

RESOLUTION NO. 11-0764

RE: AMEND RESOLUTION 09-0835 TO REVISING CHARGES FOR THE USE OF THE PORTAGE COUNTY STORM WATER DISTRICT, FUND 6800 (STORM WATER MANAGEMENT), PURSUANT TO CHAPTER 6117, OHIO REVISED CODE.

It was moved by Christopher Smeiles, and seconded by Tommie Jo Marsilio 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,** this Board of Commissioners established the Portage County Storm Water District by Resolution No. 09-0834, adopted on September 10, 2009, hereinafter referred to as the "District" for the purposes of implementing the Storm Water Management Plan for NPDES Phase II Program compliance; and
- WHEREAS,** this Board of Commissioners established service rates for users of the District by Resolution No. 09-0835, adopted on September 10, 2009, as authorized by the pertinent provisions of Chapter 6117 of the Ohio Revised Code; and
- WHEREAS,** the Board of Commissioners adopted Resolution 10-0776 on August 24, 2010 to change language within Resolution 09-0835 to clarify and defines Sections of the Charges For Use resolution; and
- WHEREAS,** the Board of Commissioners desires to further amend Resolution 09-0835 to maintain the annual user fee for parcels within the District; now therefore be it

RESOLUTION 11-0764

Page Two

RESOLVED, by the Board of County Commissioners of Portage County, Ohio, that Section 6 is revised as follows:

SECTION 6. USER FEE ESTABLISHED

The Board hereby establishes an annual user fee for parcels within the District as follows:

\$12.00/ERU/year to be charged commencing with the January 2010 billing
\$18.00/ERU/year to be charged commencing with the January 2011 billing
\$18.00/ERU/year to be charged commencing with the January 2012 billing
\$18.00/ERU/year to be charged commencing with the January 2013 billing

This user fee may be modified from time to time by the Board as necessary to implement the Storm Water Management Plan and to maintain compliance with the NPDES Phase II Program requirements; and be it further

RESOLVED, that 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, and the County Recorder; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Maureen T. Frederick, Yea; Tommie Jo Marsilio, 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 1, 2011 and appearing upon the official records of said Board, Volume 75, Page ____.



Clerk, Portage County Board of Commissioners