

RESOLUTION NO. 09-0834

RE: ESTABLISHING PORTAGE COUNTY STORM  
WATER DISTRICT.

It was moved by Christopher Smeiles, and seconded by Maureen T. Frederick that the following resolution be adopted:

**WHEREAS,** the federal regulations promulgated by the Federal Water Pollution Control Act, as amended (40 Code of Federal Regulations Part 122 et seq), referred to as NPDES (National Pollutant Discharge Elimination System) Storm Water Phase II Permit Program (the "Phase II Program"), the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules – Small Municipal Separate Storm Sewer Systems (MS4), require dischargers of storm water from Small MS4s, including the County of Portage and various independent jurisdictions that own and/or operate a MS4, to obtain a permit from the Ohio Environmental Protection Agency and to develop a Storm Water Management Program under this permit that addresses the quality of storm water runoff; and

**WHEREAS,** Portage County and various independent jurisdictions that own and/or operate a MS4 within Portage County are required to comply with the regulations of the NPDES Phase II Program; and

**WHEREAS,** the Storm Water Steering Committee has recommended to the Board of County Commissioners the establishment of a Sewer District under Ohio Revised Code 6117.01 comprised of all unincorporated Townships within Portage County for the purposes of implementing the Storm Water Management Plan, complying with the NPDES Phase II Program requirements, and for the purposes of preserving and promoting the public health and welfare; now therefore be it

**RESOLVED,** by the Board of County Commissioners of Portage County, Ohio, that:

**SECTION 1. DISTRICT ESTABLISHED**

That, for the purpose of implementing the Storm Water Management Plan, this Board of County Commissioners does hereby lay out and establish, and authorize to be maintained, as of the date hereof a new sewer district which shall be known as "Portage County Storm Water District", which shall have the boundaries hereinafter described as all territory within Portage County lying outside of incorporated municipalities.

**SECTION 2. BUDGETING DATE**

That Portage County Storm Water District as herein described and provided for shall be created as of the date of this resolution and shall be in effect for the purpose of budget procedures from and after January 1, 2010.

### **SECTION 3. ENTERPRISE FUND**

All moneys received in payment of fees and other charges for NPDES Phase II Program compliance for Portage County Storm Water District shall be paid into an enterprise fund for Portage County Storm Water District. The moneys deposited in such fund shall be used to pay 1) costs of management, maintenance, and operation of the Portage County Storm Water District, 2) implementation of the Storm Water Management Plan and other expenses associated with NPDES Phase II Program compliance, and 3) repayment of prior expenses from the General Fund associated with NPDES Phase II Program compliance.

### **SECTION 4. DUTIES OF COUNTY ENGINEER**

The Portage County Engineer is hereby charged with the responsibility for administering this Resolution in the role of Storm Water Coordinator under the direction of the Board of County Commissioners. In this role, the Portage County Engineer shall classify users of the Portage County Storm Water District and determine changes that occur in premises or the use thereof which result in changes of user classification or applicable rate. The Portage County Engineer is hereby authorized to review the management, operation, and maintenance costs of the Portage County Storm Water District each year for the preceding year and to prepare and review an expense projection for the coming year. This projection shall be prepared in accordance with and based upon generally accepted accounting principles consistently applied and upon an analysis of the operation and maintenance costs of the Portage County Storm Water District and the covenants of any resolutions pertaining to the Portage County Storm Water District.

All final decisions regarding budget approvals and the collection and release of funds for the District are solely the responsibility of this Board.

### **SECTION 5. NOTIFICATION**

The Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Engineer, the County Board of Health, the County Soil and Water Conservation District, the Township Trustees, the County Auditor, the County Treasurer, the County Recorder, Mr. Anthony Robinson (Ohio Environmental Protection Agency Central Office), and Mr. Kelvin Rogers (Ohio Environmental Protection Agency Northeast District Office).

### **SECTION 6. SEVERABILITY**

This Resolution is severable and the invalidity of any section, phrase or provision thereof shall not affect the validity of any other section, phrase or provision.

SECTION 7. OPEN MEETING

It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board 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.

Voice vote as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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I, Clerk of the Board of County Commissioners do hereby certify that the foregoing is a true and correct copy of a resolution of the Board of County Commissioners of Portage County duly adopted September 10, 2009 and appearing upon the official records of said Board, Volume 70, Page \_\_\_\_.

  
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Clerk, Portage County Board of Commissioners