
 - c. Provides for notification of impacted residents
3. Overflow Emergency Response Plan
 - a. Creates a system to react to system overflows and provides notice to effected residents
4. Downtown Area Rehabilitation Project
 - a. Provides for the rehabilitation of deficiencies identified through a investigation performed last year
5. SECAP
 - a. Creates a system to monitor the effectiveness of the CMOM program
 - b. Identifies deficiencies in the system
 - c. Develops a program to correct the deficiencies in the CMOM program and the system