

**BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA**

**RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF  
LA VISTA, NEBRASKA AND SARPY COUNTY, NEBRASKA FOR COORDINATION  
OF EFFORTS IN COMPLYING WITH NATIONAL POLLUTANT  
DISCHARGE ELIMINATION SYSTEM PERMITS**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

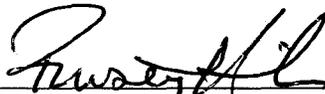
WHEREAS, a Memorandum of Understanding, a copy of which is attached as Exhibit A, has been proposed between the City of La Vista, Nebraska and the County of Sarpy, Nebraska for the purpose of coordinating efforts in complying with National Pollutant Discharge Elimination System ("NPDES") permits to ensure that certain discharges into the storm sewer systems to not cause violations of permits or state water quality standards; and,

WHEREAS, said Memorandum of Understanding is in the best interests of the citizens of Sarpy County.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board hereby approves and adopts this Memorandum of Understanding with the City of La Vista, Nebraska, a copy of which is attached.

BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk, is hereby authorized to sign on behalf of this Board the Memorandum of Understanding, a copy of which is attached, and any other related documents, the same being approved by the Board.

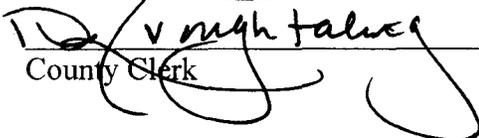
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 11<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Sarpy County Board Chairman

Attest:

SEAL



  
\_\_\_\_\_  
County Clerk

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF LA VISTA  
AND  
SARPY COUNTY, NEBRASKA

I. PURPOSE

This Memorandum of Understanding (MOU) is entered by the City of La Vista, Nebraska and Sarpy County, Nebraska for the City of La Vista's Department of Public Works, (hereinafter referred to as CITY) and Sarpy County's Department of Public Works, (hereinafter referred to as COUNTY) to coordinate their efforts to comply with their National Pollutant Discharge Elimination System (NPDES) Permits (permits):

- NPDES Permit No. NER 200005, CITY
- NPDES Permit No. NER 210007, COUNTY,

in particular to control illicit discharges into the COUNTY municipal storm sewer system in CITY extraterritorial jurisdiction (ETJ).

II. BACKGROUND

The permits issued by the Nebraska Department of Environmental Quality (NDEQ) and 40 C.F.R. § 122.26(d) (2) (i) require CITY and COUNTY to prohibit certain discharges into their storm sewer systems to ensure that certain discharges do not cause violations of their permits or state water quality standards. These discharges are "illicit discharges" for the purposes of this memorandum.

III. OBJECTIVES

- A. CITY and COUNTY want to comply with their permits.
- B. CITY and COUNTY want effective interagency cooperation.
- C. CITY and COUNTY want to be able to use in the CITY ETJ the water pollution control enforcement authority in Chapter 154, City of La Vista's Municipal Code, to the extent applicable. The City of La Vista's Municipal Code in Section 154.01(c), states; "The provisions of this Chapter shall be applicable to all that property within the City's zoning jurisdiction." COUNTY will cooperate with CITY efforts to take any necessary enforcement action on illicit discharges to its storm sewer system in the CITY ETJ.
- D. CITY and COUNTY Public Works Departments shall be the initial points of contact to investigate illicit discharges. Outside of normal working hours for such Departments, contact will be handled by the appropriate dispatcher who will in turn contact the Departments through the established procedures.

#### IV. RESPONSIBILITIES

- A. In the CITY's ETJ the CITY shall:
- 1 Investigate and enforce against illicit discharges.
  - 2 Inform COUNTY of all complaints, investigations, and reports of alleged illicit discharges.
  - 3 Send to COUNTY copies of all informal notices of violation and other informal enforcement letters regarding illicit discharges.
  - 4 Coordinate with COUNTY before issuing formal notices of violation and orders against illicit discharges. The COUNTY shall be responsible to pursue formal notices, orders and assessment of penalties for illicit discharges occurring in County Road right-of-ways within the City's ETJ. The CITY shall be responsible to pursue formal notices, orders and assessment of penalties for illicit discharges occurring in right-of-ways other than County Roads or State Highways within the City's ETJ.
  - 5 Coordinate with COUNTY on whether the State should be requested to start a civil or criminal or other action against illicit discharges.
- B. In the CITY's ETJ the COUNTY shall:
- 1 Be diligent investigating or assisting in investigating suspected illicit discharges in County Road right-of-ways in the CITY ETJ.
  - 2 Send to CITY copies of all informal notices of violation and other informal enforcement letters regarding illicit discharges in CITY's ETJ.
  - 3 Coordinate with CITY regarding formal notices of violation and orders against illicit discharges. See Item 4 in Paragraph A above.
  - 4 Coordinate with CITY on whether the State should be requested to start a civil or criminal or other action against illicit discharges.
  - 5 Provide a hearing officer as needed to hear and recommend decisions on contested cases arising from CITY administrative enforcement cases against illicit discharges.
- C. In the event authority to serve notices or orders, assess penalties, or seek or take legal or other action in this Article IV or elsewhere in this Agreement is contrary to any applicable laws or regulations, then the agency or person with proper legal authority shall pursue such measures.

#### V. OTHER PROVISIONS

- A. This MOU does not alter the statutory or other legal authority and responsibilities or the respective permit requirements under the NPDES of the NDEQ. The intent of the MOU is to form a basis by which the aforementioned goals and objectives can be carried out by each agency in a cooperative manner.
- B. This MOU does not create any additional operation or maintenance obligations for the COUNTY and CITY.
- C. The MOU does not obligate any funds from the COUNTY and CITY.

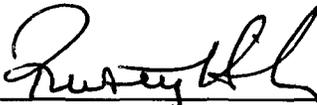
- D. The MOU parties agree to comply with the nondiscrimination provision of Title VI of the Civil Rights Act of 1964, including Section 504 of Title IX, the Age Discrimination Act of 1975, and other applicable nondiscrimination policies.
- E. The MOU may be amended or terminated at anytime by mutual consent of the COUNTY or the CITY, or the MOU may be terminated by any agency alone by giving thirty (30) days written notice to the other agency.
- F. This MOU shall take effect upon, signing by both the City of La Vista and Sarpy County.

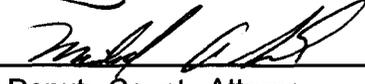
IN WITNESS WHEREOF, the parties hereto having lawful authority, have caused this document to be executed by the proper officials as of the dates below indicated.

EXECUTED by Sarpy County, Nebraska this 11<sup>th</sup> day of September, <sup>2012</sup>~~2011~~

ATTEST:  **SEAL**  
DEBRA J. HOUGHTON, COUNTY CLERK  
SARPY COUNTY, NEBRASKA

  
Sarpy County Clerk

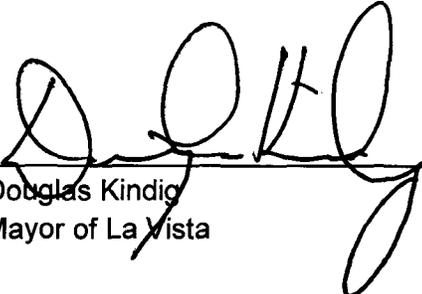
By   
Chair, Board of Commissioners

APPROVAL AS TO FORM:   
Deputy County Attorney

EXECUTED by the City of La Vista, Nebraska this 15<sup>th</sup> day of November, 2011

ATTEST:  **SEAL**  
CITY OF LA VISTA  
CORPORATE  
INCORPORATED  
FEBR. 23, 1960  
SARPY COUNTY, NEBRASKA

  
Pamela A. Buethe, CMC  
City Clerk

  
Douglas Kindig  
Mayor of La Vista

APPROVAL AS TO FORM:   
City Attorney

City of La Vista  
Public Works Department  
9900 Portal Road  
La Vista, NE 68128  
402.331.8927 phone number  
402.331.1051 fax number  
www.ci.la-vista.ne.us



# Transmittal

To: DENNY WILSON

*Aug 25, 2012*

SARPY COUNTY ENGINEER

C/O DANNIELLE

● **Comments:**

RE: NPDES MOU BETWEEN LA VISTA & SARPY

HEREWITH ARE TWO MORE COPIES OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LA VISTA AND SARPY COUNTY CONCERNING PROCEDURES FOR NPDES COMPLIANCE OBLIGATIONS UNDER OUR RESPECTIVE MS4 PERMITS. THESE HAVE BEEN SIGNED BY THE CITY OF LA VISTA TO MATCH THE COPIES PREVIOUSLY PROVIDED IN DECEMBER OF 2011. I UNDERSTAND THAT THESE ADDITIONAL COPIES WILL ALLOW THIS AGREEMENT TO BE PLACED ON THE SARPY COUNTY BOARD AGENDA FOR APPROVAL.

PLEASE ADVISE IF YOU NEED FURTHER DOCUMENTS FROM ME ON THIS MATTER. AFTER EXECUTION PLEASE RETURN TWO COPIES TO ME SO THAT WE CAN RETAIN ONE COPY AND FORWARD ONE COPY TO THE NDEQ.

THANK YOU

A handwritten signature in cursive script that reads "John M. Kottmann".

JOHN KOTTMANN



December 1, 2011

Mr. Dennis Wilson, P.E.  
Sarpy County Engineer  
Sarpy County Public Works Department  
15100 South 84<sup>th</sup> Street  
Papillion, NE 68046

RE: Memorandum of Understanding  
NPDES Discharge Investigation & Enforcement  
City of La Vista & Sarpy County

Mr. Wilson:

In response to the request earlier this year from the Nebraska Department of Environmental Quality and pursuant to the meetings and discussions we have had in the last several months, a Memorandum of Understanding has been prepared to set forth responsibilities in regards to investigation and enforcement of illicit storm sewer discharges that may occur in the extra-territorial zoning jurisdiction of the City of La Vista. This memorandum has been approved by the La Vista City Council and has been signed by Mayor Kindig.

Please find herewith three copies of the Memorandum of Understanding. I am requesting that you propose this memorandum to the Sarpy County Board of Commissioners for their approval. At such time as the documents have been signed, please return two copies to me and I will forward one copy to the Nebraska Department of Environmental Quality. Please retain one copy for your records.

If there are questions or concerns about the document or this request, please contact the undersigned.

Requested by:

John M. Kottmann, P.E.  
City Engineer

Enclosures-3 copies of MOU

Cc file

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96<sup>th</sup> St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

# Deb Houghtaling Sarpy County Clerk

**Renee Lansman**  
Chief Deputy

1210 Golden Gate Drive • Papillion, Nebraska 68046-2895  
Phone: 402-593-2105 • Fax: 402-593-4471 • Website [www.Sarpy.com](http://www.Sarpy.com) • Email: [Clerk@sarpy.com](mailto:Clerk@sarpy.com)

September 18, 2012

John Kottmann, PE  
La Vista City Engineer  
8116 Park View Blvd.  
La Vista, NE 68128-2198

Dear Mr. Kottmann,

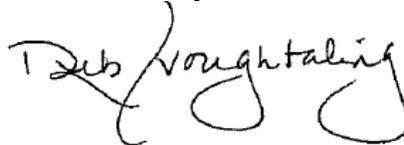
Action by the Sarpy County Board of Commissioners on September 11, 2012 is as follows:

Resolution 2012-287: Authorize Chairman to sign Memorandum of Understanding with City of La Vista for coordination of efforts in complying with National Pollutant Discharge Elimination System Permits. Denny Wilson, Engineer

MOTION: Thompson resolved, seconded by Nekuda, to approve the resolution for the MOU with the City of La Vista in particular to control illicit discharges into the County municipal storm sewer system in the City of La Vista's extraterritorial jurisdiction. Ayes: Hike, Thompson, Richards, Nekuda & Warren. Nays: None.

Attached are two agreements, one for your files and one that you advised will be forwarded to the Nebraska Department of Environmental Quality by your office.

Sincerely,



Deb Houghtaling  
Sarpy County Clerk

Enclosure (2)  
DH/cv