



APPENDIX G MEMORANDUM OF UNDERSTANDING

**Metropolitan Department of Public Works and
Metropolitan Department of Water and Sewerage Services**



**Metropolitan Nashville - Davidson County
Stormwater Management Manual
Volume 1 - Regulations**

August 2009

This page intentionally left blank.



**Metropolitan Nashville - Davidson County
Stormwater Management Manual
Volume 1 - Regulations**

August 2009

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 10th day of May, 2002, by and between the Metropolitan Department of Water and Sewerage Services ("MWS") and the Metropolitan Department of Public Works ("MPW").

WITNESSETH

WHEREAS, pursuant to Metropolitan Charter § 8.402, MPW is responsible for the design, construction, maintenance, repair and cleaning (collectively, the "Stormwater Responsibilities") of storm sewers and related structures (the "Stormwater Facilities"); and

WHEREAS, the parties have determined that the public interest will be best served by developing a closer connection between the personnel and operational activities associated with the Stormwater Responsibilities and the personnel and operational activities of the Metropolitan Government relating to the design, construction, maintenance, repair and cleaning of sanitary sewer facilities; and

WHEREAS, pursuant to the terms of this instrument, the parties have proposed that the public interest will best be served by placing the personnel and operational activities relating to the Stormwater Responsibilities with MWS.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The term of this memorandum shall be indefinite. Either party may terminate this memorandum with written notice delivered to the director of the other department to be effective not sooner than 90 days after delivery.
2. After April 1, 2002, all MPW personnel (the "Stormwater Employees") currently involved in activities relating to the Stormwater Responsibilities shall, together with their materials and equipment relating to such activities, transfer to offices under the administration of MWS.
3. After their transfer to MWS, the Stormwater Employees shall become employees of MWS and shall abide by and be subject to the employment rules and regulations that apply to MWS employees and further shall be subject to the supervision and direction of the MWS director or others he may designate.
4. After the effective date of this memorandum, Stormwater Employees or others that may be assigned to such work by the MWS director shall carry out the Stormwater Responsibilities.
5. MWS shall keep separate accounting records pertaining to the Stormwater Responsibilities and shall provide copies of such records to the MPW director annually, or more frequently if he so requests, for his review and approval.
6. MWS shall recommend to and coordinate with the MPW director in seeking approval for necessary amendments to stormwater management rules and regulations that the MPW is responsible for enforcing under federal, state or local law. Further, MWS shall enforce such stormwater management rules and regulations on behalf of MPW. The MPW director shall assist MWS in its enforcement activities, including participating in enforcement proceedings as necessary.
7. MWS shall prepare relevant applications and coordinate with the MPW director in the acquisition of permits or other approvals relating to the Stormwater Responsibilities, including administration of the NPDES program, from other governmental entities.
8. Yearly on the anniversary of the effective date of this memorandum, the MWS director shall submit to the MPW director a detailed report of activities



**Metropolitan Nashville - Davidson County
Stormwater Management Manual
Volume 1 - Regulations**

August 2009

undertaken and funds expended in connection with the Stormwater Responsibilities during the preceding year. The report shall also detail projects expected to be proposed in the following year's Capital Improvements Budget, together with estimated budgets and proposed sources of funding. Before MWS submits that portion of the Capital Improvements Budget relating to the Stormwater Responsibilities for approval by the Metropolitan Council it must first have the MPW director's approval, which shall not be unreasonably withheld.

9. Each month during the term of this memorandum, one or more MWS employees designated by the MWS director and one or more MPW employees designated by the MPW director shall meet to discuss the status of projects undertaken and funds expended in connection with the Stormwater Responsibilities. Reports of such meetings shall be developed and delivered to both directors, who shall confer as necessary to resolve problems arising in connection with the subject of this memorandum.
10. To the extent the MPW director is required to attend meetings, generate reports or make presentations relating to the Stormwater Responsibilities, the MWS director shall in his stead attend such meetings, generate such reports or make such presentations upon the MPW director's reasonable request.
11. Funds appropriated by the Metropolitan Council or otherwise made available for carrying out the Stormwater Responsibilities shall be assigned as necessary to MWS. The parties agree to execute such instruments as may be necessary to effect the provisions of this paragraph.
12. In the event this memorandum is terminated for any reason, the employees then involved in activities relating to the Stormwater Responsibilities shall, together with their materials and equipment relating to such activities, transfer to offices under the administration of MPW, become employees of MPW, abide by and be subject to the employment rules and regulations that apply to MPW employees and subject to the supervision and direction of the MPW director or others he may designate.
13. Nothing in this memorandum shall be construed as a transfer of or a limitation on the authority of MPW to issue permits for the construction of streets, roads and sidewalks. The parties shall cooperate in the development of procedures governing the plan review and approval process to assure that the Stormwater Responsibilities and other functions contemplated by the Metropolitan Code and Charter are performed.
14. The parties recognize the likelihood that unanticipated problems may arise during the term of this memorandum and agree to work cooperatively to resolve such problems for the benefit of the Metropolitan Government.
15. The responsibilities established in this memorandum may not be assigned.

Metropolitan Department of Water and Sewerage Services

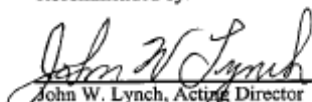
Recommended by:



Scott Potter, Director

Metropolitan Department of Public Works

Recommended by:




John W. Lynch, Acting Director




Metropolitan Nashville - Davidson County
Stormwater Management Manual
Volume 1 - Regulations

August 2009

Approved:


Bill Purcell, Mayor

Approved:


Thomas G. Cross, Metropolitan Attorney

Approved:


David Manning, Director of Finance

Filed with the Metropolitan Clerk:


Marilyn S. Swing
Metropolitan Clerk

5/10/02
Date



This page intentionally left blank.