Round 3: Application Form

Local Government Innovation Fund

Step One: Fill out this Application Form in its entirety.

Step Two: Fill out the online submission form and submit your application materials. All supplemental application materials should be combined into one file for submission.

LGIF: Applicant Profile	
Lead Applicant	Lorain County Storm Water District (LCSWD)
Project Name	Lorain County & Oberlin City Storm Water Partnership
Type of Request	Grant
Funding Request	$79,700
JobsOhio Region	Northeast
Number of Collaborative Partners	2

Office of Redevelopment
Website: http://development.ohio.gov/Urban/LGIF.htm
Email: LGIF@development.ohio.gov
Phone: 614 | 995 2292

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Lead Applicant

Mailing Address:	Address Line 1	Lorain County Storm Water District				
	Address Line 2	226 Middle Avenue				
	City	Lorain	State	OH	Zip Code	44035
City, Township or Village				Population (2010)		
County		Lorain		Population (2010)		69,425
Did the lead applicant provide a resolution of support?		☐ Yes (Attached) ☑ No (In Process)				

Project Contact

Complete the section below with information for the individual to be contacted on matters involving this application.

Project Contact	Donald Romancak		Title		Asst. Director, LCSWD
Mailing Address:	Address Line 1	226 Middle Avenue			
	Address Line 2	5th Floor			
	City	Lorain	State	OH	Zip Code	44035
Email Address	dromancak@loraincounty.us		Phone Number		(440) 328-2323

Fiscal Officer

Complete the section below with information for the entity and individual serving as the fiscal agent for the project.

Fiscal Officer	Lisa Hobart		Title		Director, Budget
Mailing Address:	Address Line 1	226 Middle Avenue			
	Address Line 2	4th Floor			
	City	Elyria	State	OH	Zip Code	44035
Email Address	lhobart@loraincounty.us		Phone Number		(440) 329-5201
Is your organization registered in OAKS as a vendor?		☑ Yes ☐ No			

Section 1 Contacts

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of	Grant

Single Applicant

Is your organization applying as a single entity?	☐ Yes ☑ No
Participating Entity: (1 point) for single applicants	**0**

Collaborative Partners

Does the proposal involve other entities acting as collaborative partners?	☑ Yes ☐ No

Applicants applying with a collaborative partner are required to show proof of the partnership with a partnership agreement signed by each partner and resolutions of support from the governing entities. If the collaborative partner does not have a governing entity, a letter of support from the partnering organization is sufficient. Include these documents in the supporting documents section of the application.

In the section below, applicants are required to identify population information and the nature of the partnership.

Each collaborative partner should also be clearly and separately identified on pages 4-5.

Number of Collaborative Partners who signed the partnership agreement, and provided resolutions of support.	1
Participating Entity: (5 points) allocated to projects with collaborative partners.	**5**

Population

The applicant is required to provide information from the 2010 U.S. Census information, available at: http://factfinder2.census.gov/

Does the applicant (or collaborative partner) represent a city, township or village with a population of less than 20,000 residents?	☑ Yes ☐ No	
	List Entity	
	City of Oberlin	
	Municipality/Township	Population
	Municipality	8,286
Does the applicant (or collaborative partner) represent a county with a population of less than 235,000 residents?	☑ Yes ☐ No	
	List Entity	
	LCSWD	
	County	Population
	Lorain	69,425
Population: (3-5 points) determined by the smallest population listed in the application. Applications from (or collaborating with) small communities are preferred.	**5**	

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Nature of Partnership (2000 character limit)

As agreed upon in the partnership agreement, please identify the nature of the partnership, and explain how the main applicant and the partners will work together on the proposed project.

The City of Oberlin recognizes a need for a storm water utility fee and business plan, and the Lorain County Storm Water District has prior experience in designing and implementing such plans. Because the Black River watershed crosses political boundaries, it is beneficial to study storm water management through a coordinated effort of local governments. As such, the County will use its knowledge to work with the City on creating a management plan. LCSWD will provide expertise and front costs, and Oberlin will provide data and repayment according to terms. The parties have agreed to enter into a Memorandum of Understanding to collaborate and will provide resolutions of support (to be provided during 30-day cure period).

The project will be broken into two parts. In Phase I, the Project Team will: determine the level of service and its cost, analyze the activities that could be performed by the County and compare the cost of this to the cost of the City performing these activities, and determine the feasibility of Oberlin joining the Storm Water District.

After the Project Team develops a final report, the partners will once again collaborate to decide how to proceed. Phase II will include the tasks required to implement the business plan.

In Phase I, the City will play a support role. All reports and financial documents relevant to storm water management in the City will be provided to the County, and assistance from City staff will be provided as needed. The City will also make available office space so that the Project Team will have quick and direct access to all City documents and staff.

Using this data and input from knowledgeable City employees, the Team will conduct analysis

List of Partners

The applicant applying with collaborative partners (defined in §1.03 of the LGIF Policies) must include the following information for each applicant:

- **Name of collaborative partners**
- **Contact Information**
- **Population data (derived from the 2010 U.S. Census)**

If the project involves more than 12 collaborative partners, additional forms are available on the LGIF website.

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Collaborative Partners Number 1	City of Oberlin								
Address Line 1	85 South Main Street					Popuation			
Address Line 2						Municipality /Township	Municipality	Population	8,286
City	Oberlin	State	OH	Zip Code	44074	County	Lorain	Population	301,356
Email Address	enorenberg@cityofoberlin.com					Phone Number	(440) 775-1531		
Resolution of Support	☐ Yes ☑ No					Signed Agreement	☐ Yes ☑ No		

Collaborative Partners Number 2									
Address Line 1						Population			
Address Line 2						Municipality /Township		Population	
City		State		Zip Code		County		Population	
Email Address						Phone Number			
Resolution of Support	☐ Yes ☐ No					Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 3									
Address Line 1						Population			
Address Line 2						Municipality /Township		Population	
City		State		Zip Code		County		Population	
Email Address						Phone Number			
Resolution of Support	☐ Yes ☐ No					Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 4									
Address Line 1						Population			
Address Line 2						Municipality /Township		Population	
City		State		Zip Code		County		Population	
Email Address						Phone Number			
Resolution of Support	☐ Yes ☐ No					Signed Agreement	☐ Yes ☐ No		

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Collaborative Partners Number 5								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 6								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 7								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 8								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Collaborative Partners Number 9								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 10								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 11								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Collaborative Partners Number 12								
Address Line 1					Population			
Address Line 2					Municipality /Township		Population	
City		State		Zip Code	County		Population	
Email Address					Phone Number			
Resolution of Support	☐ Yes ☐ No				Signed Agreement	☐ Yes ☐ No		

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Identification of the Type of Award	Planning Study
Targeted Approach	Efficiency

Project Description (4000 character limit)

Please provide a general description of the project. The information provided will be used for council briefings, program, and marketing materials.

The City of Oberlin is in need of a Storm Water Utility Fee and Business Plan. Lorain County has formed a Storm Water District and implemented a plan in its townships; several townships surround the city of Oberlin. With its expertise, the Lorain County District will create a Project Team with City staff. The project will be completed in two phases as described in 'Nature of Partnership'.

Data analysis is the major component of Phase 1. This is needed to determine that sufficient data is available to properly develop the storm water utility program business plan and fees. The Team will identify the repository(s), determine how to acquire all information and how relevant, pertinent, and legally defensible Oberlin's data is for the storm water utility program. A recommendation on the most efficient and effective use of available Geographic Information System (GIS) data and what additional steps may be required to use the data in a legally defensible manner will also be determined. Included in the analysis will be a review of existing reports, databases, drawings, or other information necessary to understand the issues, problems, and opportunities of the Oberlin storm water utility program.

The Team will review the Lorain County Auditor's property records for all relevant information for parcels in Oberlin such as parcel number, owner, and property size. The Team will review a copy of Oberlin's water, wastewater and refuse billing database file. Information collected here can assist in determining the current land use for each property. Finally, the Team will collect info from City and County GIS databases and aerial pictures that can be used to determine the impervious area on a parcel. All of this data can be combined to create a comprehensive storm water billing database. A data conditions policy paper will be prepared to show the findings from this review.

Along with this policy paper, the Team will develop a document that is the basis for a Storm Water Business Plan. This will include a draft storm water utility program Mission Statement and Goal Statements (with City staff input). The Team will define a level of service / perform a cost of service analysis based on this mission and goals.

With input from City staff through the data collection process, and from The Team's experience assisting other communities, a specific description of program elements will be developed and used to meet the storm water utility program. These elements will include: Administration, Maintenance, Operations, Planning, Enforcement, Regulatory, Water Quantity, Water Quality (NPDES Permit), Other Environmental Issues (CSO's and SSO's), and Capital Improvements Program.

The Team will develop a required minimum level of service and cost of service plan for Oberlin, incorporating the Oberlin Storm Water Utility Program NPDES Permit plan and cost assumptions into a cost of service model. It will be the responsibility of the City to provide cost associated with the NPDES permit activities.

As part of the cost analysis, the Team will perform a review of activities that could be managed by the County in conjunction with their existing activities. A comparison of cost will be included to determine if it is desirable to have these activities managed by the County. For example, costs associated with storm water quality (NPDES permit) may be managed by the County whereas costs associated with quantity (flood control, infrastructure, etc.) may be managed by the City. The Team will develop an estimate of rate ranges and the associated revenues for the minimum level of service/cost of service analysis above.

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Past Success	✔ Yes ☐ No
Past Success (5 points)	5

Provide a summary of past efforts to implement a project to improve efficiency, implement shared services, coproduction, or a merger. (1000 character limit)

The Lorain County Storm Water District operates on principles recognized by the State Auditor in 2009 and 2010 as a model of shared services. A feasibility study such as this proposed project with Oberlin has already been successfully carried out, with the goal of working together to reduce costs associated with maintenance, infrastructure repair, over-flow into treatment facilities, and other costs passed onto local taxpayers. The project is shown on the Ohio Auditor's website of Shared Services Ideas: http://www.auditor.state.oh.us/sharedservices/Search.aspx?c=47

Additionally, the LCSWD itself is a past success of collaboration among the 18 townships in the county; this project simply builds on the LCSWD model. Lorain County has also been at the lead of combining local dispatch services to save costs.

Scalable/Replicable Proposal	☐ Scalable ☐ Replicable ✔ Both
Scalable/Replicable (10 points)	10

Provide a summary of how the applicant's proposal can be replicated by other local governments or scaled for the inclusion of other local governments. (1000 character limit)

The Lorain County Storm Water District is already a collaboration of several political jurisdictions. This proposed project is simply a replication of what has been previously accomplished. When first formed, the District operated only in the unincorporated townships of the county, not the cities or villages. However, the entire county is in the Black River watershed. Communities recognize that, in addition to local flooding, how they manage storm water can affect every other community in the watershed. As such, the proposed project may result in the City of Oberlin joining the District. Similarly, in the future, other local governments could work with the District on possible inclusion.

The project can be easily replicated. Storm water doesn't follow political boundaries. Wherever two local governments are in the same watershed, they could perform a study identical to the proposed one to determine the most economic method of meeting federal storm water mandates.

Probability of Success	✔ Yes ☐ No
Probability of Success (5 points)	5

Provide a summary of the likelihood of the grant study recommendations being implemented. Applicants requesting a loan should provide a summary of the probability of savings from the loan request. (1000 character limit)

This project has been proposed because the City of Oberlin recognizes that it needs a storm water utility fee and business plan in order to comply with federal and state pollution mandates; doing nothing is not an option. The Project Team will develop two options for the City: a joint venture between the City and County, or a separate storm water utility in the City. Each option will have costs and benefits associated with it, and Oberlin will choose the one that is in its citizens best interests. Either way, the City will be implementing one of the recommendations made by the Storm Water District.

The Team has developed experience in performing the tasks successfully when it created the LCSWD. Also, The two partners in this collaboration have already reviewed an area jointly and worked to resolve flooding in southern Oberlin where State Route 58 and Reserve Avenue intersect.

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Performance Audit Implementation/Cost Benchmarking	☐ Yes ☑ No
Performance Audit/Benchmarking (5 points)	0

If the project is the result of recommendations from a performance audit provided by the Auditor of State under Chapter 117 of the Ohio Revised Code or a cost benchmarking study, please attach a copy with the supporting documents. In the section below, provide a summary of the performance audit or cost benchmarking study. (1000 character limit)

We (LCSWD) have not completed a performance audit. We have, however, based our processes on the successful storm water district created by Lake County. The 'Strategic Plan-Policies' attachment documents the process.

Economic Impact	☑ Yes ☐ No
Economic Impact (5 points)	5

Provide a summary of how the proposal will promote a business environment (through a private business relationship) and/or provide for community attraction. (1000 character limit)

Environmental regulations are essential for human health, so they are a reality for a business no matter where it is located. By collaborating in the most cost effective way with County, the City minimizes its overhead, which minimizes the fees it needs to charge businesses. Keeping these costs low allows for greater profitability. Additionally, abundant fresh water is arguably the greatest resource Lorain County has. The level of pollutants found in the water, which a storm water fee seeks to minimize, may be a critical factor in industrial processes that rely on a water supply.

Similarly, potential residents may be concerned with cleanliness of water for drinking and recreation, and minimizing storm water pollutants can alleviate these concerns. Flooding is an issue in the county as well due to hard clay soils that do not drain well. To the extent that a storm water fee can minimize runoff, it will make an area less likely to flood, thereby enhancing its attractiveness.

Response to Economic Demand	☑ Yes ☐ No
Response to Economic Demand (5 points)	5

Provide a summary of how the project responds to substantial changes in economic demand for local or regional government services. The narrative should include a description of the current service level. (1000 character limit)

In 2010, the Public Services Institute at Lorain County Community College created a report titled Lorain County Storm Water Management: “Implementation Options for More Effective & Efficient Storm Water Control”. The report stated that there was a need to create a continuous, multi-jurisdictional organization to communicate, plan, and solve problems associated with storm water management. State, County, and Municipality budgets continue to be strained, starting even before the 2008 recession. The report noted that “…local governments have very few resources to spend on storm water management…”

To overcome the lack of funds and local expertise needed to control storm water and to comply with the Clean Water Act, the LCSWD was created for the 18 townships located in the county.

Oberlin currently lacks this service. It would be the first city to join the LCSWD and collect funds to be used to invest in public storm water control operation, capital projects, and other expenses

Budget Information

General Instructions

•Both the Project Budget and Program Budgets are required to be filled out in this form.

•Consolidate budget information to fit in the form. Additional budget detail may be provided in the budget narrative or in an attachment in Section 5: Supplemental Information.

Project Budget:

- The Project Budget justification must be explained in the Project Budget Narrative section of the application. This section is also used to explain the reasoning behind any items on the budget that are not self explanatory, and provide additonal detail about project expenses.
- The Project Budget should be for the period that covers the entire project. The look-back period for in-kind contributions is two (2) years. These contributions are considered a part of the total project costs.
- For the Project Budget, indicate which entity and revenue source will be used to fund each expense. This information will be used to help determine eligible project expenses.
- Please provide documentation of all in-kind match contributions in the supporting documents section. For future in-kind match contributions, supporting documentation will be provided at a later date.

Program Budget:

- Six (6) years of Program Budgets should be provided. The standard submission should include three years previous budgets (actual), and three years of projections including implementation of the proposed project. A second set of three years of projections (one set including implementation of this program, and one set where no shared services occurred) may be provided in lieu of three years previous if this does not apply to the proposed project.
- Please use the Program Budget Narrative section to explain any unusual activities or expenses, and to defend the budget projections. If the budget requires the combining of costs on the budget template, please explain this in the narrative.

Return on Investment:

- A Return on Investment calculation is required, and should reference cost savings, cost avoidance and/or increased revenues indicated in the budget projection sections of the application. Use the space designated for narrative to justify this calculation, using references when appropriate.

For Loan Applications only:

- Using the space provided, outline a loan repayment structure.
- Attach three years prior financial documents related to the financial health of the lead applicant (balance sheet, income statement, and a statement of cash flows).

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Project Budget

Sources of Funds

LGIF Request:		$79,700
Cash Match (List Sources Below):		
Source:	LCSWD	$10,000
Source:		
Source:		
Source:		
In-Kind Match (List Sources Below):		
Source:	Staff LCSWD	$5,000
Source:		
Source:		
Total Match:		$15,000
Total Sources:		$94,700

Uses of Funds

	Amount	Revenue Source
Consultant Fees:	$89,700	LGIF & LCSWD
Legal Fees:		
Other: Staff Time	$5,000	In-Kind
Other:		
Other:		
Other:		
Other:		
Other:		
Other:		
Other:		
Total Uses:	$94,700	
Local Match Percentage:	15.84%	

* Please note that this match percentage will be included in your grant/loan agreement and cannot be changed after awards are made.

Local Match Percentage = (Match Amount/Project Cost) * 100 (10% match required)

☑ 10-39.99% (1 point) ☐ 40-69.99% (3 points) ☐ 70% or greater (5 points)

Project Budget Narrative: Use this space to justify expenses (1200 character max).

The LCSWD was created with the professional assistance of K. E. McCartney and Associates, Inc., Engineers, Planners, Surveyors and ERC, Inc., Storm Water Professionals. Their familiarity with LCSWD's policies and procedures will result in successful outcomes at lower costs.

Successful outcomes will result in the City of Oberlin creating a Storm Water Utility that is compatible with the current LCSWD program. Creating the current program cost $170,000. Using the existing process allows the City of Oberlin to create their storm water utility for the reduced cost of $89,700; saving Oberlin $80,300. Currently LCSWD uses the services of Lorain County employees; all expenses go directly to provide program delivery, permit compliance, development and maintenance of storm water infrastructure. LCSWD staff will provide assistance as "in-kind", bringing the overall cost of the project to $94,700.

A detailed breakdown of the use of funds is provided in the 'Oberlin Fee Estimate' Attachment.

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Program Budget

Actual ✔ Projected ☐	FY 2011	FY 2012	FY 2013
Expenses	**Amount**	**Amount**	**Amount**
Salary and Benefits			
Contract Services	$170,000		
Occupancy (rent, utilities, maintenance)			
Training and Professional Development			
Insurance			
Travel			
Capital and Equipment Expenses			
Supplies, Printing, Copying, and Postage			
Evaluation			
Marketing			
Conferences, meetings, etc.			
Administration	$125,000	$200,000	$125,000
***Other -** EPA Permits	$190,000	$289,100	$224,767
***Other -** Storm Water Infrastructure	$81,000	$201,000	$158,386
***Other -** Floodplain Management Design		$140,000	$151,786
TOTAL EXPENSES	$566.000	$830.100	$659.939
	Revenues	**Revenues**	**Revenues**
Contributions, Gifts, Grants, and Earned Revenue			
Local Government: LCSWD utility feed	$566,000	$830,100	$659,940
Local Government:			
Local Government:			
State Government			
Federal Government			
**Other -*			
**Other -*			
**Other -*			
Membership Income			
Program Service Fees			
Investment Income			
TOTAL REVENUES	$566,000	$830,100	$659,940

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Program Budget

Actual ☐ Projected ☑	FY 2014	FY 2015	FY 2016
Expenses	**Amount**	**Amount**	**Amount**
Salary and Benefits			
Contract Services			
Occupancy (rent, utilities, maintenance)			
Training and Professional Development			
Insurance			
Travel			
Capital and Equipment Expenses			
Supplies, Printing, Copying, and Postage			
Evaluation			
Marketing			
Conferences, meetings, etc.			
Administration	$125,000	$125,000	$125,000
***Other -** EPA Permits	$272,451	$272,451	$272,451
***Other -** Storm Water Infrastructure	$203,186	$203,186	$203,186
***Other -** Floodplain Management Design	$199,302	$199,302	$199,302
TOTAL EXPENSES	$799,939	$799,939	$799,939
	Revenues	**Revenues**	**Revenues**
Contributions, Gifts, Grants, and Earned Revenue			
Local Government: LCSWD utility fees	$799,940	$799,940	$799,940
Local Government:			
Local Government:			
State Government			
Federal Government			
**Other -*			
**Other -*			
**Other -*			
Membership Income			
Program Service Fees			
Investment Income			
TOTAL REVENUES	$799,940	$799,940	$799,940

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Program Budget

Use this space to justify the program budget and/or explain any unusual revenues or expenses (6000 characters max).

The LCSWD was created in 2010 and there is only one year of actual expenses. Due to the format of this application, 2011-13 are listed as actual budgets, but 2011 is the only actual year; the others are projections. The 2012 budget was adjusted because a number of 2011 expense line items were not expended as the District ramped up its operations in its first full year. In addition, revenue received from fees exceeded the estimated budget. Revenues were exceeded due to fewer delinquent bills than expected and limited requests for credits. To develop the projected future budgets, the proportional costs of actual year 2011 were carried forward for the remaining years assuming additional revenue and expenses from the City of Oberlin starting in 2014, which would be the first year after implementation. Given that revenues exceeded projections early on for the Lorain County Storm Water District, we feel this is an appropriately conservative approach - due to the amount of impervious surfaces in Oberlin and the age of the infrastructure, it is likely that revenues will be greater than anticipated.

Expenses come from five different categories: Legal & Administrative, Utility Implementation, Ohio EPA Phase II Compliance, Floodplain Management Design & Construction, and Storm Water Management Infrastructure Maintenance. This last category includes repairs to piping and drainage infrastructure, ditches, catch basins, etc., and street sweeping. Revenues are collected solely through the storm water utility fee, which is levied on properties based on impervious surface square footage. The rate of the fee is calculated based on the projected costs to the LCSWD of the aforementioned expenses.

Currently money is used for program delivery, permit compliance, development and maintenance of storm water infrastructure. Employees of the Lorain County Commissioners operate/service the LCSWD. Because the LCSWD operates on a very small budget, grant funding from the LGIF for the Lorain County and Oberlin City Storm Water Partnership will be a great investment by the State of Ohio. Support from LGIF will enhance the quality of life in Lorain County by reducing drainage, flooding and infrastructure problems, and by improving water quality through construction and maintenance of the storm water system, and through the promotion and implementation of effective storm water management practices. Should the future development of the Utility require paid personnel, funds will be shifted from line items.

This partnership will demonstrate the value of governmental organizations working together to provide better services at lower costs. This will lead other governmental organization to partner with the LCSWD to comply with the Clean Water Act and the NPDES (National Pollutant Discharge Elimination System) small MS4 (Municipal Separate Storm Water System) permit regulations of the Environmental Protection Agency (EPA) to develop and implement programs to detect and eliminate illicit discharges. In addition, all Ohio citizens will benefit from this investment because all storm water, in Lorain County, ultimately flows into Lake Erie, one of Ohio's greatest assets.

While this partnership will generate additional fees for Oberlin to use solely on storm water activities, the LCSWD loan payment and database management remains constant. This is a great benefit for LCSWD and Oberlin while reducing the costs per billing account as the District increases in size.

The "Budget Final' attachment specifically breaks down associated costs.

Section 4: Financial Information Scoring

- [x] (5 points) Applicant provided complete and accurate budget information and narrative justification for a total of six fiscal years.
- [ ] (3 points) Applicant provided complete and accurate budget information and for at least three fiscal years.
- [ ] (1 point) Applicant provided complete and accurate budget information for less than three fiscal years.

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Return On Investment

Return on Investment is a performance measure used to evaluate the efficiency of an investment. To derive the expected return on investment, divide the net gains of the project by the net costs. For these calculations, please use the implementation gains and costs, NOT the project costs (the cost of the feasibility, planning, or management study)--unless the results of this study will lead to direct savings without additional implementation costs. The gains from this project should be derived from the prior and future program budgets provided, and should be justified in the return on investment narrative.

Return on Investment Formulas:

Consider the following questions when determining the appropriate ROI formula for the project. Check the box of the formula used to determine the ROI for the project. These numbers should refer to savings/revenues illustrated in projected budgets.

Do you expect cost savings from efficiency from the project?

☐ Use this formula: $\frac{\text{Total \$ Saved}}{\text{Total Program Costs}} * 100 = \text{ROI}$

Do you expect cost avoidance from the implementation of the project/program?

☑ Use this formula: $\frac{\text{Total Cost Avoided}}{\text{Total Program Costs}} * 100 = \text{ROI}$

Do you expect increased revenues as a result of the project/program?

☐ Use this formula: $\frac{\text{Total New Revenue}}{\text{Total Program Costs}} * 100 = \text{ROI}$

Expected Return on Investment = $\frac{\$123,710}{\$94,700} * 100 = 130.63\%$

Return on Investment Justification Narrative: In the space below, briefly describe the nature of the expected return on investment, using references when appropriate. (1300 character limit)

Since the tasks in creating a plan are the same for Oberlin as for the County, Oberlin is expected to save $123,710 by not having to redo much of the work. The 'Oberlin Cost Chart' attachment shows how various fees can be minimized or eliminated through collaboration.

Database management is performed by the County at a cost of $35,000 per year. Joining the LCSWD eliminates the need for Oberlin to create and update its own database, so it can be expected to save here also.

Along with these cost savings, there is also a new revenue stream to devote to storm water infrastructure. Based on LCSWD revenues of $659,938 and Oberlin having 1/8 as many people, this will result in $82,492 per year. However, Oberlin will likely have a much higher fee to deal with aging infrastructure and a much greater

Expected Return on Investment is:

☐ Less than 25% (10 points) ☐ 25%-74.99% (20 points) ☑ Greater than 75% (30 points)

Questions about how to calculate ROI? Please contact the Office of Redevelopment at 614-995-2292 or lgif@development.ohio.gov

Loan Repayment Structure

Please outline the preferred loan repayment structure. At a minimum, please include the following: the entities responsible for repayment of the loan, all parties responsible for providing match amounts, and an alternative funding source (in lieu of collateral). Applicants will have two years to complete the project upon execution of the loan agreement, and the repayment period will begin upon the final disbursement of the loan funds. A description of expected savings over the term of the loan may be used as a repayment source.

Applicant demonstrates a viable repayment source to support loan award. Secondary source can be in the form of a debt reserve, bank participation, a guarantee from a local entity, or other collateral (i.e. emergency, rainy day, or contingency fund, etc).

☐ Applicant clearly demonstrates a secondary repayment source (5 points)

☐ Applicant does not have a secondary repayment source (0 points)

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Scoring Overview

Section 1: Collaborative Measures

Collaborative Measures	Description	Max Points		Applicant Self Score
Population	Applicant's population (or the population of the area(s) served) falls within one of the listed categories as determined by the U.S. Census Bureau. Population scoring will be determined by the **smallest** population listed in the application. Applications from (or collaborating with) small communities are preferred.	**5**		5
Participating Entities	Applicant has executed partnership agreements outlining all collaborative partners and participation agreements and has resolutions of support. (Note: Sole applicants only need to provide a resolution of support from its governing entity.	**5**		5
Section 2: Success Measures				
Past Success	Applicant has successfully implemented, or is following project guidance from a shared services model, for an efficiency, shared service, coproduction or merger project in the past.	**5**		5
Scalable/Replicable Proposal	Applicant's proposal can be replicated by other local governments or scaled for the inclusion of other local governments.	**10**		10
Probability of Success	Applicant provides a documented need for the project and clearly outlines the likelihood of the need being met.	**5**		5
Section 3: Significance Measures				
Performance Audit Implementation/Cost Benchmarking	The project implements a single recommendation from a performance audit provided by the Auditor of State under Chapter 117 of the Ohio Revised Code or is informed by cost benchmarking.	**5**		0
Economic Impact	Applicant demonstrates the project will a promote business environment (i.e., demonstrates a business relationship resulting from the project) and will provide for community attraction (i.e., cost avoidance with respect to taxes)	**5**		5
Response to Economic Demand	The project responds to current substantial changes in economic demand for local or regional government services.	**5**		5
Section 4: Financial Measures				
Financial Information	Applicant includes financial information (i.e., service related operating budgets) for the most recent three years and the three year period following the project. The financial information must be directly related to the scope of the project and will be used as the cost basis for determining any savings resulting from the project.	**5**		5
Local Match	Percentage of local matching funds being contributed to the project. This may include in-kind contributions.	**5**		1
Expected Return	Applicant demonstrates as a percentage of savings (i.e., actual savings, increased revenue, or cost avoidance) an expected return. The return must be derived from the applicant's cost basis.	**30**		30
Repayment Structure (Loan Only)	Applicant demonstrates a viable repayment source to support loan award. Secondary source can be in the form of a debt reserve, bank participation, a guarantee from a local entity, or other collateral (i.e., emergency fund, rainy day fund, contingency fund, etc.).	**5**		0
			Total Points	76

The following figures are derived from the 'Oberlin Cost Chart' attachment, created by the LCSWD engineering consultant, which shows how various fees can be minimized or eliminated through collaboration.

The first year for the Lorain County Storm Water District to collaborate with the City of Oberlin to create and implement a Storm Water Utility and Business Plan is expected to cost $169,400; for Oberlin to do this on its own would cost $286,100. The year one savings are thus $123,710.

In each of years two and three, Minimum Control Measure (MCM) costs are $72,700 for the LCSWD, and would be $155,700 for Oberlin. $83,000 is saved each year. MCM are required on a yearly basis in order to be compliant with US EPA NPDES permits, so the ability to collaborate represents a great opportunity for the City of Oberlin to save on yearly fees.

The ROI formula combines all of these numbers. The denominator represents the costs to a LCSWD that includes the City of Oberlin: $169,400+$72,700+$72,700=$314,800. The numerator is the cost savings in each year that can be realized due to Oberlin not having to create and implement a Utility and Business Plan on its own: $123,710+$83,000+$83,000=$289,710.

Lorain County Storm Water District 2011 ACTUAL			
REVENUE		$ 566,000	
EXPENSES	Subtotal	Total	%
I & I Project Loan, EPA, Legal & Admin. Reimbursment (20 years)		$ 125,000	22%
Utlity Implimentation (year one only)		$ 170,000	30%
Ohio EPA Phase II Compliance		$ 190,000	34%
Storm Water Management Plan	$ 40,000		
Customer Service	$ 40,000		
Database Management	$ 35,000		
Business Plan / Rate Model Update	$ -		
Minumun Control Measure (MCM)#1 - Public Education & Outreach	$ 36,500		
MCM#2 - Public Involvement / Participation	$ 4,500		
MCM#3 - Illicit Discharge Detection & Elimination	$ 10,500		
MCM#4- - Construction Site Storm Water Runnoff Control	$ 5,500		
MCM#5 - Post-Construction Storm Water Management	$ 7,500		
MCM#6 - Polution Prevention / Good Housekepping	$ 10,500		
Floodplain Management Design / Construction		$ -	0%
Storm Water Management Infrastructure Maintenance		$ 81,000	14%
Infrastructure Repair / Maintenance	$ 75,000		
Street Sweeping	$ 6,000		
TOTAL BUDGET		$ 566,000	100%

Lorain County Storm Water District 2012 Estimated			
REVENUE / CARRYOVER		$ 830,100	
EXPENSES	Subtotal	Total	%
I & I Project Loan, EPA, Legal & Admin. Reimbursment (20 years)		$ 200,000	22%
Utlity Implimentation (year one only)		$ -	0%
Ohio EPA Phase II Compliance		$ 289,100	34%
Storm Water Management Plan	$ 20,000		
Customer Service / Technical Support	$ 45,000		
Database Management	$ 35,000		
Business Plan / Rate Model Update	$ -		
Minumun Control Measure (MCM)#1 - Public Education & Outreach	$ 12,000		
MCM#2 - Public Involvement / Participation	$ 27,500		
MCM#3 - Illicit Discharge Detection & Elimination	$ 75,500		
MCM#4- - Construction Site Storm Water Runnoff Control	$ 22,650		
MCM#5 - Post-Construction Storm Water Management	$ 14,950		
MCM#6 - Polution Prevention / Good Housekepping	$ 36,500		
Floodplain Management Design / Construction		$ 140,000	23%
Storm Water Management Infrastructure Maintenance		$ 201,000	21%
Infrastructure Grants Program	$ 179,000		
Infrastructure Repair / Maintenance	$ 10,000		
Street Sweeping	$ 12,000		
TOTAL BUDGET		$ 830,100	100%

Lorain County Storm Water District 2013 Estimated Before Implementation			
REVENUE		$ 659,940	
EXPENSES	Subtotal	Total	%
I & I Project Loan, EPA, Legal & Admin. Reimbursment (20 years)		$ 125,000	19%
Utlity Implimentation (year one only)		$ -	0%
Ohio EPA Phase II Compliance		$ 224,767	34%
Storm Water Management Plan			
Customer Service	$ 24,724	11%	
Database Management	$ 35,963	16%	
Business Plan / Rate Model Update	$ 35,963	16%	
Minumun Control Measure (MCM)#1 - Public Education & Outreach	$ 29,220	13%	
MCM#2 - Public Involvement / Participation	$ 13,486	6%	
MCM#3 - Illicit Discharge Detection & Elimination	$ 31,467	14%	
MCM#4- - Construction Site Storm Water Runnoff Control	$ 15,734	7%	
MCM#5 - Post-Construction Storm Water Management	$ 13,486	6%	
MCM#6 - Polution Prevention / Good Housekepping	$ 24,724	11%	
Floodplain Management Design / Construction		$ 151,786	23%
Storm Water Management Infrastructure Maintenance		$ 158,386	24%
Infrastructure Grants Program	$ 126,708	80%	
Infrastructure Repair / Maintenance	$ 25,342	16%	
Street Sweeping	$ 6,335	4%	
TOTAL BUDGET		$ 659,939	100%

Lorain County Storm Water District 2014 Estimated After Implementation			
REVENUE		$ 799,940	
EXPENSES	Subtotal	Total	%
I & I Project Loan, EPA, Legal & Admin. Reimbursment (20 years)		$ 125,000	16%
Utlity Implimentation (year one only)		$ -	
Ohio EPA Phase II Compliance		$ 272,451	34%
Storm Water Management Plan			
Customer Service	$ 29,970		
Database Management	$ 35,000		
Business Plan / Rate Model Update	$ 43,592		
Minumun Control Measure (MCM)#1 - Public Education & Outreach	$ 35,419		
MCM#2 - Public Involvement / Participation	$ 16,347		
MCM#3 - Illicit Discharge Detection & Elimination	$ 38,143		
MCM#4- - Construction Site Storm Water Runnoff Control	$ 19,072		
MCM#5 - Post-Construction Storm Water Management	$ 16,347		
MCM#6 - Polution Prevention / Good Housekepping	$ 38,562		
Floodplain Management Design / Construction		$ 199,302	25%
Storm Water Management Infrastructure Maintenance		$ 203,186	25%
Infrastructure Grants Program	$ 110,000		
Infrastructure Repair / Maintenance	$ 78,186		
Street Sweeping	$ 15,000		
TOTAL BUDGET		$ 799,939	100%

Lorain County Storm Water District **2015 After Implementation**			
REVENUE		$ 799,940	
EXPENSES	Subtotal	Total	%
I & I Project Loan, EPA, Legal & Admin. Reimbursment (20 years)		$ 125,000	16%
Utlity Implimentation (year one only)		$ -	
Ohio EPA Phase II Compliance		$ 272,451	34%
Storm Water Management Plan			
Customer Service	$ 29,970		
Database Management	$ 35,000		
Business Plan / Rate Model Update	$ 43,592		
Minumun Control Measure (MCM)#1 - Public Education & Outreach	$ 35,419		
MCM#2 - Public Involvement / Participation	$ 16,347		
MCM#3 - Illicit Discharge Detection & Elimination	$ 38,143		
MCM#4- - Construction Site Storm Water Runnoff Control	$ 19,072		
MCM#5 - Post-Construction Storm Water Management	$ 16,347		
MCM#6 - Polution Prevention / Good Housekepping	$ 38,562		
Floodplain Management Design / Construction		$ 199,302	25%
Storm Water Management Infrastructure Maintenance		$ 203,186	25%
Infrastructure Grants Program	$ 110,000		
Infrastructure Repair / Maintenance	$ 78,186		
Street Sweeping	$ 15,000		
TOTAL BUDGET		$ 799,939	100%

Lorain County Storm Water District **2016 After Implementation**			
REVENUE		$ 799,940	
EXPENSES	Subtotal	Total	%
I & I Project Loan, EPA, Legal & Admin. Reimbursment (20 years)		$ 125,000	16%
Utlity Implimentation (year one only)		$ -	
Ohio EPA Phase II Compliance		$ 272,451	34%
Storm Water Management Plan			
Customer Service	$ 29,970		
Database Management	$ 35,000		
Business Plan / Rate Model Update	$ 43,592		
Minumun Control Measure (MCM)#1 - Public Education & Outreach	$ 35,419		
MCM#2 - Public Involvement / Participation	$ 16,347		
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MCM#5 - Post-Construction Storm Water Management	$ 16,347		
MCM#6 - Polution Prevention / Good Housekepping	$ 38,562		
Floodplain Management Design / Construction		$ 199,302	25%
Storm Water Management Infrastructure Maintenance		$ 203,186	25%
Infrastructure Grants Program	$ 110,000		
Infrastructure Repair / Maintenance	$ 78,186		
Street Sweeping	$ 15,000		
TOTAL BUDGET		$ 799,939	100%

LORAIN COUNTY STORM WATER DISTRICT

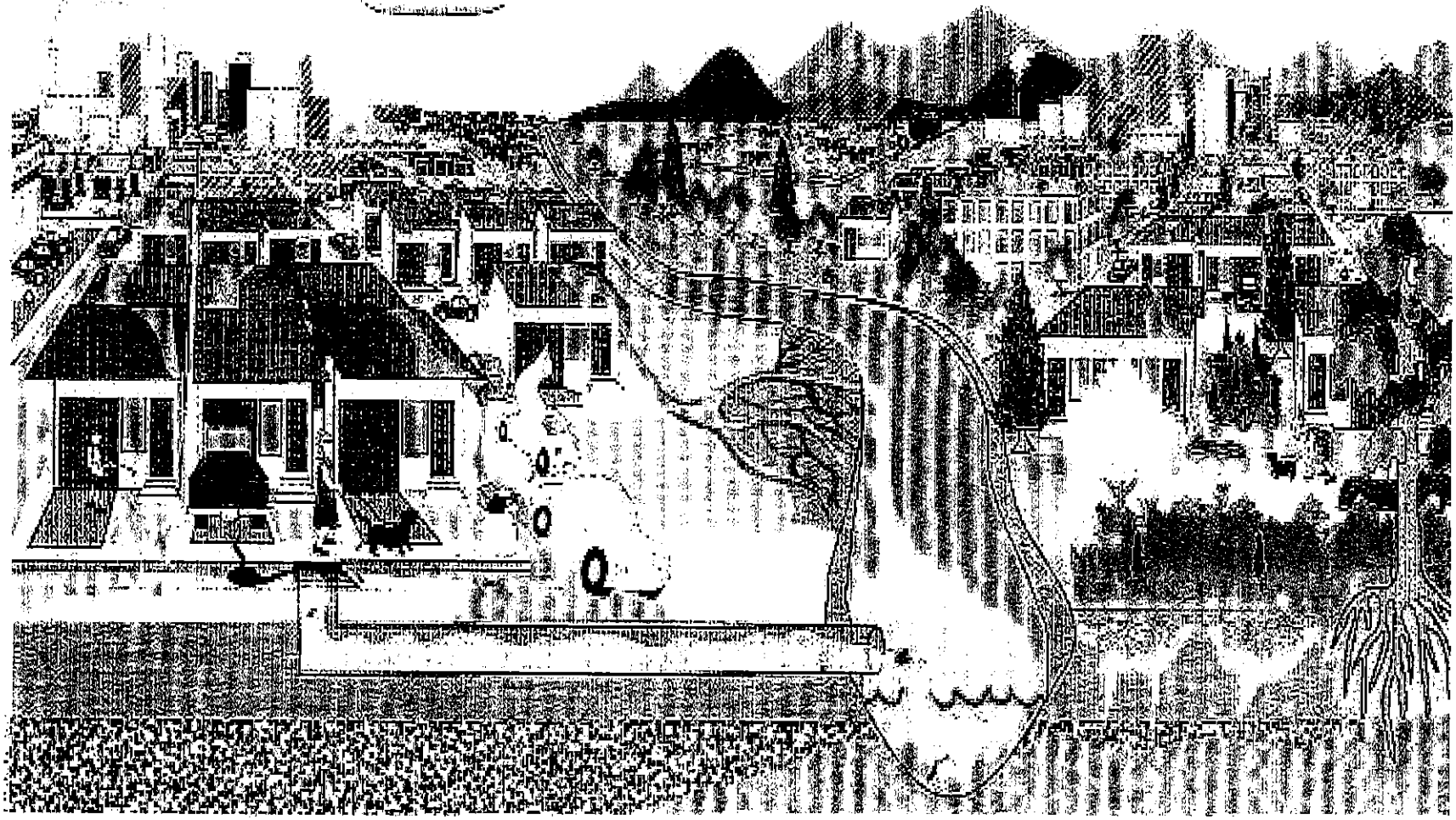

Table of Contents

LORAIN COUNTY STORM WATER ADVISORY COMMITTEE
CONTACT INFORMATION

Commissioners' Representative and Permanent Chair

James Cordes, Lorain County Administrator
226 Middle Avenue, 4th Floor
Elyria, OH 44035
440-329-7260
jcordes@loraincounty.us

County Engineer's Office

Ken Carney, County Engineer
247 Hadaway Street
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440-329-5586
kcarney@loraincountyengineer.com

Bill Holtzman, Chief Deputy Engineer
247 Hadaway Street
Elyria, OH 44035
440-329-5590
bholtzman@loraincounty.us

Prosecutor's Office

Jerry Innes, Assistant Lorain County Prosecutor
Lorain County Prosecutor's Office
225 Court Street, 3rd Floor
Elyria, OH 44035
440-329-5370
jerry.innes@lcprosecutor.org

Community Development

Don Romancak, Director
Lorain County Community Development
226 Middle Avenue, 5th Floor
Elyria, OH 44035
440-328-2323
dromancak@loraincounty.us

Soil and Water

John Born, Representative
51282 SR 113
Amherst, OH 44001
Cell: 440-653-0315
johnnat@ncwcom.com

Township Trustee

Mark McConnell, Representative
Acting President, Acting Drainage Supervisor
46342 Whitney Road
Wellington, OH 44090
440-647-3427
mkwm@ncwcom.com

Business Owner

Howard Born
Born Implement
12747 Vermilion Rd
Amherst, OH 44001
(440) 965-5675
tractors@centurytel.net

Farm Bureau (agricultural)

Rick Carlson, Representative
Lorain County Farm Bureau Board
15878 Cowley Road
Grafton, OH 44044
330-483-3521
plumbbobkid@aol.com

Developer

Rich Beran
BDC Builders & Developers Company
27201 Royalton Road
Columbia Station, OH 44028
440-236-3975
rich@bigtreegroup.com

Environmentalist

Pat McCaslin, formerly Assistant Director (Operations)
Lorain County Metro Parks
47799 SR 162
Wellington, OH 44090
440-647-2533
pat.ric@ncwcom.com

Watershed Coordinator

TBD

Secretary

Shall be provided by Lorain County Community Development Department

BYLAWS

Lorain County
Stormwater Advisory Committee (SWAC)
Bylaws

1.0 PURPOSE

1.1 The purpose of the Lorain County Storm Water Advisory Committee (SWAC) is to review, discuss and provide input regarding the Lorain County Stormwater District Program.

1.2 County Staff and Consultant Team will develop draft documents, draft policies, procedures, regulations and recommendations for SWAC input.

2.0 DECISION MAKING

2.1 The SWAC shall strive to operate by consensus. Group decisions shall be made by a simple majority (majority is greater than 50%) of members present at any meeting.

2.1a A Quorum is the number of members present.

2.2 Any member may call for a vote on any issue during the course of any meeting if a consensus is not achieved for any given topic.

2.3 SWAC will develop final recommendations and submit to the Storm Water Management Team for consideration. The Storm Water Managers will be responsible to review recommendations and forward them to the Lorain County Board of Commissioners for approval.

2.4 Implementation of final decisions is at the sole discretion of the Lorain County Board of Commissioners per Ohio Revised Code 6117.

3.0 MEMBERSHIP

3 Members are appointed by the Lorain County Board of Commissioners, and there are no alternates. They shall include a cross section of individuals and/or organizations identified as follows:

Commissioners' Representative and Permanent Chair
Lorain County Administrator
County Engineer's Office
County Engineer
Chief Deputy Engineer

Prosecutor's Office
Assistant Lorain County Prosecutor
Soil and Water
Board Representative
Township Trustees
Board Representative
Business Owners
Representative of Business Community
Farm Bureau (agricultural)
Board Representative
Developers
Representative of Developers Community
Environmentalist
Representative
Watershed Coordinator
Representative
Secretary
Shall be provided by the Lorain County Community Development Department

4.0 MEETINGS

4.1 The SWAC shall meet at least twice a calendar year or more frequently as deemed appropriate by the SWAC or as determined by the Board of Lorain County Commissioners. Meetings may also be called by the chair or by a majority of members. Meetings will be held during evening hours whenever possible in available locations.

4.2 Notice shall be emailed to all members at least one (1) week in advance of all meetings. Notice shall include an agenda and business materials that may be considered or acted upon, whether or not set forth in the agenda.

4.3 Notice of all meetings shall be posted on the County web site at least 72 hours prior to the meeting date and time as notice to the public and media.

4.4 Lorain County Community Development shall provide secretarial support by recording and distributing meeting minutes.

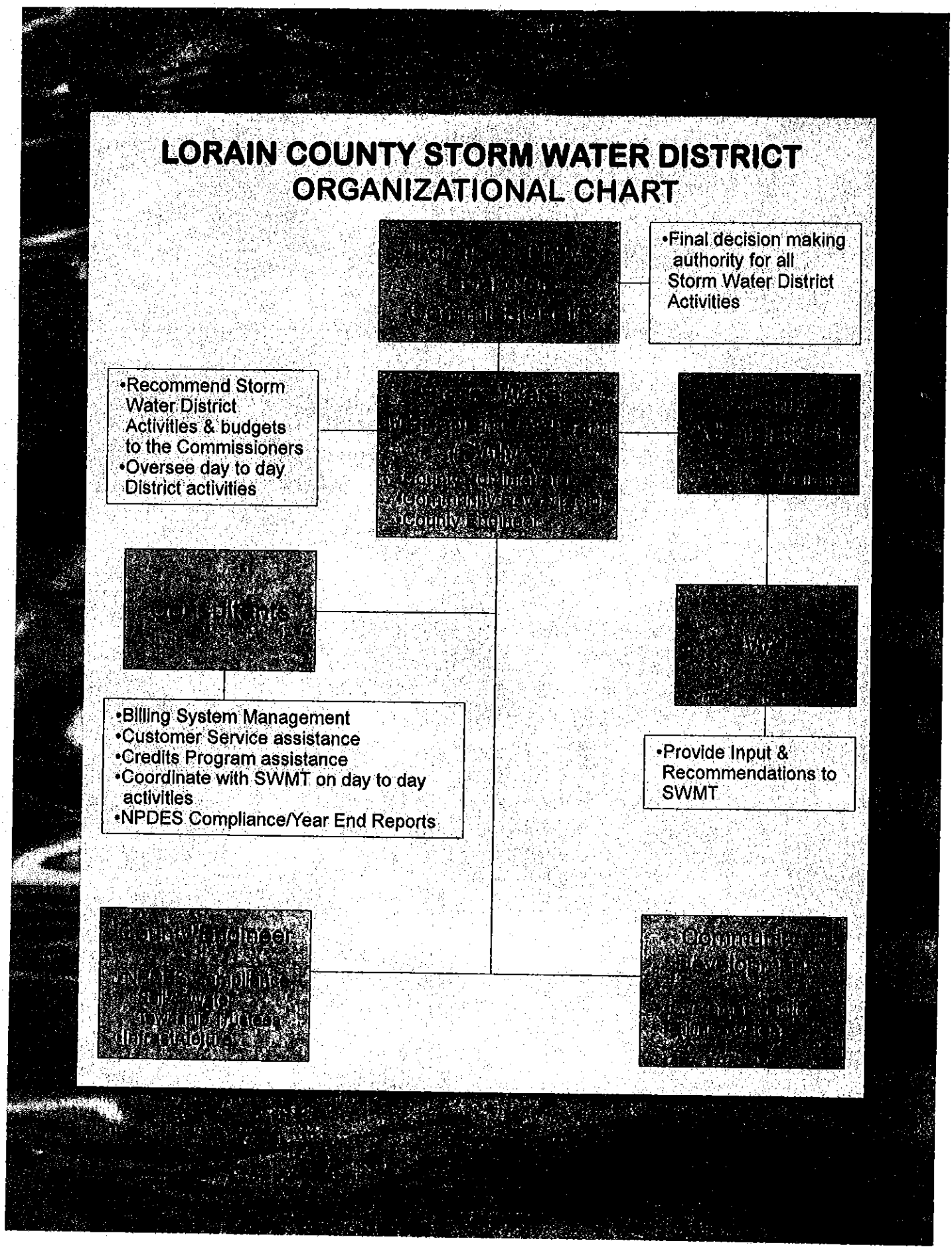
5.0 MISCELLANEOUS

5.1 Bylaws and any amendments must be approved by the Commissioners.

5.2 Regarding Public Records, the Committee will comply with the Commissioners' Public Records Policies.

ORGANIZATIONAL CHART

LORAIN COUNTY STORM WATER DISTRICT
ORGANIZATIONAL CHART



FAQS

Lorain County Storm Water District

Lorain County, Ohio

Prepared by:

KEM / ERC

September 2010

Lorain County Storm Water District

Frequently Asked Questions

General Information Regarding the New Storm Water District Program

Q: Do you live in a Township?
A: Only residents and business who are located in the unincorporated areas of the County (in the Townships) will be assessed a storm water service charge

Q: Do you live in a City or Village?
A: If so, you will not be assessed the storm water fee. The city or village that you live in may be using the other funds to meet the USEPA water quality regulations.

Q: Do you own your home / business or do you rent / lease?
A: Only residents and business who own property located in the unincorporated areas of the County (in the Townships) and not in any city or village corporate boundaries will be assessed a storm water service charge. No tenant will be pay this fee.

Q: Are you checking the web site for information for your residence?
A: Residential, Duplexes, Condominiums and Agriculture will be assigned 1 ERU and be billed $1.50 per month. If your residential property is situated on more than 1 parcel according to the County Auditor proerty records, your property will only be charged 1 ERU. Your residential property will not receive more than 1 ERU charge.

A. The impervious areas for all non-residential properties (all properties except single-family duplex, condominium and agricultural properties) were measured using aerial photography through use of a computer mapping software program.

Q: Are you checking the web site for information on business?
A. The impervious areas for all non-residential properties (all properties except single-family duplex, condominium and agricultural properties) were measured using aerial photography through use of a computer mapping software program.

Q: What is impervious area?
A: Impervious area is any hard surface including gravel that does not allow storm water to be absorbed into the ground. Impervious areas include rooftops, parking lots, driveways and sidewalks and gravel surfaces.

Q: How was the impervious area for Residential properties calculated?
A: The impervious areas for all residential properties that include single-family, duplex, condominium and agricultural properties, are based on measuring a sample size of approximately 400 residential properties for the impervious areas. The average measurement of impervious area for these 400 properties was determined to be 6,000 square feet known as an ERU (Equivalent Residential Unit). This was developed using aerial photography through use of a computer mapping software program. Each residential property will be assigned a flat rate and 1 ERU.

Q: How was the impervious area for Non-Residential properties calculated?

A: The impervious areas for all non-residential properties (all properties except single-family duplex, condominium and agricultural properties) were measured using aerial photography through use of a computer mapping software program.

Q: What can I do to estimate or measure the impervious area myself?

A: Again, remember the residential properties are based on an average calculated amount of impervious area and all residential are assigned a flat rate. So no calculation is required to determine your fee. The flat fee is $1.50 per month.

A: The easiest and most cost effective method to measure your non-residential / business parcel would be to first determine the total square footage of your property using the property dimensions. Then, estimate the amount of impervious area on the property (¼, ½ etc.). Multiply your estimate by the total square footage to arrive at an estimated measurement.

or

A: Calculate the footprint of your office building, your garage, and additional out buildings sheds etc, driveways and sidewalks in square feet and divide by 6,000. Multiply your estimate by $1.50. This will be your estimated monthly charge times 6 will appear on your property tax bill every January and July.

Q: I am not satisfied with the impervious area measurement for my property. What can I do?

A: A County GIS technician can verify the accuracy of the measurement for your property. This may take a few days to complete, and someone can call you back once the technician completes the verification.

Q: What is a storm water district / storm water utility?

A: Just as residents and businesses currently pay a fee for the amount of water they use (water bill), and the amount of wastewater they discharge (sanitary sewer bill based on how much water you use), property owners in some parts of Lorain County (unincorporated area) are being charged a **user fee** based on the amount of contribution to runoff all properties make to the storm water system. That funding will be used for the maintenance, repair and upgrade of Lorain County's storm water system, and for complying with an **unfunded mandate** required by US and Ohio EPA (Environmental Protection Agency) referred to as the NPDES (National Pollutant Discharge Elimination System) Phase II water quality permit requirements which are based on the 1972 Federal Clean Water Act passed by the US Congress.

Q: Why does Lorain County need a storm water district/utility?

A: Much of the original infrastructure is either breaking down, too small, or just simply no longer effective. Lorain County currently has no dedicated funding source for storm water construction, maintenance and repair. The current budget only allows for emergency repairs. It does not provide funds for preventative maintenance, major improvements or for enforcement of the unfunded mandate from EPA

referred to as the NPDES Phase II storm water regulations, which are part of the Federal Clean Water Act passed by the US Congress in 1972.

A comprehensive program is needed to:

- Improve the water quality of local rivers and streams
- Reduce flooding
- Improve storm water drainage
- Address the inflow and infiltration problems
- **Ensure that the county is in compliance with tough, new unfunded mandates and regulations required by the Ohio and U.S. EPA to begin cleaning all of the rivers and streams in the County**

Q: Why does the county need more money to fix the storm water system?

A: Lorain County currently does not have a source of dedicated funding for storm water construction, maintenance and repair. The current budget only allows for emergency repairs. It does not provide funds for preventative maintenance, major improvements or for enforcement of the unfunded mandate from EPA referred to as the NPDES Phase II storm water regulations, which are part of the Federal Clean Water Act passed by the US Congress in 1972.

Q: Isn't flooding in Lorain County just a problem in certain areas of the county?

A: No. Storm water-related flooding of basements and streets occurs throughout all parts of the county.

Q: When will we begin paying?

A: The charges will first appear on your January 2011 property tax bill, and then will appear there every six months on your July and January tax bills.

Q: Will I get a separate bill for storm water?

A: No. The storm water district user fee will appear on your property tax bill beginning in January 2011, and every six months thereafter. If you are not a property owner in the unincorporated area of the county, you will not be charged this fee.

Q: Will tax-exempt, non-profit organizations like schools, churches and hospitals be charged for storm water?

A: Yes. Much like these organizations now pay for water and sanitary sewer services, they will pay a user fee based on their contribution to the storm water system.

Q: Why can't we just use existing sewer money to cover storm water costs?

A: The money currently collected for providing sanitary sewer service is needed to meet those service needs. In addition, under state law, money collected for sanitary sewer service can only be used for maintenance, repair and replacement of the sanitary sewer system.

Q: I read in the newspaper that the consultant assisting the County is from Kentucky. Is this true?

A: Yes. However, there are 2 companies assisting Lorain County with this project that specialize in creating storm water district / utility programs. KEM is an engineering consulting firm located in Elyria Ohio and Mansfield Ohio that specializes in water quality and water quantity engineering services. ERC has an Ohio office located near Cincinnati and the corporate office is located in northern Kentucky near Cincinnati. ERC is a national financial consulting firm that specializes in assisting communities with creating storm water district/utility program dedicated funding sources. ERC has been involved in assisting over 50 communities throughout the United States and in the State of Ohio.

Residential (Single-Family, Duplexes, Agricultural & Condominiums)

Q: How much will it cost?

A: All residential property owners will be charged a monthly rate of $1.50 ERU per month, or $18.00 per year. One half of the annual charge of $9.00 will appear on your property tax bill every six months.. These rates are based upon an average amount of "hard surface areas" such as driveways and roofs, found on residential properties in Lorain County. The average residential property in Lorain County has 6,000 square feet of hard or "impervious" surface area based on the average of measuring approximately 400 randomly generated residential parcels.

This approach has been upheld in state supreme courts throughout the Country.

Q: I live in an apartment. Will I have to pay?

A: No. The owner of the apartment building or complex will receive the storm water bill for their entire property. The property-owner could however pass part of that cost along to you depending on the terms of your rental or lease agreement.

Q: When will rates go up?

A: The current rate is approved and set for the next 2 years. Rate increases must be approved by the Board of County Commissioners. Rates will be reviewed again in 2012.

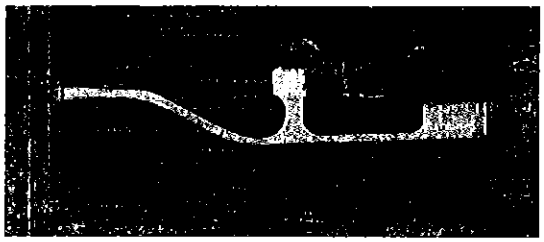
Non-Residential (All other properties not included in residential including not for profits / tax exempt parcels)

Q: How much will business property owners pay? How will their rate be determined?

A: Non-residential property owners will pay based on the amount of hard surface or impervious area on their properties. The impervious area for all non-residential properties in the unincorporated areas of the county was measured using aerial photography and a computer mapping software program.

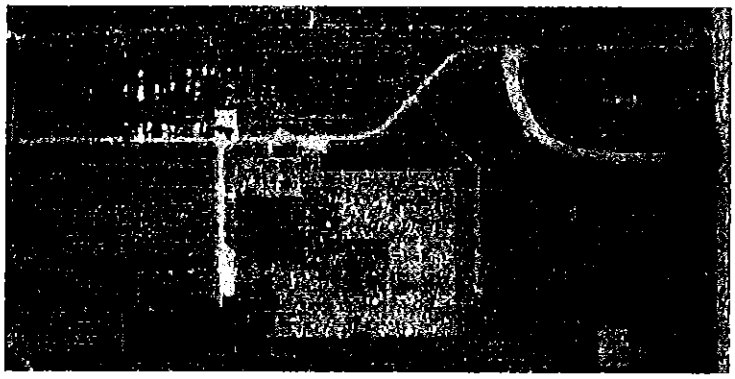
The residential rate will be used in the calculation for non-residential properties. In the calculation, the flat residential rate equals one "equivalent residential unit" or ERU. One ERU=6,000 sq. feet of hard surface (impervious) area.

Example of the impervious area measurement for a residential parcel:



Non-residential property owners will be charged based on the number of ERUs of hard surface on their property. For example, if a commercial property has three times as much hard surface area as the average residence (18,000 sq. feet or 3 ERUs) its storm water charge would be three times the residential rate per month. The rate per ERU that has been approved by the Board of County Commissioners is: $1.50 per month per ERU.

Example of the impervious area measurement for a non-residential parcel:



Q: Why is the amount of hard surface area used to calculate the rates?

A: Hard surface areas are used because they prevent water from being absorbed into the ground. Hard surfaces create more runoff and increase the rate at which storm water drains from an area.

Q: Is there anything that non-residential property owners can do to reduce their bill?

A: The County is developing a credits program for non-residential property owners that independently implement measures that decrease storm water runoff or that has a positive affect on water quality. Application packages will be available from the County Drainage Engineer's Department (329-5586), on the County's website or I can email the packaged to you when it's completed.

Q: How do I apply for credits?

When available, a customer may apply for credits using the credits application package. Application packages will be available from the County Drainage Engineer's Department (329-5586), on the County's website or I can email the packaged to you when it's completed.

Q: When will I know how much my bill will be?

A: The County plans on holding two open house seminars in September or October. The measurement information will be available at the open house, or I can send you that information when it is available. I will need your name and mailing address.

Q: What if I don't agree with the County's calculation of the amount of hard surface area I have on my property?

A: You can contact the Drainage Engineer's Department (329-5586) and request that staff review the measurement for your property. You may request a meeting with a GIS technician to review your measurement information if you desire.

Q: When will rates go up?

A: Rate increases must be approved by the Board of County Commissioners. The current rate has been approved for the next two years. Rates will be reviewed again in 2012.

Government Distrust

Q: Isn't this just another tax?

A: No, it is a user fee based on the amount of storm water runoff a property contributes to the system.

Q: I don't remember voting on this tax. How can the county do this without a vote?

A: This is not a tax. This is a user fee just like your water and sewer user fee. Under State Law, counties are allowed to set up a user fee for water, sanitary sewer and/or storm water by a vote of the Board of County Commissioners. A referendum or vote of the people is not required under this law.

Q: How can we be sure that the money raised will be used for storm water improvements and not diverted to other projects by the county?

A: All of the funds raised by the utility will go into a storm water "Enterprise Fund." Under state law, money in enterprise funds can only be used for their intended purposes. The County currently has an enterprise fund for its sanitary sewer utility.

Q: Won't this district/utility create a whole new government bureaucracy?

A: The storm water district will be operated within the County's current Departments. There **will not** be any new buildings or infrastructure. Only a small portion of the funds will be used for administration.

Use of Funds & Results

Q: How much money does the county expect the storm water district/utility to collect?

A: The district/utility will generate approximately $600K per year.

Q: How will the money collected for the storm water utility be used?

A: Over half of the funds will be used to comply with the new unfunded Federal and Ohio EPA water quality regulations. The remaining funds will be available for operations and maintenance and capital improvement projects – the actual construction of storm water infrastructure.

Q: What issues will be addressed first when the storm water district/utility is implemented?

A: The County will first work to ensure that it is in compliance with the new, strict Federal and Ohio EPA unfunded mandate regulations. Crews will then begin tackling the backlog of maintenance needs on the system. Finally, system improvements will begin.

Q: How soon can we expect to see results like reduced flooding?

A: Faced with an aging storm water system, the storm water district/utility is clearly not a quick fix. It is, however, a first step in solving a long-neglected problem. Residents will see gradual improvements over time.

Environmental

Q: How does storm water affect the environment?

A: One of the reasons the county is implementing the storm water district/utility is to meet tough, new U.S. EPA regulations. In addition to flooding, poor storm drainage also causes water pollution. Uncontrolled run-off contributes to erosion, which causes sediment build-up in our streams and rivers.

Storm water also picks up a lot of things on its way to area streams and rivers – litter, road salt, lawn and garden chemicals and more. Backyard mechanics that drain oil, antifreeze or gas into the storm sewer pose a threat to the environment.

Q: How will the new district/utility help the environment?

A: The storm water district/utility will provide funding for public education to inform the citizens that will help reduce pollution in the County. The new district/utility will also fund testing and strict enforcement of current regulations on erosion and pollution control measures.

Q: What happens if the County fails to meet the new Federal and Ohio EPA requirements and regulations?

A: The county could face fines of up to $25,000 per day per for each violation.

ADDITIONAL QUESTIONS

1) I already am managing stormwater through an individual NPDES permit. Why do I have to pay additional funds to the Utility District?

   The County is still required to provide services to manage stormwater runoff from larger storms than the detention pond is designed to control, comply with new federal stormwater regulations, and proactively plan and manage the operation and improvement of the County's drainage system. The County has developed a credit policy that provides a partial fee credit to customers that own and maintain stormwater which provide protection that **exceeds** minimum County requirements.

STRATEGIC PLAN POLICIES

Lorain County Storm Water District Program

Lorain County, Ohio

Strategic Business Plan

Prepared by:

KEM / ERC

October 2010

Introduction

This strategic business plan document forms the basis for the Storm Water District Program Plan. County staff should utilize this document as a management tool to assist them in moving the current/existing piecemeal storm water program to a future desired or "required minimum" level of storm water service stand alone storm water District. This business plan development process includes developing specific goal statements that are used as specific level of service action statements that will form the definition for the storm water activities and responsibilities required by the County to meet the water quality and water quantity program requirements. Reviewing, discussing, understanding and reaching consensus on the statements and content of this document will establish a clearly stated "definition" for the "required minimum" level of service. Developing this information and taking the time to understand what will be funded by the storm water District and what will not be funded by the District will provide staff and the Commissioners with the necessary "talking points" that will be required when the general public asked direct questions such as **"what is this new storm water fee paying for?**

The "required minimum" definition will be used for the cost of service analysis, cash flow analysis and rate study recommendations for the four year time period of 2012 through 2015. The first year 2011 rate per residential per month, will be $1.50 per ERU on a monthly basis and $9.00 for each residential parcel on a semi- annual basis and will appear on the property tax bill every six months. The non-residential will be based on the amount of impervious area and the number of ERU's per parcel times the $9.00 per ERU per tax bill and will appear on the property tax bill.

This document was prepared based on the project team's previous experience establishing storm water utility/District program for other communities and the Storm Water Management Report and Plan dated January 2010. The major steps in revising and/or developing the Storm Water District Business Plan are as follows:

- Develop a series of goal statements. Goals are the prime targets that you wish to accomplish within a specified time frame.
- Use the action statements to form the definition of the required minimum level of service.
- Compute costs for the action statements to form the required minimum cost of service analysis.
- Take measures to ensure that the County administration accept the goal statements developed for the program.
- Take measures to ensure that the general public accept the goal statements of the program.
- Implement a proactive public education program that disseminates information regarding the program to the general public.
- Implement a proactive public outreach program that allows the general public with an opportunity to provide input into the process and overall program.
- Periodically evaluate the plan and the goals and make any necessary adjustments based upon your progress.

The Program Mission Statement

Lorain County needs a foundation from which they can develop an approach to address the responsibilities and activities (the management) of storm water issues throughout the County. This foundation will be accomplished by developing a sound and meaningful mission statement. A mission statement provides a clear and complete summation of the comprehensive view of what needs to be accomplished. A good useful Mission Statement will provide the following:

- **Purpose** - Why the organization exists, and what it seeks to accomplish.
- **Business** - The main method or activity through which the organization tries to fulfill this purpose.
- **Values** - The principals or beliefs that guide the organizations and its members as they pursue the organization's purpose.

The Program Mission Statement

"The storm water program strives to enhance the quality of life in Lorain County by reducing drainage, flooding and infrastructure problems, and by improving water quality through construction and maintenance of the storm water system, and through the promotion and implementation of effective storm water management practices."

Goal Statements

Water Quality NPDES Phase II Permit

- Begin BMP Maintenance program for years 2 through 5 throughout the County based upon the defined level of service activities and responsibilities. (ERC/KEM needs all of the BMP labor hours, expenditures, materials and supplies and equipment associated with the BMP's throughout the County)
- Review and, where necessary, update the Lorain County subdivision regulations and design manuals to meet the requirements of the EPA NPDES Phase II program for years 2 through 5.
- Work with townships to ensure that planning and zoning regulations are consistent with requirements of the EPA NPDES Phase II program for years 2 through 5.
- The Board of County Commissioners will lead the effort and responsibility of green infrastructure management practices such as Stream Restoration Improvement etc throughout the County for years 2 through 5
- Integrate storm water management into the County GIS program for years 2 through 5.
- Implement all of the provisions of the MS4 NPDES permit for years 2 through 5. (ERC/KEM needs all the membership fees, labor hours, expenditures, materials and supplies associated with meeting the NPDES Phase II permit regulations)
- Begin enforcing the existing illicit discharge ordinance and regulations for years 2 through 5.

- The ERC/KEM Team will develop the NPDES plan submitted to OEPA for years 3 through 5

Water Quantity Drainage/Flooding

- Establish countywide development design standards for storm water management for years 3 through 5.
- Prepare a Storm Water Master Plan and GIS system inventory to identify needs of the community for years 2 through 5 (because a master list currently does not exist)
- Develop a maintenance management system that is integrated in the County GIS for years 3 through 5.
- Assume responsibility for detention/retention facilities that are regional in nature and meet the needs of the defined level of service for the overall program for years 2 through 5.
- The District will **not** be responsible for the detention/retention facilities that are **not** owned by the District and not documented by an ownership deed (legal document) and therefore owned by a private individual or group of individuals.
- Develop a level of service plan to identify and prioritize water quantity (drainage/flooding) problems to be solved throughout the District with funds from the new service charge for years 3 through 5.
- Conduct capital improvement projects to minimize or eliminate drainage and/or flooding problems for years 3 through 5.
- Develop a master list for Ditch Maintenance and develop a priority list for years 3 through 5.
- The District will **not** assume responsibility of the ditch petition program from the District Engineer's Office, which typically includes mowing maintenance, inspection of the outlet works and the dam. A uniform minimum standard of maintenance level of service should be determined by the District and communicated to the citizens that are influenced by the ditch petition facilities. This means that the Ditch petition will continue to exist and the fee will continue to be assessed to these properties.
- The District will **not** assume or will not be responsible for any County or Township roadside right-of-way drainage that is currently being performed.
- The storm water District program will **not** assume responsibility for components of the storm sewer system that are outside the road right-of-way, but will conduct maintenance and capital improvement projects to minimize or eliminate drainage and/or flooding problems.
- The County had inventoried about 1,000 miles of open ditch throughout the County
- The County currently has 41 ditches (about 38 miles of ditches)
- The County currently has 31 detention basins under a maintenance agreement
- The County needs to implement an Inspection program for the stormwater infrastructure
- The District should institute a storm water management infrastructure inspection, repair, design, and replacement program for years 3 through 5. The program should have an asset management and design component. Identified problem locations should be incorporated into the Storm Water Master Plan and identified replacement projects included in the prioritized project listing.
- Develop a Storm Water Credits program that is based on the ODNR "Rainwater and Land Development" Manual that considers the following BMP's for years 3 through 5.

a. Rain Gardens: Encourage rain garden installation on homeowner property. Support the program financially as budgeting allows. At a minimum, provide technical support in the form of an annual workshop, standard designs, and signage the property owner can install that identifies them as a "partner for water quality."
b. Rain Barrels
c. Dry Wells
d. Pervious pavements
e. Ponds/wetlands
f. Green Roofs / LEADS program
g. Retention/Detention

- Identify the cost for the I & I program. (this is the amount to be repaid to the funds that participated in the federal stimulus grant (50%) and 50% loan).

Organizational

- Under the rules and regulations of Ohio Revised Code 6117, the Board of County Commissioners will establish the responsibilities for storm water management activities.
- Identify the most appropriate organizational system, including any required additional staffing, to manage the Regional Storm Water District in the most efficient and effective manner.
- Begin developing a County staff training and awareness program (good housekeeping) that meets the requirements of the NPDES Phase II regulations.
- Begin reviewing, revising and updating all of the measurable goals included in the MS4 NPDES Phase II permit

Public Education

- Identify the costs associated with meeting the public education / outreach program requirements of the NPDES Phase II Program. (First Minimum Control Measure). Create a list of activities currently being performed by the Soil and Water Conservation District for this activity.
- Identify the costs associated with meeting the public education / outreach program that includes stakeholders, and takes a watershed approach to help citizens preserve and protect the environment. Create a list of activities currently being performed by the Soil and Water Conservation District for this activity.

Financial

- Establish a financial strategy that is both fair and equitable, based on the costs necessary to operate the program.
- Select a rate structure that is fair and equitable and the most appropriate for the Lorain County 6117 Regional Storm Water District program.
- Establish a financial business plan based on a required minimum storm water level of service for years 3 through 5.
- Utilize the County Auditor's Tax Billing System as the Billing and Collection System for the 6117 Storm water District.

- Develop a customer service management system that is integrated with the County Engineer's office or the County GIS or the Auditor's Office that supports the selected billing mechanism.
- Reduce the burden on the County general fund by establishing a Regional Storm Water District dedicated enterprise fund.
- The current financing plan assumes that billings will be sent out on the Auditors Property Tax bill with the January 1, 2011 billings.
- The District will set aside capital dollars for regional facilities that fail in an emergency situation for years 3 through 5.
- Establish a capital financial plan that implements a "pay as you go" approach in the short term and then converts to a debt financing plan in the future.
- Initiate a lease/purchase program for equipment to meet the demands of the program for years 3 through 5.
- Develop and define the Regional Storm Water District equipment replacement program for years 3 through 5.
- Consider special assessment districts for projects that are not regional (individual properties and/or localized drainage problems not regional) in nature or are not high on the priority list so property owners can accelerate project solutions using their own funding sources and/or match District financing.
- Accept and Implement the Billing System Policy Papers developed through the process.

Legal

- Adopt a funding strategy that is legally defensible under the Ohio Revised Code laws of the State of Ohio. (ORC 6117 status)
- Develop a storm water program resolution(s) that enforces the Regional Storm Water District Program.
- Develop a storm water rate resolution that establishes rates and charges for the Regional Storm Water District Program.

County Responsibility

- Establish a separate enterprise fund that will allow all storm water fee collections to be deposited in this fund. (This will assure the general public that this fee is a service charge and not a tax and 100% of the funds collected will be used solely for storm water activities.

Business Plan Cash Flow Analysis

Assumptions $1.50 per ERU per month ($9.00 per tax bill & $18.00 per year)

- The permissible categories with approximate percentage of funding for Year 1 for the Storm Water District include:
  a. 24% - I & I Project Loan Reimbursement
  b. 10% - EPA, Legal, & Admin. Reimbursement
  c. 33% - year 1 only - Implementation Cost
  d. 21% - Ohio EPA Phase II Compliance (Unfunded Mandate)
  e. 11% - Storm Water Management Infrastructure Maintenance
  f. 1% - Street Sweeping

- Year 2 Business Plan and Cash Flow Analysis Storm Water District assumptions includes:

- The permissible categories with approximate percentage of funding for Year 2 for the Storm Water District include:
  a. 24% - I & I Project Loan Reimbursement
  b. 10% - EPA, Legal, & Admin. Reimbursement
  c. 34% - Ohio EPA Phase II Compliance (Unfunded Mandate)
  d. 20% - annually for Floodplain Management Design / Construction
  e. 11% - Storm Water Management Infrastructure Maintenance
  f. 1% - Street Sweeping

- The percentages for the categories listed are approximate and subject to change based on actual needs each year.
- Rate model includes 3% inflation

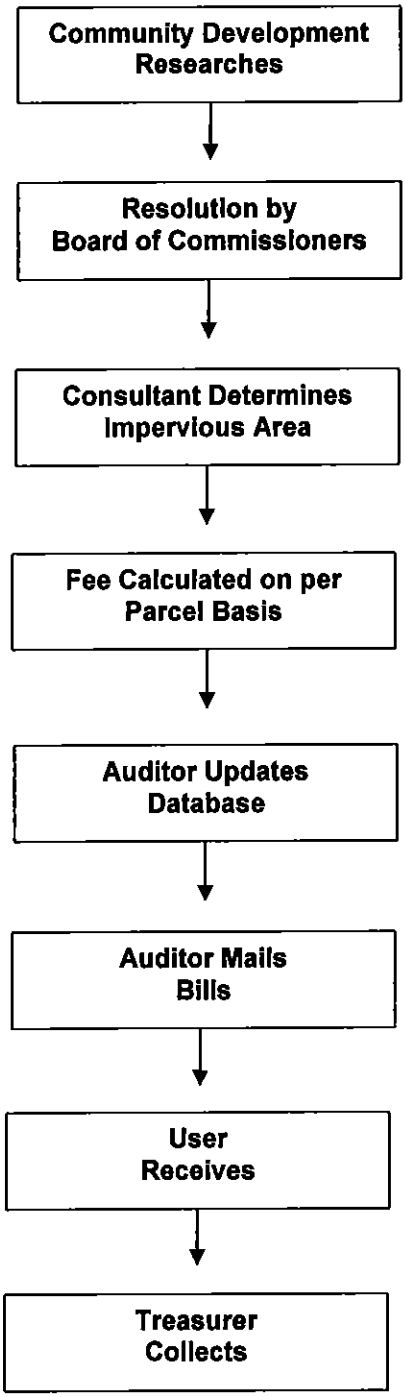
- ERU (revenue) breakdown
  a. 34,912 total monthly ERU's - unadjusted
  b. 418,944 total annual ERU's - unadjusted
  c. 20,772 monthly residential ERU's - unadjusted
  d. 14,140 monthly non residential ERU's - unadjusted
  e. 249,264 annual residential ERU's - unadjusted
  f. 169,680 annual non residential ERU's - unadjusted

ACTION:

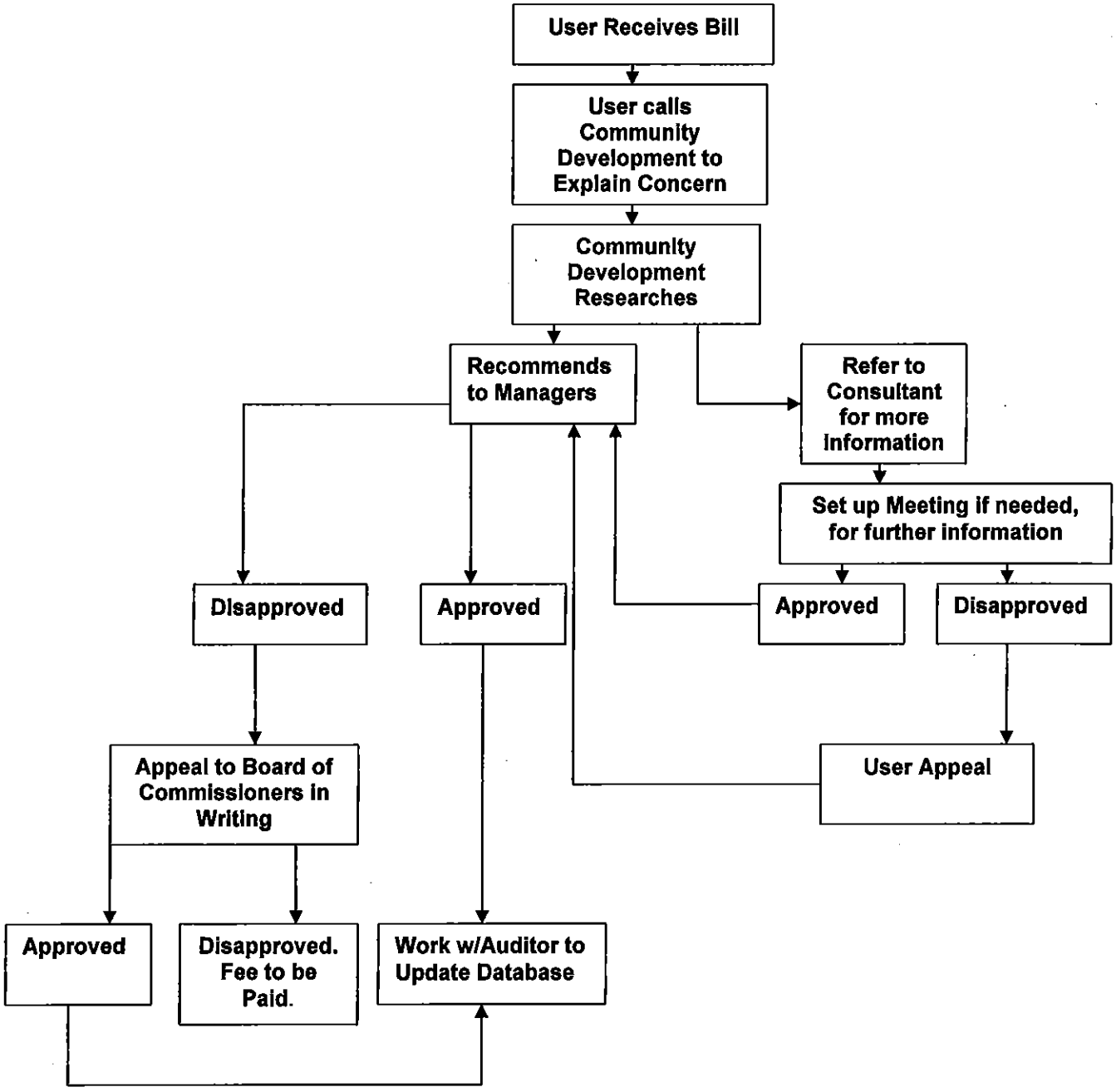
Approved:_____ Date:_____

BILLING POLICIES

BILLING PROCESS FLOW CHART



APPEAL PROCESS FLOW CHART



LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: DEFINITION OF A SINGLE FAMILY RESIDENTIAL AND AND NON-RESIDENTIAL PROPERTY

OVERVIEW

The Project Team of Environmental Rate Consultants, Inc. (ERC) and K.E. McCartney and Associates (KEM) have been retained by the Lorain County Board of County Commissioners to assist them in developing and implementing a regional storm water district program and ***Storm Water Billing Master File***. This work involves a process of identifying the properties within the proposed District, measuring the impervious area for all non-residential properties, calculating and rounding to arrive at the number of Equivalent Residential Units (ERUs) for those non-residential properties, and matching the calculated ERUs to a record in the Lorain County Auditor's property tax billing database. The ERC/KEM Team will measure the impervious area for all non-residential properties, and calculate the number of ERUs and resulting storm water user fee charge for all developed properties within the proposed District. This process will enable the County to effectively incorporate the storm water billing information into the current Auditor's property tax billing system database, and begin billing customers under a legally defensible storm water utility program in the most cost effective manner possible.

DISCUSSION:

Because single-family residential properties are the basis for defining the Equivalent Residential Unit (ERU), the definition of a single-family residential property is fundamental to the development of the entire rate system[1]. The Equivalent Residential Unit (ERU) is the common denominator in the algorithm(s) used to develop service charges for all classes of customers served by a storm water utility. The process can be summarized as follows:

1. The impervious area of a randomly selected and representative sample of single-family residential (SFR) properties is measured to determine the average impervious area. The average impervious area of those measured SFR properties represents one (1) Equivalent Residential Unit (ERU). The ERU is then used to calculate bills for all single-family residential non-residential property classes.

2. All SFR properties are charged a flat rate charge that is equal to one ERU.

1 The concept of the Equivalent Residential Unit was challenged in litigation in the States of Washington and Kentucky. In both cases, use of the Equivalent Residential Unit was upheld by the Courts.

3. The charge for all non-residential properties (not single-family as determined by the single-family residential property definition) is determined by first measuring the total impervious area for a particular property. The measured impervious area is then divided by the ERU (determined in Step 1 above) to determine the total number of ERUs for that particular property (rounded). The total number of ERUs for that property is then multiplied by the SFR flat rate (determined in the Rate Study Analysis) to determine the charge for non-residential property.

In establishing the ERU, the most important issue is to define which property types are to be considered as "single-family residential" properties, and are to be included and measured as part of the "single-family residential" statistical sample. There are two questions that need to be answered as part of this definition process:

1. **Which single-family residential property type(s) should be included in the definition of a single-family residential property? Single-family? Duplex? Condominium? Triplex? Quadraplex? Other?**

A single-family residential property represents a class of property that reflects great commonality in terms of impervious area and potential to discharge runoff to a storm water system. Moreover, single-family residential properties are the largest class of properties and the individual properties within the class are typically the smallest properties in the land record system. As the result of these features, single-family residential properties serve usefully as the lowest common denominator within the billing system.

When the number of single-family residential units exceeds two units, the impervious area increases beyond quantities typically measured for a single-family residential unit. Consequently, the definition of an SFR is normally limited to single-family residential and may include attached two-family dwellings.

2. **Should a single flat rate be applied to all single-family residential properties or should there be a graduated rate to reflect variations in lot sizes, house sizes and/or impervious areas for a single-family property?**

The most easily understood and administered Single-Family Residential Unit is derived from a simple flat rate system covering all properties defined as single-family residential. If a graduated rate is applied to single-family residential properties, a subset of the "other" single-family residential class will have to be identified and measured to establish the ERU. Thereafter, one of the following two procedures will have to be applied to the "other" single-family residential properties:

1. All "other" single-family residential properties will have to be measured and handled as a non-residential property similar to Gwinnett County, GA that made a policy decision to measure all properties to determine the individual impervious area for every property. The Gwinnett legal team determined that this is the most legally defensible rate structure possible.

OR

2. Classes can be established within the "other" single-family residential properties on the basis of lot size. For each class, a sample of properties would be measured to determine the average impervious area of the class and then calculate a flat rate based on the ERU for that class. All properties within the same class would be assigned the same flat rate. This procedure requires an analysis of the lot sizes of all single-family residential properties in order to assign each property to the appropriate class.

The following issues must be understood in the context of the foregoing procedures:

3. **The most fair and equitable approach to developing the ERU and creating the definition of single family residential properties includes a single rate system not a multi level multi rate residential system.** Creating different residential rates and different residential levels is arbitrary and may not be upheld in the court system if challenged. If a multi or graduated rate for single-family residential properties is desired, the ERC team recommends measuring all residential properties. This system was implemented by Gwinnett County Georgia, and the Gwinnett legal team determined that this approach is the most fair and equitable and the most legally defensible rate structure system for Gwinnett County property owners. Therefore, the single flat rate system involves measuring only a sample of approximately 400 properties to create the average for the sample size.

4. In addition, there is a general misunderstanding about the one ERU approach that has been challenged and upheld in various State Court systems. Many rate payers believe the one ERU approach may not be fair to the lower income properties (lots) and that larger homes in the suburbs should pay more because these homes have a much higher value. Actually the contrary is true. Small homes on small downtown lots cause more runoff problems because they have a much higher percent imperviousness and cause more runoff problems and issues than compared to the very large home on the very large lot which have less impervious cover as it relates to the individual property.

RECOMMENDATIONS:

1. The ERC/KEM Team recommends that a single-family residential property (SFR) be defined as follows:

- Single-family residential properties;
- Two-family or duplex properties;
- Agricultural properties; and
- Condominium properties where each unit is on its own parcel.

2. The ERC/KEM Team recommends that non-residential properties be defined in the following manner:

- All non-residential properties not encompassed by the definition of single-family residential, including:
  - Apartments property;
  - Some condominium properties;
  - Commercial property;
  - Industrial property;
  - Institutional property;
  - Governmental property;
  - Churches;
  - Schools;
  - Mobile home / manufactured home parks;
  - Federal, State and Locals property; and
  - Any other property not mentioned in this or the above single-family list.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date:_____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: DEFINITION OF IMPERVIOUS AREA

OVERVIEW:

The Project Team of Environmental Rate Consultants, Inc. (ERC) and K.E. McCartney and Associates (KEM) have been retained by the Lorain County Board of County Commissioners to assist them in developing and implementing a ***Storm Water Billing System Master File***, in cooperation with the Lorain County Auditor and County GIS Departments.

This work involves a process of identifying those properties that are located within the District, assigning each of those properties a land use code of either SFR (single-family residential) or non-residential and measuring the impervious area for all non-residential properties, calculating the number of Equivalent Residential Units (ERUs) for those non-residential properties, determining the rate of charge for each ERU, and calculating the charge for all properties in the District. This "amount to bill" will then be merged with the County Auditor's tax billing database file for billing in January 2011.

DISCUSSION:

Because the impervious area for a randomly selected number of single-family properties and the impervious area for all non-residential properties will be measured, a definition of what is impervious and what is pervious is necessary. This Billing Policy Paper is particularly important especially for the GIS Department personnel who will perform the process of "capturing" and measuring the impervious areas for all non-residential properties.

Impervious is defined in *The American Heritage Dictionary* (3rd Edition, 1994 Houghton Mifflin Company) as **"Incapable of being penetrated, as by water"**. Therefore, the definition of impervious would include the rooftops of any structures, the paved areas such as driveways, parking lots and sidewalks. Inclusion of rooftops, driveways, parking lots and sidewalks in the definition is straightforward. However, treatment of not so straightforward surfaces such as gravel should also be considered for inclusion in the impervious area definition.

ISSUE:

The issue is whether to consider "including" gravel driveways and gravel parking lots in the impervious area polygon calculations (treating gravel as impervious) or, to "exclude" gravel driveways and gravel parking lots in the impervious area polygon calculations (treating gravel as pervious) or, to consider partially "including" gravel driveways and parking lots in the impervious area polygon calculations (percent impervious). The following are basic issues that need to be considered when developing a policy for gravel:

- Gravel surfaces have varying degrees of imperviousness and perviousness (2/3 pervious according to "C" Factor runoff coefficient);
- Can be costly to perform compaction tests for such surfaces throughout the District;
- Aerial photo interpretation and misinterpretation issues;
- Simplifies or complicates the aerial photo process; and
- Several storm water programs have avoided the issue by treating gravel as pervious including The City of Toledo, Ohio, the City of Columbus, Ohio, and the Louisville/Jefferson County, Kentucky programs;
- Other programs such as the Cities of Lancaster, Newark and Milford, Ohio have defined gravel as impervious and include gravel in the calculations.
- The Butler County, Ohio storm water District program treats gravel at 2/3 impervious, and charges at 2/3 of the measured value.

Since gravel surfaces have varying degrees of imperviousness and perviousness and it will be much more costly for the Storm Water District to perform compaction tests for such surfaces throughout the District that contain gravel, there is a strong argument to "exclude" gravel from the impervious area polygon calculations. Furthermore, excluding gravel simplifies the process and there is precedence by many other major storm water programs to exclude gravel from the calculations. However, field inspections will be required for a number of properties in order to determine for certain that the surface is paved or gravel, during the impervious area measurement process. Every effort should be made to properly identify gravel areas from impervious surfaces, but there will be situations where it is simply impossible to delineate gravel from hard surface (using aerial photography). In these extreme cases, impervious area measurements will need to be adjusted by the Storm Water District once it has been determined that a gravel surface was included in the original impervious area measurement if the decision is made to treat gravel as pervious.

The customer class most likely to be affected with the gravel issue is the large trucking companies who have tractors and trailers parked on gravel parking lots. In these cases, the gravel is traveled on very frequently and can be compacted to nearly the same extent as an asphalt or concrete parking lot. Because of this issue, required concrete parking spaces in your zoning regulations may need to be revisited and/or modified.

RECOMMENDATIONS:

The ERC/KEM Team recommends that the Lorain County Storm Water District include gravel driveways and gravel parking lots in the definition of impervious area where the interpretation is clear that the area is gravel (aerial photograph), and include these areas in the impervious area measurements for all non-residential properties.

A gravel credit should be added to the Credit Program whereby a non-residential customer can claim a 1/3 credit for gravel surfaces. The credit will only be given to those non-residential customers that properly complete and submit the required credit application and any required documentation.

Adjustments for impervious area interpretation errors should be limited to a one-year retroactive period from the time that the interpretation error is discovered.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

_____ Date: _____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: PUBLIC ROADWAYS

DISCUSSION:

Public roadways and rights-of-way are significant contributors of storm water runoff volume and of storm water borne pollutants. They also act as storm water conveyances, carrying storm water to the nearest curb inlet or waterway. Public roads are owned and/or maintained by any of several public entities which may cause problems with the collection of the storm water fee. Jurisdictional disputes may arise from one public entity attempting to charge a fee to another entity.

Four possible scenarios for disposition of public roads within the storm water fee structure are: 1) exempt the roadways; 2) bill the roadways as regular customers according to their ERU equivalence; 3) give roadways full credit; and 4) define roadways as part of the storm water drainage system and thus not contributors to that system. There are advantages and disadvantages to each of these alternatives.

1. Exemptions

Exempting public roadways from the storm water fee removes the problem of how to collect the fee from other governmental entities such as the state and federal highway agencies, but how to collect it also sets a potentially problematic precedent. In the Exemptions Policy Paper (Billing Policy Paper # 9), the Team argues against giving exemptions of any kind because it **opens the door to continual claims that another given property is close enough in characteristics to** also be granted the exemption. The District could find itself in a position of continually having to evaluate properties against the established precedent and make rulings on these appeals. It might be possible to limit this burden by defining the limitations of the exemption narrowly and with certainty.

2. Bill According to ERU Equivalence

The second option is to consider public roads just like any other impervious cover and bill the responsible party based upon the number of Equivalent Residential Units. These would likely be sizable bills. Past experience has shown that in many cases state and federal entities do not consider themselves subject to local fees and taxes and do not pay. Since the storm water will have to be conveyed through the District's stormwater system anyway, the added incremental cost due to the roadway runoff will simply increase the burden on the residential and non-residential customers of the District's system.

Billing all properties including public roads has the advantage of treating all properties alike and setting no precedent for others to use as an excuse to appeal to the District

because of perceived similar conditions or characteristics. On the adverse side, however, **the District would be carrying a large unpaid debt, which could affect its ability to issue bonds, for example.**

3. Credits

Credits carry much the same advantages and disadvantages as exemptions in terms of eliminating the collection problem but setting a precedent. Credits, however, differ in that they assume that the District is receiving some benefit from the property for which a credit is given. Public roads may actually help the District as a storm water conveyance mechanism, which is persuasive particularly if the road maintenance is being done by the other entity requesting a credit. **A problem arises when the District must establish the value of the benefit versus the costs incurred** because of the runoff received from roadway impervious cover. Added to this cost is the responsibility for the significant pollutant loads that are discharged from roadway surfaces. With credits, the precedent that is set is as nearly clear as with exemptions. Exemptions can be granted as a matter of policy, in an all or nothing dichotomy. Credits add the uncertainty of having to weigh benefits versus costs, which could lead to even more difficult appeals

4. Include by Definition

Public roads could be defined as part of the drainage system as opposed to sources to that system. There are valid reasons for excluding public roads on this basis such as the fact that public road design specifications generally require that the roads, curb and gutter be designed to carry a minimum amount of storm water. Also, the Federal NPDES storm water permit application requirements provide the following definition of a Municipal Separate Storm Sewer System, which would seem to include some if not all public roads:

> *Municipal separate storm sewer* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
>
> (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
>
> (ii) Designed or used for collecting or conveying storm water;
>
> (iii) Which is not a combined sewer; and
>
> (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. [1]

[1] United State Congress / Environmental Protection Agency – Clean Water Act - NPDES Phase II Final Rule – January 1999.

The main disadvantage to including public roads by definition is that they cause significantly more runoff to be collected within the drainage system, and they are significant contributors to the pollutant load being discharged via the Municipal Separate Storm Sewer System to waters of the United States. Including public roads for the purpose of avoiding fee collection problems could lead to difficulties in complying with water quality requirements of the NPDES Storm Water Discharge Permit. Provisions have been made in the NPDES regulations for requiring state and federal highway systems to become co-permittees with local municipalities so that both entities can work together to reduce or control pollutant load discharge from road surfaces. This relationship could be jeopardized legally if the District has taken the step of including state and federal roads within its own drainage system. Also, if the District includes federal and/or state roadways as part of its drainage system, this may place the District in weaker position when attempting to require or obtain the cooperation of the responsible state or federal agency in managing water quantity or water quality problems which may be caused by the roadways? However, as a part of the storm water system they are subject to regulations by the local municipality.

Private Roadways

Private roadways by definition do not meet the criteria established above for inclusion in the conveyance system. Private roads do not meet federal, state or local highway or roadway construction standards. Typically, private roads serve a purpose much like that of a driveway, and are not intended for use by the general public, but rather are intended for use by those vehicles entering or leaving a property.

Exceptions can be made to include a private road in the definition of public roadways only if the private roads meet all local roadway construction standards and would otherwise qualify to be dedicated to the county at some point in the future. If the private roadway does not currently meet local construction standards and would not currently qualify to be dedicated to the county, then the impervious area associated with the private road(s) will be measured and billed to the property owner. If the private roadway currently meets local construction standards and would currently qualify to be dedicated to the county, the impervious area associated with the private road(s) will be measured and billed to the property owner until such time that the private road(s) are dedicated to the county by approval action from the BOCC.

RECOMMENDATION:

The ERC/KEM Team believes that unsubstantiated exemptions and credits without a clear storm water related benefit to the District are the least attractive of the four alternatives presented above. Unless they are very narrowly defined and such definition holds up under legal scrutiny, they pose too significant a threat of leading to

commonplace, time consuming appeals from other property owners, and could lead to an appreciable erosion of the fee base. Also, credits for public roads would have to be determined based upon its worth to the system in terms of storm water conveyance versus their contribution of increased storm water runoff. Billing according to ERU equivalence may cause harm to the District's bonding capability by carrying a large amount of unpaid debt if the bills are not paid.

Exclusion by definition seems to be a neat and clean method of managing the problem, but this could lead to difficulties in the future if the roadways cause either water quantity or water quality problems. Such a concern may be moot in the case of state and federal roads in that these governmental entities may not pay the fee anyway.

The ERC/KEM Team recommends that the District include public roadways, sidewalks located in the right-of-way, driveway aprons located in the right-of-way (where a parcel boundary ends at the street centerline, exclude the sidewalk and the driveway apron), and bike paths/trails by defining them as part of the storm water conveyance system and this protocol will be followed when measuring the impervious area polygons as applicable for non-residential parcels, but limits this inclusion such that it leaves open the avenue to enforce water quality regulations against State and Federal agencies for water quality impacts as allowed by the Clean Water Act, and to establish co-permittee status for State and Federal roads under the NPDES Phase II storm water permit program.

Any private road that does not currently meet local County roadway construction standards and would not currently qualify to be dedicated to the County will be considered impervious area. The impervious area will be measured and billed to the property owner.

If the private roadway currently meets local construction standards and would currently qualify to be dedicated to the County, the impervious area associated with the private road(s) will be measured and billed to the property owner until such time that the private road(s) are dedicated to the County by approval action from BOCC.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: CONDOMINIUMS

DISCUSSION:

Condominiums

Condominium developments represent a category of residential property that encompasses multiple property owners occupying units/dwellings normally located within the boundary of a single property. Condominium properties typically feature the impervious areas of the individual building(s), parking areas, amenities (e.g. tennis or basketball courts and community meeting space), parking garages and/or carports and driveways. Some condominium properties may also include private (undedicated) streets and or service roads. By definition (treating condominium properties as non-residential properties), the service charge for a condominium property will be derived as follows:

- If condominium properties have a one to one relationship containing individual parcel ID's per unit (per owner) treat as residential and assign 1 ERU;
- If there are not a one to one relationship as explained above, measure all of the impervious area encompassed by the property;
- Multiplying the foregoing whole number by the rate (to be determined later) for a single ERU.

The issue with respect to condominium billing procedures relates to how or whether the storm water user fee will be collected from individual owners or from a single entity.

The ERC/KEM Team has determined that the Lorain County Auditor can provide a Parcel ID number (PIN) for each condominium unit located within the County. However, the County GIS database does not provide property boundary shape files for each of these units, which is necessary to measure the impervious area and to allocate storm water service charges among individual condominium owners. The ERC/KEM Team believes that the Lorain County Storm Water District should be consistent in their approach for allocating charges to condominium property owners.

Therefore, treating each condominium unit as if it were a single-family property and billing the owner for one ERU (must have separate parcel ID and property tax bill from the Auditor).

RECOMMENDATIONS:

The ERC/KEM Team recommends treating condominium properties as residential and assign 1 ERU.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

_____ Date: _____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: APARTMENTS

DISCUSSION:

Apartment (including three or more units) properties represent a category of commercial property that encompasses multiple dwelling units normally located within the boundary of a single property. Apartment properties typically feature the impervious areas of the individual building(s), parking areas, amenities (e.g. tennis or basketball courts and community meeting space), parking garages and/or carports and driveways. Some apartment properties may also include private (undedicated) streets and or service roads.

There is only one option available for billing apartment properties, and that is to bill the total measured impervious area to the property owner. By definition, apartments are tenant occupied properties, and therefore would not qualify to receive a property tax bill from the County Auditor. The service charge for an apartment property will be derived as follows:

- By measuring all of the impervious area encompassed by the property;
- Dividing the measured impervious area by the impervious area equivalent to one ERU;
- Rounding the product of the forgoing division to the nearest whole number (Refer to Billing Policy Paper # 10 – Service Charge Calculation in Whole Or Partial ERUs), and
- Multiplying the foregoing whole number by the rate (to be determined later) for a single ERU.

RECOMMENDATIONS:

The ERC/KEM Team recommends that the Lorain County Storm Water District treat an apartment property as non-residential and measure the impervious area and bill the property owner for the total impervious area for the property.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____
Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: STRIP MALLS / OFFICE PARKS / MALLS

DISCUSSION:

Strip mall, office park and mall properties represent a category of commercial property that may encompass multiple retail oriented units (tenants) normally located within the boundary of a single property. Strip mall, office park and mall properties typically feature the impervious areas of the individual building(s), parking areas, parking garages and driveways. Some office park and mall properties may also include private (undedicated) streets and or service roads. The service charge for a strip mall, office park and mall property will be derived as follows:

- By measuring all of the impervious area encompassed by the property;
- Dividing the measured impervious area by the impervious area equivalent to one ERU;
- Rounding the product of the forgoing division to the nearest whole number (Refer to Billing Policy Paper # 10 – Service Charge Calculation in Whole Or Partial ERUs), and
- Multiplying the foregoing whole number by the rate (to be determined later) for a single ERU.

The issue with respect to strip mall, office park and mall billing procedures relates to how or whether the storm water user fee will be collected from individual owners or from a single entity.

The ERC/KEM Team believes that the Lorain County GIS database may, in some cases, provide property boundary shape files that will establish a basis for allocating storm water service charges among individual owners. In those cases where the property boundary information is included in the GIS database, two alternatives for allocating the service charges should be considered:

1. Charge the owner(s) having separate parcel boundary(s) for the total measured impervious area within the property boundary provided by the County GIS, and charge the remaining impervious area to the owner(s) of the other property(s) comprising the strip mall, office park or mall. Therefore, this will involve calculating more than one storm water charge for the complex. The impervious area will be measured and divided by the ERU to determine the number of ERUs for the property(s), and multiplying by the ERU rate to determine the billing amount for each.

2. Assign the entire service charge to a single entity (property owner, management association, landlord, manager). This would involve dividing the total measured impervious area by the ERU to determine the number of ERUs for the complex, and multiplying by the ERU rate.

The ERC/KEM Team can apply both of these options, especially due to the fact that impervious area measurements have been calculated within property boundaries by the GIS Department. Application of option 2 where there are clearly defined property boundaries that separate one or more properties and owners requires that the Storm Water District "move" impervious areas from one owner to another owner manually. This process would be both time-consuming and unreasonable.

RECOMMENDATIONS:

The ERC/KEM Team recommends that the Lorain County Storm Water District use Option 1 above for treatment of strip mall, office park and mall properties. If a clearly defined property boundary exists in the GIS data for one of the owners, the impervious area within that property boundary will be charged to that property owner, and the remaining impervious area for the property will be charged to the owner of those properties.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: AGRICULTURAL PROPERTIES

DISCUSSION:

Agricultural properties will be a potential issue during the classification and measurement of properties for billing purposes. It can be argued that agricultural properties should be classified as single-family since it typically encompasses a single-family home. Their occupants generally view farms as residences. As a single-family property, a farm would be assigned one ERU for the storm water bill. Therefore, the goal of these billing policy papers are to classify all parcels into residential or non-residential, it would make sense to include all agricultural properties in the definition of a single-family residential property.

However, due to the variety of agricultural sites that may exist within the district, these property types should be excluded from the population used to select the Equivalent Residential Unit (ERU) random sample.

RECOMMENDATIONS:

The ERC/KEM Project Team recommends that the Lorain County Storm Water District:

1. Classify agricultural properties as single-family residential properties; and

2. Exclude these agricultural properties from the population used to select the Equivalent Residential Unit (ERU) random sample.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

_____ Date: _____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: WHO GETS THE BILL?

DISCUSSION:

Strip mall, office park and mall properties represent a category of commercial property that may encompass multiple retail oriented units (tenants) normally located within the boundary of a single property. Strip mall, office park and mall properties typically feature the impervious areas of the individual building(s), parking areas, parking garages and driveways. Some office park and mall properties may also include private (undedicated) streets and or service roads. The service charge for a strip mall, office park and mall property will be derived as follows:

- By measuring all of the impervious area encompassed by the property;
- Dividing the measured impervious area by the impervious area equivalent to one ERU;
- Rounding the product of the forgoing division to the nearest whole number (Refer to Billing Policy Paper # 10 – Service Charge Calculation in Whole Or Partial ERUs), and
- Multiplying the foregoing whole number by the rate (to be determined later) for a single ERU.

In Billing Policy #6 – Strip Malls / Office Parks / Malls the ERC/KEM Team recommends that the Lorain County Storm Water District adopt the policy to charge an owner within the complex for the impervious area within a clearly defined property boundary, and charge the owner of the remaining property for the impervious area for the rest of the complex.

However, in the future, the owner of the remaining portion of the complex may wish to allocate the impervious area to the rest of the owners/tenants based upon a pre-determined method of allocating other expenses and/or parking areas, which is a common occurrence.

Generally, a lease for office space in a retail strip mall or mall, or within an office complex will include some allocation of the parking areas and/or general maintenance costs to each tenant based upon the square footage of the rented space within the structure. The owner will use this allocation base to apply and charge various expenses back to the tenants. The owner may contact the County and wish to allocate the storm water charge to the tenants using this same allocation base. Under this situation, the owner will ask that the County Auditor "split" the storm water charge and bill the tenants for their share of the charge, based upon this pre-defined allocation base.

To accomplish this task, the County Auditor will need to create a series of "storm water only" billing accounts for the tenants. The question of legality immediately is raised here. Since the tenant does not own the property, can the County Auditor legally "create" a bill for the sole purpose of billing the storm water charges to someone other than the owner of a property? This procedure will require consultation with and a legal opinion from the Lorain County Prosecutor's Office.

A separate but related issue is whether the County Auditor is willing to accommodate this procedure and be willing to create a series of new accounts for this purpose. Creating new accounts and billing only storm water charges may be an expense that the County Auditor will not wish to incur. The process will require the creation of a new set of account numbers that do not coincide with the Parcel ID (PIN) method of tracking properties and owners. This process also puts the County Auditor in a position of having to track the tenants in a strip mall, office park or mall for the purpose of billing the storm water charges to a tenant.

RECOMMENDATIONS:

The ERC/KEM team recommends that the Lorain County Storm Water District adopt an overall District policy to "always charge the owner of the parcel" for the storm water service charge. This recommendation simplifies this scenario for billing strip mails, business parks and shopping malls and follows the billing protocol of the Auditors property tax billing system. The ERC/KEM Team further recommends that the District not offer or allow "deconsolidation" of charges in situations where a property owner wishes to reallocate charges to tenants.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

_____ Date: _____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: EXEMPTION OF CERTAIN PROPERTIES OR LAND USE TYPES FROM STORM WATER SERVICE CHARGES

DISCUSSION:

The general rule with regard to property type or land use type exemptions is that once the rationale for any exemption is endorsed and approved, it will lead to appeals by other property type(s) or land use type(s) for other exemptions. The argument centers on "if that exemption" is fair and equitable, then "my exemption" is fair and equitable.

As an example, typically schools or churches will apply for an exemption based on the premise that they are "tax exempt". The storm water fees being discussed here are not taxes but rather "service charge" or "user fee" rates similar to water or sewer service charge rates that all property owners receiving the storm water services and pay for that benefit or service provided by the District. Some will contend that these rates are being collected with the property taxes and are therefore taxes. Again, there is precedent for the County Auditor to collect charges that are not taxes with the semi-annual tax bill, assessments for water, sewer improvements, Conservancy assessments, or ditch assessments are examples of non-tax items collected with the tax bill.

RECOMMENDATION:

The ERC/KEM team recommends that the Lorain County Storm Water District provide no exemptions from the storm water service charge.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: SERVICE CHARGE CALCULATION IN WHOLE OR PARTIAL ERUs

DISCUSSION:

The Equivalent Residential Unit (ERU) will be used as the common denominator in the algorithm for all non-residential classes of properties using the selected rate structure, with the exception of assigning 1 ERU (flat rate) for all single-family class customers. The process can be summarized as follows:

1. The impervious area of a randomly selected and representative sample of single-family residential (SFR) properties is measured to determine the average impervious area. The average impervious area of those measured SFR properties represents one (1) Equivalent Residential Unit (ERU). The ERU is then used to calculate bills for all single-family and non-residential customer classes.

2. All SFR properties are charged a flat rate charge that is equal to one ERU.

3. The charge for a non-residential property (not single-family as determined by the single-family property definition) is determined by first measuring the total impervious area for a particular property in square feet (to be completed later in the project). The measured impervious area is then divided by the square footage of the ERU (determined in Step 1 above) to determine the total number of ERUs for that particular property. **The mathematical division process will generally yield a fractional number (versus a whole ERU total).** The total number of ERUs for that property is then multiplied by the SFR flat rate to determine the charge for that multi-family and commercial property.

ISSUE:

Shall the product of the division be rounded to whole numbers? If so, what rounding protocol will be followed?

or

Shall fractional products be utilized in the calculation of bills?

The first option simplifies calculation of and explanation of bills.

The second option will significantly complicate the administration of the program and process. The ERC/KEM Team believes the fractional ERU approach may also lend itself to a potential legal challenge. For example, a multi-family and commercial property (that is actually measured) has impervious area that calculates to be less than 1/2 of an ERU, may in fact, challenge that they should be assessed "0" or no charge simply on the grounds of rounding down the ERU calculation.

RECOMMENDATIONS:

The ERC/KEM Project Team recommends that the Lorain County Storm Water District implement an ERU and rate system that only recognizes complete or whole ERUs. Moreover, the following rounding protocol should be followed in rounding to whole numbers:

- Below 0.50 is rounded down to the nearest whole ERU; and
- 0.50 and above is rounded up to the next higher whole ERU.
- All properties should receive at least 1 ERU.

Examples of rounding situations (assuming an ERU of 6,000 ft² **):

Impervious Area	ERU (before rounding)	ERU (rounded)
19,920 ft²	3.32	3.0
99,870 ft²	16.65	17.0
230,000 ft²	38.33	38.0
1,996 ft²	.33	1.0

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____
Ken Carney, Lorain County Drainage Engineer

** - The ERU value may be higher or lower than the 6,000 ft² value used in the examples above.

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: PROPERTIES WITH MORE THAN ONE (1) PARCEL CONTAINING IMPERVIOUS AREA AND VACANT PROPERTIES

DISCUSSION:

All non-residential property owners will be charged based upon the total measured impervious area for their properties. Two issues need to be discussed and resolved as they pertain to the aforementioned decisions. These issues are:

1. How should the Lorain County Storm Water District treat a situation whereby a property owner owns multiple (more than one) contiguous parcels that contain impervious area? And,

2. Understanding the ramifications of charging a minimum of one ERU to each developed property owner under the impervious area rate structure method?

For purposes of the following discussion, a parcel would be defined as the land contained within a boundary as defined by the Lorain County GIS data and associated legal description. A property is defined as more than one parcel with contiguous or shared parcel boundaries as defined by the Lorain County GIS data and associated legal description, and with same ownership.

Issue 1

The first issue above does not appear to be complicated as the impervious area for the multiple parcels (individually) would simply be measured and an ERU count would be determined. Although multiple parcel ownership is much more common with non-residential property types, situations may exist where a single-family property owner owns two or more contiguous parcels and may for example have the home on one parcel and the garage on a second parcel. Should the District charge this property owner a minimum of one ERU for each parcel?

Taking this example one step further and adding in the second issue above, assume that this single-family property owner actually owned three contiguous parcels, having the home on one parcel, the garage on the second parcel, and the third parcel is undeveloped. Applying the strictest definition, under this scenario, the single-family property owner should be charged 1 ERU for each property that contains impervious area for a minimum of two ERUs.

When the ERC/KEM Team selects the representative random sample of single-family residential properties for the purpose of developing the Equivalent Residential Unit (ERU), the impervious area for the residence will be measured without regard to property boundaries. In other words, if the home is on one parcel and the garage on a second parcel, the measurement of both structures will be combined into one measurement for that residential unit. By definition, a typical residential property's impervious area includes

the home, the driveway, sidewalks (not in the right-of-way) and a garage. Measuring the impervious area separately (home on one parcel and garage on a second parcel) would be an incorrect application of the procedure. Splitting the measurement would generate an unrealistic and untrue value of the ERU.

The ERC/KEM Team believes that a compromise can be made with respect to situations where multiple parcels containing impervious areas (same ownership and contiguous) exist. The compromise would be to limit the charge to a single-family property owner to one ERU where the main structure is located on two adjacent parcels and the two parcels are designated as "land-hooked" in County records. Two parcels are land-hooked when they by law, must be sold or transferred together and not as single parcels. In this situation, the charge would be one ERU, one for the two adjacent parcels containing the main structure, and zero for the vacant undeveloped adjacent parcel. Any additional contiguous undeveloped parcels would also not be charged.

Issue 2

Under the impervious area rate structure method, charges are calculated based upon either the single-family residential average impervious area (ERU) or by measuring the impervious area and dividing by the size of the ERU to determine the number of ERUs for a property. Vacant and undeveloped properties do not contain impervious area and therefore would be excluded from paying storm water charges.

The ERC/KEM Team believes all property owners within the District should share the cost of the NPDES Phase II Permit by charging a minimum of one ERU to every developed property owner. There is no justification for charging undeveloped properties even though there are costs in the permit plan that apply to all property owners – developed or not. A minimum charge to undeveloped properties may be legally defensible (subject to a legal opinion from the County Prosecutor's Office), if the charge is calculated and based on the fixed portion (minimum) cost of service elements (permit only) and the remaining variable costs are segregated into a second category through the detailed cost of service analysis.

RECOMMENDATIONS:

The ERC/KEM Team recommends that the Lorain County Storm Water District accept and implement the following policies:

1. Charge a minimum of one ERU per developed parcel to property owners that own developed and undeveloped contiguous parcels for a single property for both residential and non-residential. In residential cases where the main structure is located on **more than one** contiguous and adjacent parcel (land-hooked), charge only one ERU for these two parcels.

2. Owners of vacant and undeveloped parcels should not be charged.

3. Any billing adjustments that result from application of #1 and #2 above will be limited to one-year from discovery of any misapplication of the above referenced policies. However, the Lorain County Storm Water District reserves the right to make any adjustments for unique situations that may arise.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: HANDLING OF STORM WATER DISTRICT AND COUNTY AUDITOR BILLING POLICY DISAGREEMENTS

PURPOSE:

Between June 1, 2010 and September 1, 2010, the County Storm Water District and the County Auditor's office must complete the following tasks:

- Prepare and adopt Billing Policy Papers outlining such issues as the definition of residential property, define the District's service area boundary, measure all non-residential impervious area, calculate the ERU for all developed properties within the District service area;
- Determine land use codes for any property tax billing records in the County Auditor's database that currently have no such code or the current code is in error (Auditor Office Responsible).
- Establish impervious areas for all non-residential properties (Storm Water District responsible).
- Digitize the impervious areas for a representative sample of residential properties to determine the Equivalent Residential Unit (ERU) (Storm Water District responsible);
- Complete QA/QC (Quality Assurance / Quality Control) of the data prepared above, and
- Consolidate the above data into the County Auditor's property tax billing file and run error checks on the data.

Due to the sheer scope of the tasks described above and the complexity of the work make this effort fraught with the possibility of conflicts between one or more of the participants in this process. The purpose of this Billing Policy Paper is to define how conflicts or disagreements would be resolved or at least mitigated.

DISCUSSION:

Collecting, amending and checking large amounts of data, with sometimes-conflicting needs and schedules raises the potential for conflict between two or more of the participants. Because of the need for accuracy in the final data set, some disagreement between parties is inevitable. A process is necessary to ensure that such disputes are resolved quickly and amicably for all parties. The conflict resolution process should, when possible, produce a "win-win" situation for the parties involved. However, failing that, there must be some final ultimate authority that makes a final judgment that must then be accepted by all parties.

PROCEDURES:

When a dispute occurs, that does not appear resolvable between the conflicting parties; the following process would be initiated immediately:

1. The party raising the question should submit the issue in writing to the County Drainage Engineer and the County Auditor, along with a copy to the other party(s) advising them of the issue and asking for resolution.
2. These officials, who have ultimate responsibility for the success or failure of this program should discuss the issues and reach some conclusion to resolve the problem.
3. Once they have come to agreement on a solution, they should advise the parties, in writing, of their joint decision and the parties should proceed with the disputed issue based upon that decision.
4. Should the County Drainage Engineer and County Auditor fail to reach agreement on this matter, and there appears to be no possibility of reaching agreement, then the County Drainage Engineer and the County Auditor shall request that the Board of County Commissioners hear both parties and make a final judgment to resolve the disputed issue.

All parties involved in this process must understand that speed and accuracy are the key elements in completing this project in a timely, and hopefully indisputable, manner. Every effort should be made to resolve conflicts at the lowest possible level to ensure that work proceeds in a timely manner.

RECOMMENDATION:

The ERC/KEM team recommends that the Lorain County Storm Water District and the County Auditor's Office jointly act to resolve any disputes between parties to the Billing Data File Development process.

1. All parties to this process should be advised by the Lorain County Storm Water District or County Auditor of the need to resolve conflicts at the lowest possible level to ensure that work proceeds in a timely manner.

2. The Storm Water District and County Auditor should establish an e-mail link to ensure that timely information on any conflicts is reviewed by both managers as soon as possible.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: CREDITS

PURPOSE:

Many storm water utilities or storm water program districts across the country have established credits programs to reduce the storm water charges to those properties within the service area for performing the following activities:

- Reducing the impact of storm water (either quantity or quality) for a particular property to an acceptable standard; and/or
- Reducing the cost of service to the County by performing activities on accepted properties that otherwise would have to be performed by and be the responsibility of County staff.

Furthermore, a storm water credit should be offered as an incentive to owners of properties for being good stewards of the County's storm water resources. The benefit to the property owner is a reduction in the storm water bill as a result of a "hands-on" involvement in the storm water program. The concept is that the entire community benefits from these enhancements or improvements to the storm water system through the reduction in flooding and through improvement of the quality of water in the system.

Once a credit is established and approved by staff, an annual update will need submitted by the property owner as an on-going verification that the property (facility) is being maintained and in good working order. Additionally, a potential credit may be available as a one-time reduction for a single action on a case-by-case basis. However, this type is credit is extremely rare.

DISCUSSION:

Typical storm water credits would/could include such things as:

1. Detention/Retention;
2. Water Quality Ponds
3. Grass Filter Strips;
4. Riparian Water Quality Buffers (forested buffer strips);
5. Infiltration Trenches;
6. Adopt a Stream; and
7. Education.

Credits for any of the above or combinations are generally limited to some fixed percentage of the specified storm water fee and the actual credit is applied typically falls in a range from 10% to approximately 30% for each credit. However, those storm water utilities/Districts that provide credits limit the reduction of fees from 30% to 50% of

the total storm water bill. For example, a property owner can apply for all possible credits that are available, but each property is limited to a maximum of 50% whether the property meets the criteria that would otherwise exceed the 50% maximum.

Virtually all the storm water credits programs established to date are associated with storm water utilities/Districts that were set up to address water quantity (flooding) and maintenance issues. As a result, additional research may be necessary on credits that relate specifically to water quality.

PROCEDURES:

Those properties receiving a storm water credit are typically required to submit an initial onetime application and justification for the requested credit or credits. In some communities an application fee is charged with the application. Additionally, an annual report verifying that the activity or activities that meet the credits criteria is/are properly being maintained and all of the rules and regulations of the credits that was granted initially is being followed.

For certain credits, the owner may be required to submit an engineering design and calculations supporting the requested credit. Many utilities require certification by the property owner that the activity credited will be properly operated and maintained. Some utilities require an annual inspection of the credited facility and certification of its continuing operability by the property owner.

It is assumed with the credit program, that a field inspector will generally inspect each property that submits a credit application, at least once every three years. This is dependent on the total amount of credit applications received and should be adjusted accordingly.

RECOMMENDATION:

The ERC/KEM team recommends implementing a Storm Water District credits program prior to the January 2012 billing date. This delay is possible due to the $1.50 rate that is used for year 1 of the storm water program. This initial minimal storm water fee will cause most if not all credits to be too cost prohibitive to implement as compared to the overall rate during year 1.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: SPECIAL SITUATIONS

DISCUSSION:

During the process of measuring the impervious areas for all non-residential properties located within the Lorain County Storm Water District, the ERC/KEM Team will encounter special and or unique situations that need to be addressed. These special situations pertain to measuring the impervious areas for the following types of properties by using and interpreting aerial photography:

- Railroad lines and railroad properties;
- Properties used for auto storage (a.k.a. junkyards);
- Properties used to store old auto and truck tires;
- Manufacturing properties that use outside and uncovered storage of raw materials such as coke.
- Stone quarries.

Notifying the property owner of the situation, and scheduling an in-person visit would be the recommended and most accurate procedure in determining the impervious areas for the above mentioned property types. A consistent approach and decision needs to be made for interpreting the impervious areas for these properties.

With the understanding that in-person visits and/or drive-bys will not be performed because it simply will be too costly, the following approach should be used for treatment of each property type listed above:

- Railroad lines will be treated as pervious and not be measured. However, any railroad yards that contain building and parking lots will be measured and charged and treated as any other non-residential property would be treated.

- Properties used for auto storage (a.k.a. junkyards) should have the areas used for auto storage determined. If the autos are stored on gravel or paved surfaces, these areas should be measured and treated as gravel or impervious area. If the driveways are gravel or paved surfaces, they should be measured and treated as gravel or impervious surfaces. All buildings and paved parking lots will also be included in the impervious area measurement.

- Properties used to store old auto and truck tires should have the areas beneath and used for storing tires determined. If the tires area stored on gravel or paved surfaces, these areas should be measured and treated as gravel or impervious area. If the driveways are gravel or paved surfaces, they should be measured and treated as gravel or impervious surfaces. All buildings and paved parking lots will also be included in the impervious area measurement..

- Manufacturing properties that use outside and uncovered storage of raw materials should have the areas beneath and used for storage of materials determined. If the raw materials are being stored on gravel or paved surfaces, these areas should be measured and treated as gravel or impervious area. If the driveways are gravel or paved surfaces, they should be measured and treated as gravel or impervious area. All buildings and paved parking lots will also be included in the impervious area measurement.

- Stone quarry properties that store large piles of stone should only be charged for any structures, parking lots and driveways located within the properties. The area used for storage of stone will not be included in the impervious area measurement.

RECOMMENDATION:

The ERC/KEM Team recommends that the Lorain County Storm Water District treat special properties as follows:

- Railroad lines will be treated as pervious and not be measured. However, any railroad yards will be measured and charged.

- Properties used for auto storage (a.k.a. junkyards) should have the areas used for auto storage determined. If the autos are stored on gravel or paved surfaces, these areas should be measured and treated as gravel or impervious area. If the driveways are gravel or paved surfaces, they should be measured and treated as gravel or impervious surfaces. All buildings and paved parking lots will also be included in the impervious area measurement.

- Properties used to store old auto and truck tires should have the areas beneath and used for storing tires determined. If the tires area stored on gravel or paved surfaces, these areas should be measured and treated as gravel or impervious area. If the driveways are gravel or paved surfaces, they should be measured and treated as gravel or impervious surfaces. All buildings and paved parking lots will also be included in the impervious area measurement..

- Manufacturing properties that use outside and uncovered storage of raw materials should have the areas beneath and used for storage of materials determined. If the raw materials are being stored on gravel or paved surfaces, these areas should be measured and treated as gravel or impervious area. If the driveways are gravel or paved surfaces, they should be measured and treated as gravel or impervious area. All buildings and paved parking lots will also be included in the impervious area measurement.

- Stone quarry properties that store large piles of stone should only be charged for any structures, parking lots and driveways located within the properties. The area used for storage of stone will not be included in the impervious area measurement.

- This policy paper recognizes the 1/3 credit reduction for gravel policy recommended by the Lorain County Drainage Engineer. However, it will be up to the property owner to submit a onetime application showing the gravel parking areas in order for the 1/3 credit to be applied.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

_____
Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM
POLICY: MANUFACTURED HOMES

DISCUSSION:

Manufactured home properties represent a category of residential property that may be located on a lot owned by the property owner (clearly defined property boundary), on leased land (clearly defined property boundary), or on a leased lot (lot rent) within a park (no property boundary for each unit). Treatment of manufactured homes for storm water purposes is for the most part straightforward, depending on which of the three scenarios is encountered.

For the first two scenarios (where the home is located on a lot owned by the property owner, or on leased land), the primary use of the property is for residential purposes.

Therefore, these properties should be treated the same as a single-family residence, and be billed for one ERU per month.

Manufactured homes that fall into the third scenario (where the home is located on a leased lot (lot rent) within a manufactured home park), can be compared to an apartment complex in that the homes are located on a large parcel owned by the park. These lots do not have actual boundaries, and therefore do not have a separate parcel ID number assigned to them. Additionally, these manufactured home parks typically include the impervious area for private roads, and may include the impervious area for other amenities such as basketball courts, tennis courts, pools, the management office, etc.

There is only one option available for billing manufactured home park properties, and that is to bill the total measured impervious area to the property owner. By definition, manufactured home parks are tenant occupied properties, and therefore would not qualify to receive a property tax bill from the County Auditor. The service charge for a manufactured home park property will be derived as follows:

- By measuring all of the impervious area encompassed by the property
- Dividing the measured impervious area by the impervious area equivalent to one ERU
- Rounding the product of the forgoing division to the nearest whole number (Refer to Billing Policy Paper # 10 – Service Charge Calculation in Whole or Partial ERUs) and
- Multiplying the foregoing whole number by the rate (to be determined later) for a single ERU.

Note: In rare cases, a manufactured home park may exist where the home resides within the park and on land with a clearly defined boundary for each unit, and separate parcel ID numbers. If each property is owned separately, and each property receives a property tax bill from the Auditor's office, these properties should be treated as residential properties. Each unit should be billed one ERU per month. Any common areas or private roads and/or amenities should be treated as non-residential property.

RECOMMENDATIONS:

The ERC/KEM Team recommends that the Lorain County Storm Water District treat a manufactured home located on land owned by the property owner (clearly defined property boundary), or on leased land (clearly defined property boundary) the same as a single-family residential property. The ERC/KEM Team further recommends that the Lorain County Storm Water District treat manufactured home parks (no property boundary for each unit) as a non-residential property and measure the impervious area for the entire complex and send the bill to the property owner.

The ERC/KEM Team also recommends that if a manufactured home park exists where the home resides within the park and on land with a clearly defined boundary for each unit, each property has a separate parcel ID numbers, each property is owned separately, and each property receives a property tax bill from the Auditor's office, these manufactured home properties should be treated as residential properties. Each unit should be billed one ERU per month. Any common areas or private roads and/or amenities should be treated as a non-residential property.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

_____ Date: _____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: IMPERVIOUS AREA CHANGES

DISCUSSION:

The Lorain County Storm Water District determined through acceptance of Billing Policy Paper #1 – Definition of Impervious Area, that impervious areas are defined as buildings, parking lots, driveways, sidewalks (not in the right-of-way) and gravel surfaces. However, the District did not make a policy decision on billing impervious areas in situations where the impervious area for a property has changed. Therefore, this Billing Policy Paper addresses situations where the impervious area within a property has changed.

For purposes of verifying that impervious area has been added or changed for a property, the Lorain County Storm Water District should rely on one or more of the following sources:

- The Lorain County Auditor Aerial Photography; and/or
- The Lorain County Engineer's Department.

New or Re-Development

The Lorain County Storm Water District determined that all developed properties (defined as containing impervious areas) will be billed a minimum of one ERU. The District determined that all residential properties (defined as single-family and two-family residential properties) will be billed one ERU per month. And, the District determined that the monthly charges for all non-residential properties will be based upon the number of ERUs determined by dividing the total impervious area by the value of the ERU (to be determined) and rounding that value to a whole number. However, the District did not determine the policy for billing storm water charges to a newly developed property.

Newly developed properties contain impervious areas once building of a structure, driveway or parking lot begins. The building process may in some cases take a few months to several months to complete, and the property may or may not be inhabited or occupied immediately upon completion. This complicates the issue as the builder or developer may own the property for part of a given year, and a new owner may own the property for some other part of that year. These situations can cause the Storm Water District staff to spend an unnecessary amount of time tracking owners and billing partial year charges to builders and/or owners, etc.

A re-developed property may temporarily contain little or no impervious area until such time that a new structure, driveway or parking lot is under construction. Or, a property owner may be adding impervious area by expanding an existing structure, parking lot or driveway. In some cases, impervious areas may be replaced by green space, or impervious area may be replaced by other impervious areas (adding a building where a

parking lot once was located). Again, these situations can cause the Storm Water District staff to spend an unnecessary amount of time tracking impervious area changes.

The ERC/KEM Team believes that the overall impact of new development or re-development on revenue for a particular year will be minimal compared to the number of man hours that will be spent tracking them during a particular year. However, the impervious areas for all new development and re-development properties must certainly be updated. The time consuming and costly procedures involve issuing more that one storm water bill for a particular property due to new development, or in issuing more than one bill for changes in impervious areas due to re-development.

Therefore, the ERC/KEM Team recommends that the Lorain County Storm Water District accept and implement the following recommendations for treating newly developed or re-developed properties:

- Determine the specific permit and/or site plan approval process that is used by Lorain County for new development, and add the Storm Water District to the distribution of the associated permit and/or site plans.

- Add new development properties to and/or adjust re-development properties for the year-end storm water billing file that will be delivered to the County Auditor's Office for the next billing year. Therefore, the impervious area for all new development and re-development properties as of July 31st will be used for billing storm water charges for the entire next year. For example, if a property was newly developed or re-developed before July 31st 2010, those charges apply for both bills in 2011. Otherwise, the new or added impervious area for the property will not be billed during 2011.

- Any changes in impervious area due to new development or re-development that occur after July 31st will be updated and changed in the storm water billing file prior to delivery of the next billing file (September of next year). For example, if the new development or re-development begins after July 31st , the charges associated with the new development or re-development will not be billed during 2011, but will be included in the billing file developed for the September 2011 certification, and will be billed during 2012.

Demolition or Catastrophic Event

Situations will arise whereby a property is demolished or where the property is damaged due to some catastrophic event such as a fire, tornado etc. In both cases, all of the impervious area must be removed from the property in order to eliminate the storm water charges. The ERC/KEM Team's experience with these situations is that all of the impervious area is rarely removed due to a demolition or some catastrophic event. In determining whether or not to eliminate the storm water charge for a particular property a field verification will be necessary. If only the structure(s) is removed and the driveway or basement area still exist, the property will still be considered developed, and will continue

to be charged. Storm water charges will only be eliminated if all of the impervious area is removed from the property.

Therefore, the ERC/KEM Team recommends that the Lorain County Storm Water District accept and implement the following recommendations for treatment of properties that have been demolished or damaged due to some catastrophic event:

- Determine the distribution of the demolition specific permit process that is used by Lorain County and add the Storm Water District to the distribution.
- Verify each demolition in the field to determine if all of the impervious area has been removed from the property.
- Verify (field) each property damaged by a catastrophic event to determine if all of the impervious area has been removed from the property.
- If all of the impervious area has been removed from a property prior to July 31st, remove the property and associated charge from the year-end storm water billing file prior to delivering the file to the Auditor's Office.
- If some impervious area still remains on a property as of July 31st, include the property and associated charge in the year-end storm water billing file to be delivered to the Auditor's Office.

RECOMMENDATIONS:

The ERC/KEM Team recommends that the Lorain County Storm Water District accept and implement the following recommendations for treating newly developed or re-developed properties:

- Determine the specific permit and/or site plan approval process that is used by Lorain County for new development, and add the Storm Water District to the distribution of the associated permit and/or site plans.
- Add new development properties to and/or adjust re-development properties for the year-end storm water billing file that will be delivered to the County Auditor's Office for the next billing year. Therefore, the impervious area for all new development and re-development properties as of July 31st will be used for billing storm water charges for the entire next year. For example, if a property was newly developed or re-developed before July 31st 2010, those charges apply for both bills in 2011. Otherwise, the new or added impervious area for the property will not be billed during 2011.
- Any changes in impervious area due to new development or re-development that occur after July 31st will be updated and changed in the storm water billing file prior

to delivery of the next billing file (September of next year). For example, if the new development or re-development begins after July 31st, the charges associated with the new development or re-development will not be billed during 2011, but will be included in the billing file developed for the September 2011 certification, and will be billed during 2012.

The ERC/KEM Team recommends that the Lorain County Storm Water District accept and implement the following recommendations for treatment of properties that have been demolished or damaged due to some catastrophic event:

- Determine the distribution of the demolition specific permit process that is used by Lorain County and add the Storm Water District to the distribution.
- Verify each demolition in the field to determine if all of the impervious area has been removed from the property.
- Verify (field) each property damaged by a catastrophic event to determine if all of the impervious area has been removed from the property.
- If all of the impervious area has been removed from a property prior to July 31st, remove the property and associated charge from the year-end storm water billing file prior to delivering the file to the Auditor's Office.
- If some impervious area still remains on a property as of July 31st, include the property and associated charge in the year-end storm water billing file to be delivered to the Auditor's Office.

ACTION:

The Lorain County Drainage Engineer and staff reviewed and approved the above recommendation and contents of this billing policy paper.

Date: _____

Ken Carney, Lorain County Drainage Engineer

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: ERU DETERMINATION

DISCUSSION:

The primary steps involved in determining the Equivalent Residential Unit (ERU) for the Lorain County Storm Water District Program are as follows:

- Generate a random sample of residential properties from an existing database;
- Identify the impervious area within each property;
- Digitize (measure) the amount of impervious area within each property;
- Estimate the population ERU from the sample ERU;
- Perform a statistical analysis on the data to determine the 95% confidence level and 5% confidence interval. This will determine the number of adequate samples to validate the estimate used for the population ERU.

GENERATE RANDOM SAMPLE

The Technical Advisory Committee held meetings relating to specific billing issue policies. The consensus reached in defining residential properties included two land use categories:

- Single-Family Residential Properties; and
- Two-Family (Duplex) Properties.

All properties from these land use category were used to generate a random sample to determine the average impervious area. The Project Team used data provided by the Lorain County Auditor's office to determine the total number of properties that are located within the Storm Water District, and that are in these two land use categories. The total number of properties in these two land use categories is 18,782. Each of the 18,782 records were randomized and then assigned a random number using a random number generating Excel™ add-in program. The sample size was determined (376), and the first 600 records were selected for impervious area measurement. Since the Project Team used land use codes provided by the Lorain County Auditor in determining the population size (18,782), 600 properties were selected in the event that a property was vacant (no structures), demolished, or was developed after the date of the aerial photography. The measured properties are shown in Table 1 of the Appendix.

SAMPLE SIZE DETERMINATION

The representative sample size can be calculated by using the following formula:

$$S = \frac{X^2 NP(1-P)}{d^2(N-1) + X^2 P(1-P)}$$ Where,

S = required sample size
N = the given population size
P = population proportion that for table construction has been assumed to be .50, as this magnitude yields the maximum possible sample size required
d = the degree of accuracy as reflected by the amount of error that can be tolerated in the fluctuation of a sample proportion p about the population proportion P - the value for d being .05 in the calculations for entries in the table, a quantity equal to
$\pm 1.96\sigma_p$
X^2 = table value of chi square for one degree of freedom relative to the desired level of confidence, which was 3.841 for the .95 confidence level represented by entries in the table.

A table has been provided in the Appendix that shows various samples sizes for a variety of different population sizes. The table provides the required sample size for the Lorain County Storm Water District residential sample to between the range of 375 and 377 and is within +/- .05 (confidence interval) of the total population, and with a 95% level of confidence.

Confidence Level

Confidence level tells how sure you are that the results are accurate. It is expressed as a percentage (95% for this sample) and represents how often the true percentage of the population is represented in the sample. For this project, we are 95% sure that the entire population is represented.

IDENTIFY IMPERVIOUS AREA

The Lorain County Geographic Information System (GIS) database and base mapping information were used to identify and measure the properties. After locating the property and determining that the property contained impervious area, the impervious area was measured and recorded in a spreadsheet for that property. All layers containing impervious area measurements were identified and saved for further analysis.

ESTIMATE POPULATION ERU

To estimate the population ERU the sample mean and standard deviation were calculated and the results shown below:

Sample mean (x) = 6,300 sq. ft. of impervious surface

Standard deviation (□) = 3,777 sq ft

Number of Samples = 400

□ *= 0.05 (at 95% confidence)*

$z_{\square/2} = 1.96$

To arrive at a 95% confidence level for the population mean the following formula was used:

[x + □ * (□/(n^1/2))] < u < [x + □ * (□/(n^1/2)]

Where u is an estimate of the population mean (average impervious area for all residential properties within the Lorain County Storm Water District).

Confidence Interval

Using the result from the above formula, the 95% confidence interval was found to be in a range between of +/- 4.9% of the mean, or between 5,991 sq. ft. and 6,608 sq. ft. of impervious area (see chart below). This translates into a 95% confidence that the true population mean is within the stated range. Theoretically, the Project Team could use any one number between the confidence intervals to represent the ERU. The lower number (5,991 sq. ft.) would generate more Equivalent Residential Units (ERUs) within the District due to the effect on non-residential properties. On the other hand, the higher (6,608 sq. ft.) number would generate a lower number of ERUs. However, the Project Team believes the impact on revenues is insignificant and the decision should center on ease of implementation. Application of 6,000 sq.ft. representing one ERU would appear to be more practical since it is more representative of the actual sample mean of 6,300 sq. ft.

RECOMMENDATION:

The Project Team recommends the Lorain County Storm Water District Program use 6,000 square feet of impervious area to represent one (1) Equivalent Residential Unit (ERU).

ACTION:

Approved:_____ Date:_____

APPENDIX

Sample Size Table

TABLE FOR DETERMINING NEEDED SIZE *S* OF A RANDOMLY CHOSEN SAMPLE FROM A GIVEN FINITE POPULATION OF *N* CASES SUCH THAT THE SAMPLE PROPORTION *p* WILL BE WITHIN ± .05 OF THE POPULATION PROPORTION *P* WITH A 95 PERCENT LEVEL OF CONFIDENCE

Population Size	Sample Size	Population Size	Sample Size	Population Size	Sample Size
10	10	220	140	1200	291
15	14	230	144	1300	297
20	19	240	148	1400	302
25	24	250	152	1500	306
30	28	260	155	1600	310
35	32	270	159	1700	313
40	36	280	162	1800	317
45	40	290	165	1900	320
50	44	300	169	2000	322
55	48	320	175	2200	327
60	52	340	181	2400	331
65	56	360	186	2600	335
70	59	380	191	2800	338
75	63	400	196	3000	341
80	66	420	201	3500	346
85	70	440	205	4000	351
90	73	460	210	4500	354
95	76	480	214	5000	357
100	80	500	217	6000	361
110	86	550	226	7000	364
120	92	600	234	8000	367
130	97	650	242	9000	368
140	103	700	248	10000	370
150	108	750	254	15000	375
160	113	800	260	20000	377
170	118	850	265	30000	379
180	123	900	269	40000	380
190	127	950	274	50000	381
200	132	1000	278	75000	382
210	136	1100	285	100000	384

Table 1

PIN	Impervious Area
1000004129002	4565.0734
1200059000020	17088.5316
1100071000010	16808.6679
1600012000029	15200.8706
1708019000012	14743.2039
1100093102092	14717.1583
0500057000359	13703.0035
0624038101029	13244.1674
0100042000014	12737.6751
1200028000039	11602.1574
1500069000045	10953.8426
0900091000031	10912.5359
1200029000038	10556.1680
1200051000071	10508.4515
0500063104055	9423.6573
0500094105020	9393.5209
1600089000022	9382.6416
1400093000007	9286.8285
1200004000010	9021.1727
1200012000028	9015.9470
1600086000040	8940.8930
1100009102043	8780.0472
1200029000001	8692.4462
1400081000004	8297.4962
1200097000026	8264.7425
2108002000009	8252.6326
1200044000057	8171.0170
1100051000088	7827.4852
1000004139010	7734.0149
1000016000159	7729.5135
1500006000018	7325.5449
0500065000009	7193.5849
0100056000018	6853.3888
1800006000042	6782.2618
1000016000013	6753.0754
0900002000040	6635.3457
1800015000044	6540.6398
0500058000152	6464.3844
1100013000017	6429.6333
1000006102013	6318.7074
2105007000002	6265.5189
0800091000067	6236.8514
1500051000006	6197.3076
1200053000020	6182.6022
1200005102033	6182.0077
0300109106007	1174.8111
0300109107031	1498.2841
0300075109036	1847.0091

PIN	Impervious Area
1000008113008	1937.7844
1500098106044	2286.0934
0624046106003	2505.6564
0300113105019	2630.5969
0300111108011	2659.8674
0300108104042	2687.3728
0624039000024	2762.0621
1000004126004	2964.8509
1000006110016	2965.0969
1000004125118	2976.8765
1000015115046	2982.6144
0300108110008	3128.7516
0624037104002	3176.2113
1000004133008	3257.2034
0100017000032	3419.3657
1200020118003	3631.7589
1200040101043	3662.6510
1500099103098	3023.4244
0624045103014	3031.2619
0300110110013	3054.5973
0622017107032	3230.8027
1000006106025	3276.3062
1500098108204	3312.3625
1000007108016	3396.3051
1000006113014	3558.9158
1500099103116	3581.7865
1500099102092	3597.0464
1500099101180	3659.9745
0624040102029	3700.1799
0300103120004	3719.2843
1000001101055	3734.8836
1000009109033	3749.7933
1000008114032	3805.2742
0624016000006	3823.0393
0300109132007	3890.0241
1500099102107	3899.3886
0624045101042	3971.4154
0621004102013	3990.5467
1000005107014	4067.3270
1000004101069	4117.9968
1100009102058	4148.8514
1000009112022	4226.0601
0500062103004	4404.5076
1200020108022	4449.8602
0100017000050	3566.4508
0100026000002	2927.3672

PIN	Impervious Area
0100039000029	4582.8643
0100040000023	11931.5602
0100041000051	9827.9933
0100043000063	17230.9146
0100050000049	9448.2027
0100053000035	6671.6547
0100053000039	12001.9377
0100063000025	7892.0877
0100076000047	14983.3237
0100076000074	9711.5462
0100077000048	6146.1579
0100078000010	8511.6978
0100079000018	7656.7136
0100079000023	10528.2816
0120026000031	5682.6240
0300076109033	2506.4382
0300076111025	1954.7757
0300102110034	1208.6643
0300103118064	3635.9785
0300107101059	5508.9815
0300108105004	5296.9340
0300108105029	3553.2247
0300108112017	945.6378
0300108112053	4081.0756
0300109103010	2236.6563
0300109110014	3450.8757
0300109119013	2164.4473
0300111104010	3730.2089
0300111109014	4176.1714
0300111117027	4267.2199
0300111118003	3078.5253
0300113106033	2783.0014
0500013101023	5884.9471
0500029000005	5067.0098
0500053000079	8022.0904
0500057000097	3162.8018
0500057000240	3440.9670
0500057000282	2927.8273
0500057000318	3978.4174
0500058000017	3741.0118
0500058000036	3223.2860
0500058000044	2768.9158
0500058000047	2958.6324
0500058000050	3770.0264
0500058000186	4977.0138
0500058000233	2950.2345
0500058000268	3766.7695
0500058000303	3167.7334

PIN	Impervious Area
0500058000323	2938.9646
0500059103019	11376.9091
0500059105002	3332.8699
0100039000029	4582.8643
0500062101049	3117.5338
0500062101076	3852.9343
0500062106001	4024.8352
0500062107017	3515.3054
0500071000018	4769.5859
0500094102012	3844.9227
0500094103004	1350.8491
0500095000019	4426.3484
0500097103094	9796.1029
0500097103100	9656.1273
0622018103009	3311.9998
0622018119013	3042.5429
0622018121024	1572.8576
0622018121047	3853.4516
0623001102013	6844.4335
0623001103036	7649.0812
0623005103003	2975.4343
0623005103005	4121.9297
0623007000005	5725.0359
0624004000002	3766.6062
0624004000004	6847.4729
0624005000028	2222.3854
0624016000042	3177.1683
0624017102005	4100.5122
0624017102012	3101.4884
0624037103026	3013.2364
0624037104008	3512.3938
0624037104020	4584.3953
0624037107010	3531.2420
0624038105038	3391.0521
0624038108013	4082.7637
0624039000001	3555.2479
0624040102007	3225.4111
0624045101030	2941.5524
0624045102014	2621.3857
0624045102022	3259.8679
0624045103006	3104.3024
0624045105005	5900.7940
0624046103018	2911.8257

PIN	Impervious Area
0624046107004	2717.7806
0800091000036	9365.6445
0800103000015	8523.4806
0812002000015	10204.3948
0812004000013	9398.2661
0812004000029	16232.2920
0812014000009	10435.2083
0812018000004	5778.0886
0812019000011	6580.2906
0815006000008	9154.9362
0900001101004	4740.7233
0900002000044	5551.4499
0900009000024	11698.1487
0900062000003	3754.6876
0900089000006	6757.3768
0900091000010	6571.5498
0900098000044	8866.0006
1000003123018	2280.3404
1000004130017	2475.9050
1000004131042	5272.6404
1000004131081	4661.6910
1000004142006	3374.9722
1000004142026	2991.7416
1000005106004	2454.0725
1000005107016	3259.6204
1000005107131	4064.3214
1000006110013	4791.0797
1000006110018	3706.4253
1000006110025	3933.8816
1000006112029	2885.6106
1000007103015	3924.1090
1000008114016	2916.6532
1000012000040	6949.8468
1000013000218	5429.1437
1000013000243	3978.1220
1000019000089	7232.9014
1000020102049	4374.0587
1100013000015	3479.9069
1100016000053	5480.8042
1100016000079	14042.5099
1100016000083	8525.1172
1100018000004	7992.9644
1100024000011	15925.3706
1100024000045	4552.3285
1100024000059	7140.0573
1100028000010	6376.8084
1100028000074	4693.0349
1100031000046	16214.7707
1100032000006	6149.0800

PIN	Impervious Area
1100033000011	4635.6302
1100036101031	3195.3436
1100036101036	4903.1950
1100036102021	3989.2946
1100036102033	2606.5801
1100036103023	2619.3124
1100036104011	3002.4620
1100036107003	4277.8874
1100036110011	2870.2086
1100036110014	3650.0403
1100036114040	4360.3466
1100036114049	2957.3497
1100036115029	3986.0527
1100036119007	2562.2193
1100051000084	4298.6397
1100070000026	5564.3744
1100070000139	5329.8265
1100087000034	6085.8290
1100087000061	7405.4074
1100088000062	5948.3379
1100094000023	10778.6357
1200001000017	4878.5550
1200003000025	4306.1911
1200005101014	4388.2007
1200005102013	8541.3672
1200008000070	5352.8230
1200009000004	4963.4754
1200019000038	5318.9682
1200019000055	6803.4074
1200019000086	4961.5823
1200020102036	2427.0701
1200020104016	1863.9907
1200020112005	3402.8376
1200020116004	4243.1292
1200020116008	2136.0294
1200020119073	2375.2440
1200020121025	5882.6158
1200023000028	8619.0138
1200023000031	7498.2271
1200023000053	4221.5983
1200033000024	17356.8263
1200036000019	9989.2932
1200038000056	8420.2200
1200038000086	9597.3322
1200038000087	5691.4132
1200039000061	5791.4567

PIN	Impervious Area
1200040102001	8995.1251
1200042000066	12701.7409
1200043000028	7438.8307
1200044000056	7157.8514
1200047101004	6427.7862
1200047102034	5711.5502
1200051000045	6281.9801
1200053000015	6133.2523
1200060000041	7423.1914
1200060000044	7319.7596
1200060000057	5679.0867
1200063102014	5494.7142
1200063102048	5101.7772
1200065000008	4372.2210
1200066101027	4479.6675
1200066101029	5702.1028
1200066103022	2281.9843
1200071000031	5963.7992
1200075103009	3891.4770
1200076101017	3498.5867
1200077000066	7507.3105
1200079000028	8150.3482
1200082000008	9832.7714
1200082000020	4754.6497
1200084102040	9827.4891
1200096000044	10463.3658
1200097000019	9288.1456
1309004000008	12817.9826
1309016000004	5727.8406
1309038000014	11824.7705
1310003000006	5059.7607
1311021000022	6598.8454
1320019000014	8680.7035
1400074000004	8017.4125
1400085000012	11185.8327
1400105000006	11598.5150
1400107000008	8877.5723
1400107000011	4143.8936
1400126000009	6761.1959
1400147000002	5667.7939
1500023000010	9770.6993
1500024000024	4493.9388
1500024000047	8421.5895
1500031000019	8047.0758
1500032000011	9539.0816
1500035000028	5860.9831
1500052000074	9309.0918

PIN	Impervious Area
1500053000029	16994.4915
1500062000022	16215.1125
1500066000012	8104.2854
1500069000030	5331.3593
1500082000122	2957.5854
1500082000158	3367.7565
1500083102005	4017.1416
1500098101002	2464.1749
1500098101009	3802.0268
1500098102086	2431.9450
1500098102087	2732.8553
1500098107025	3516.8467
1500099101203	2644.3877
1500099102050	2128.7894
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1500099106012	3663.1490
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1600015000031	5250.6871
1600019102017	3014.1969
1600019103010	3812.7334
1600021000009	3495.6398
1600021000011	9493.5674
1600025101002	5080.4964
1600049000018	8810.8786
1600050000022	8919.5363
1600060000021	15125.9403
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1600074000004	9556.4205
1600077000029	12335.6980
1600091000029	4808.7733
1706018000017	5779.0367
1706032000027	6851.4289
1800001000031	11530.7055
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1800008000031	5682.7943
1800009000040	15104.4920
1800012000015	19422.3946
1800045000035	11026.8540
1800046000017	12964.8022
1902029000004	4859.0580
1903007000010	5364.2251
1903055000026	15964.4699
1904003000017	9575.2020
1904003000024	12436.1058

PIN	Impervious Area
1905018000023	9784.5094
1905045000030	9600.2878
1905045000031	13598.0745
1906110000015	18413.2273
1906116000007	4279.5628
1906117000031	11502.9535
2003002000015	5804.4530
2003013000009	7059.3386
2005003000018	9120.8951
2005015000005	24875.8040
2005028000004	19115.2319
2005029000005	11455.4355
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2102019000033	15150.2656
2103000000099	6706.7748
2108006000006	10909.1217
2110000000049	12678.3905
2112000000083	8868.5848
2117009000006	5062.9298
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1100079000054	4556.2331
1200047101007	4566.5525
1100066000031	4639.1633
1000018102017	4658.4176
1200060000040	4766.9693
1200019000061	4802.2362
0622017101001	4931.1418
1100051000074	4988.8628
1200083000050	5182.1127

LORAIN COUNTY
STORM WATER DISTRICT PROGRAM

POLICY: IMPERVIOUS AREA AND STORMWATER FEE ADJUSTMENTS

I. DISCUSSION:

The Lorain County Storm Water District determined through acceptance of Billing Policy Paper #1 – Definition of Impervious Area, that impervious areas are defined as buildings, parking lots, driveways, sidewalks (not in the right-of-way) and gravel surfaces. Furthermore, Billing Policy Paper 16 – Impervious Area Changes, was written for situations where the impervious area for a property has changed because of a new or redevelopment situation occurring after the October 1, 2010 that applies to the January 2011 property tax billing.

This purpose of this billing policy is to establish a standard protocol for Storm Water District customer inquiries regarding the impervious area measurements determined from the aerial photography. These measurements form the legal basis for the storm water charge and were calculated and based solely on the Lorain County aerial photography. There were only a few actual onsite field checks performed during this initial process. This approach has been used and is the accepted approach used with most storm water utility program implementations in the State of Ohio and all across the United States.

II. ASSUMPTIONS:

1. These assumptions are based on a meeting with the Lorain County Engineer's staff and KEM/ERC meeting with Lorain County Auditor's Office staff
2. The Lorain County Auditor will not process refund checks for any overpayments
3. All storm water customers will be required to pay the January and July property tax bill in full. Otherwise late and nonpayment penalties will apply.
4. The Lorain County Community Development will process refund checks as appropriate.
5. The KEM/ERC Team will update any changes required (based on inquiries from parcel owners) and provide the Auditor with changes for the July 2011 billing date (changes will need to provided to the Auditor by March 1, 2011)
6. This policy paper recognizes the 1/3 credit reduction for gravel. However, it will be up to the property owner to submit a one-time application showing the gravel parking areas in order for the 1/3 credit to be applied.

III. IMPERVIOUS AREA MEASUREMENT CHANGES

The following are the steps Lorain County Storm Water District will follow to reconcile a storm water customer inquiry regarding the accuracy of impervious area measurements.

1. Request the impervious area measurements for the parcel(s) in question including the GIS map information from the Community Development Department or County Engineer's office.

2. Request the database information and final storm water fee for the parcel(s) in question from the Community Development Department or County Engineer's office.
3. The Lorain County storm water staff will request any site plans for the parcel(s) in question (assuming the County Engineer does not already have the site plan in hand).
4. The KEM/ERC Team will research and re-measure the impervious area using the aerial photography and/or site plans (and any updates that may be available at the time of the re-measuring). If there is a conflict between the aerial photography and site plans (if submitted) or if interpretation of the aerial photography is inconclusive, the KEM/ERC Team will determine if an onsite visit is necessary.
5. An onsite visit will be scheduled with the customer, if necessary.
6. Once the re-measurement is determined, the KEM/ERC Team will contact the customer with the re-measurement information. The updated measurement information will also be conveyed to the Community Development Department and to the County Engineer's office.

IV. LORAIN COUNTY AUDITOR UPDATE

On December 13, 2010 the Lorain County Auditor's office determined that any charges certified for billing in January cannot be changed. If a customer's charge is determined to be incorrect (higher or lower) after certification and before creation of the second half bill (June), the charge cannot be changed. Therefore, any incorrect bills will be sent out again in the second half billing.

If the Community Development Department or County Engineer's office refunds a customer who has overpaid due to incorrect interpretation of impervious area, and the customer gets a refund prior to the second half billing, the customer will need to get another refund after payment of the second half billing.

Funds collected by the Treasurer and billed by the Auditor typically are not deposited as usable funds for 60 to 90 days following the billing. Therefore, refunds for overpayment will be delayed for at least 60 to 90 days.

With this update, there are only two options available to the Community Development Department or County Engineer's office with regard to handling incorrect storm water charges:

1. The Community Development Department or County Engineer's office can process a refund check to the customer for the January and July billings, or

2. The Community Development Department or County Engineer's office can direct KEM/ERC to net the refunds from the 2012 bill (certified in October 2011) and do not issue any refunds to the customer during 2011.

V. RECOMMENDATION

The ERC/KEM Team recommends the Lorain County Storm Water District Program accept the protocol contained in this paper to process impervious area measurement inquires.

ACTION:

The County staff reviewed and approved the above recommendation and contents of this billing policy paper in December 2010.

Approved: _____ Date: _____

RESOLUTIONS

LORAIN COUNTY

Board of Commissioners
Ted Kalo Lori Kokoski Tom Williams

County Administrator
James R. Cordes
440-329-5760

Clerk of Board of Commissioners
Theresa Upton
440-329-5103

Animal Control Officer
J. A. Szlempa Sr.
440-326-5997

Budget Director
Lisa Hobart
440-329-5201

Charles Berry Bridge Supervisor
Stan Koziura
440-244-2137

Children & Family Council
Melissa Stefano
440-284-4467

Community Development
Don Romancak
440-328-2323

E-9-1-1 Director
Robin Jones
440-329-5444

Emergency Management &
Homeland Security Director
Thomas Kelley
440-329-5117

len Acres Administrator
Dull
440-988-7210

Human Resources Department
440-329-5150

IT Director
Ernie Smith
440-329-5786

Lorain County Transit
440-329-5525

Maintenance Director
Dennis Shawver
440-329-5326

Office on Aging Director
Patricia Littleton
440-329-4818

Office of Sustainability Director
Michael Challender
440-328-2361

Purchasing
440-329-5225

Records Center Supervisor
Lynn Wallace-Smith
440-326-4866

Solid Waste Director
Keith Bailey
440-329-5442

Special Projects Manager
Karen Davis
440-329-5102

Workforce Development
4-1830

February 24, 2011

James R. Cordes
County Administrator
226 Middle Avenue
Elyria, Ohio 44035

Dear Mr. Cordes:

Enclosed is Resolution No. 11-124, adopted by the Lorain County Board of Commissioners on February 23, 2011 adopting the Lorain County Stormwater Advisory Committee (SWAC) Bylaws and appoint various members.

This is being forwarded for your information and files.

Yours truly,

Theresa L. Upton
Clerk

tlu
Enclosure

Cc: Don Romancak, Director – LCCDD
Ken Carney, LC Engineer
File

B.25

RESOLUTION NO. 11-124

In the matter of adopting the Lorain County Stormwater)
Advisory Committee (SWAC) Bylaws and appoint)
Various members)

February 23, 2011

BE IT RESOLVED, by the Lorain County Board of Commissioners that we hereby adopt the Lorain County Stormwater Advisory Committee (SWAC) Bylaws and appoint various members.

Said bylaws are as follows:

Lorain County
Stormwater Advisory Committee (SWAC)
Bylaws

1.0 PURPOSE

1.1 The purpose of the Lorain County Storm Water Advisory Committee (SWAC) is to review, discuss and provide input regarding the Lorain County Stormwater District Program.

1.2 County Staff and Consultant Team will develop draft documents, draft policies, procedures, regulations and recommendations for SWAC input.

2.0 DECISION MAKING

2.1 The SWAC shall strive to operate by consensus. Group decisions shall be made by a simple majority (majority is greater than 50%) of members present at any meeting.

2.1a A Quorum is the number of members present.

2.2 Any member may call for a vote on any issue during the course of any meeting if a consensus is not achieved for any given topic.

2.3 SWAC will develop final recommendations and submit to the Storm Water Management Team for consideration. The Storm Water Managers will be responsible to review recommendations and forward them to the Lorain County Board of Commissioners for approval.

2.4 Implementation of final decisions is at the sole discretion of the Lorain County Board of Commissioners per Ohio Revised Code 6117.

3.0 MEMBERSHIP

3 Members are appointed by the Lorain County Board of Commissioners, and there are no alternates. They shall include a cross section of individuals and/or organizations identified as follows:

Commissioners' Representative and Permanent Chair
Lorain County Administrator
County Engineer's Office
County Engineer
Chief Deputy Engineer
Prosecutor's Office
Assistant Lorain County Prosecutor
Soil and Water
Board Representative
Township Trustees
Board Representative
Business Owners
Representative of Business Community
Farm Bureau (agricultural)
Board Representative
Developers
Representative of Developers Community
Environmentalist
Representative

Watershed Coordinator
Representative
Secretary
Shall be provided by the Lorain County Community Development Department

4.0 MEETINGS

4.1 The SWAC shall meet at least twice a calendar year or more frequently as deemed appropriate by the SWAC or as determined by the Board of Lorain County Commissioners. Meetings may also be called by the chair or by a majority of members. Meetings will be held during evening hours whenever possible in available locations.

4.2 Notice shall be emailed to all members at least one (1) week in advance of all meetings. Notice shall include an agenda and business materials that may be considered or acted upon, whether or not set forth in the agenda.

4.3 Notice of all meetings shall be posted on the County web site at least 72 hours prior to the meeting date and time as notice to the public and media.

4.4 Lorain County Community Development shall provide secretarial support by recording and distributing meeting minutes.

5.0 MISCELLANEOUS

5.1 Bylaws and any amendments must be approved by the Commissioners.

5.2 Regarding Public Records, the Committee will comply with the Commissioners' Public Records Policies.

Said members are as follows:

LORAIN COUNTY STORM WATER ADVISORY COMMITTEE
CONTACT INFORMATION

Commissioners' Representative and Permanent Chair
James Cordes, Lorain County Administrator
226 Middle Avenue, 4th Floor
Elyria, OH 44035
440-329-7260
jcordes@loraincounty.us

County Engineer's Office
Ken Carney, County Engineer
247 Hadaway Street
Elyria, OH 44035
440-329-5586
kcarney@loraincountyengineer.com

Bill Holtzman, Chief Deputy Engineer
247 Hadaway Street
Elyria, OH 44035
440-329-5590
bholtzman@loraincounty.us

Prosecutor's Office
Jerry Innes, Assistant Lorain County Prosecutor
Lorain County Prosecutor's Office
225 Court Street, 3rd Floor
Elyria, OH 44035
440-329-5370
jerry.innes@lcprosecutor.org

Community Development
Don Romancak, Director
Lorain County Community Development
226 Middle Avenue, 5th Floor
Elyria, OH 44035
440-328-2323
dromancak@loraincounty.us

Soil and Water
John Born, Representative
51282 SR 113
Amherst, OH 44001
Cell: 440-653-0315
johnnat@ncwcom.com

Township Trustee
Mark McConnell, Representative
Acting President, Acting Drainage Supervisor
46342 Whitney Road
Wellington, OH 44090
440-647-3427
mkwm@ncwcom.com

Business Owner
Howard Born
Born Implement
12747 Vermilion Rd
Amherst, OH 44001
(440) 965-5675
tractors@centurytel.net

Farm Bureau (Agricultural)
Rick Carlson, Representative
Lorain County Farm Bureau Board
15878 Cowley Road
Grafton, OH 44044
330-483-3521
plumbbobkid@aol.com

Developer
Rich Bearn
BDC Builders & Developers Company
27201 Royalton Road
Columbia Station, OH 44028
440-236-3975
rich@bigtreegroup.com

Environmentalist

Pat McCaslin, formerly Assistant Director (Operations)
Lorain County Metro Parks
47799 SR 162
Wellington, OH 44090
440-647-2533
pat.ric@ncwcom.com

Watershed Coordinator

TBD

Secretary

Shall be provided by Lorain County Community Development Department

Motion by Kalo, seconded by Kokoski to adopt Resolution. Ayes: All
Motion carried. _____(discussion was held on the above)

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 11-124 is a true copy as it appears in Journal No. 11 on date of February 23, 2011.

Theresa L. Upton, Clerk

LORAIN COUNTY

Board of Commissioners

Betty Blair Ted Kalo Lori Kokoski

County Administrator
James R. Cordes
440-329-5760

Assistant County Administrator
Ronald F. Twining
440-329-5530

Clerk of Board of Commissioners
Theresa Upton
440-329-5103

Animal Control Officer
J. A. Szlempa Sr.
440-326-5997

Budget Director
Lisa Hobart
440-329-5201

Charles Berry Bridge Supervisor
Charles Mackin
440-244-2137

Children & Family Council
Melissa Stefano
440-284-4467

Community Development Director
Rebecca Jones
440-328-2326

E-9-1-1 Director
Robin Jones
440-329-5444

Emergency Management & Homeland Security Director
Thomas Kelley
440-329-5117

Golden Acres Administrator
Jeri Dull
440-988-7210

Human Resources Department
440-329-5150

IT Director
Ernie Smith
440-329-5786

Lorain County Transit Director
Richard Enty
440-328-2490

Maintenance Director
Dennis Shawver
440-329-5326

Office on Aging Director
Patricia Littleton
440-329-4818

Office Services Supervisor
Jennifer Demich
440-329-5115

Office of Sustainability Director
Michael Challender
440-328-2361

Purchasing Director
Yvonne Newton
440-329-5240

Records Center Supervisor
Lynn Wallace-Smith
440-[illegible]866

Solid Waste Director
Daniel Billman
440-329-5442

Special Projects Manager
Karen Davis
440-329-5102

Workforce Development Director
Vivian Alexander
440-284-1830

RECEIVED
2009 DEC -4 PM 1:32
KEN CARNEY
LORAIN COUNTY
SANITARY ENGINEER

December 2, 2009

COPY

Ken Carney
LC Engineer
247 Hadaway Street
Elyria, Ohio 44035

Dear Mr. Carney:

Enclosed is Resolution No. 09-810, adopted by the Lorain County Board of Commissioners on November 19, 2009 approving the Lorain County Wastewater Debt Fee Recommendation – Option E for the Lorain County Sanitary Engineer's Office.

This is being forwarded for your information and files.

Yours truly,

Theresa L. Upton
Clerk

tlu
Enclosure

Cc: Lisa Hobart, Budget Director
Aaron Berke, VSSP
Wayne Bishop, KE McCartney
File

RESOLUTION NO. 09-810

In the matter of approving the Lorain County Wastewater) Debt Fee Recommendation – Option E for the Lorain) November 19, 2009 County Sanitary Engineer's Office)

BE IT RESOLVED, by the Lorain County Board of Commissioners that we hereby approve the Lorain County Wastewater Debt Fee Recommendation – Option E for the Lorain County Sanitary Engineer's Office.

FURTHER BE IT RESOLVED, the owners of the nine (9) sewer improvement projects will be charged $21.50/month with debt fee for thirty (30) years. Sewer bills are raised $9.00/month and storm water accounts are charged $1.50/month.

The following is the breakdown of charges;

Sewer Projects Debt (applied 1,510 project accounts)			
No. 107 – Plum Creek WWTP	50 customer's	debt of $	328,274.01
No. 108 – East River Laterals	51 customer's	debt of $	331,013.28
No. 109 – Oberlin Road Laterals	80 customers	debt of $	484,316.99
No. 110 – Columbia W. River WWTP	19 customer's	debt of $	278,890.89
No. 114 - Broadway/Taylor Sewers (Incl. $86,549.75 – 0%loan)	53 customers	debt of $	160,821.02
No. 115 – Cresthaven WWTP Upgrade	205 customer's	debt of $	667,933.90
No. 116 – Brentwood WWTP Upgrade	226 customer's	debt of $	888,151.88
No. 117 – Eaton Estates WWTP Upgrade	481 customer's	debt of	$1,309,674.80
No. 118 – Westview WWTP Abandonment	345 customer's	debt of $	897,418.82
	*Total 1,510 customer's	debt of	$5,346,225.59
		Annual Debt of $	386,437.21
		Debt/Account/month $	21.33
		Total Monthly Debt Fee	**$ 21.50**

Sewer Account Debt (applied to 3,102 district accounts)		
**	Amherst 104 Existing Debt ($1,125,510.00	$2.64/month
	Amherst 104 annual debt ($185,000.0)	$4.97/month
	Lorain County Sanitary Rehabilitation Project ($1,841,250.00, 3.25%, 20 yrs)	$3.40/month
	Storm Water Fund Reimbursement	-$3.40/month
	Reserve	$1.45/month
	Total	$9.06/month
	Raise Monthly Sewer Fee	**$9.00/month**
Storm Water Account Debt (applied to all 25,544 district accounts)		
	Lorain County Sanitary rehabilitation Project Reimbursement	$0.41/month
	EPA, Legal & Admin. Fee ($587,814.00)	$0.16/month
	Capital Improvement Fund	$0.67/month
	Reserve	$0.26/month
	Total Month Storm Water Fee	**$1.50/month**

Note: * **Bond Estimate 6%, 30 years**
** **Taxable Note Estimate 6%, 20 years**

BE IT FURTHER RESOLVED, the above fees are in addition to sewer fees currently paid by customers. The above costs was approved by Legal, Budget and Bond Counsel. The above costs are estimates as of December 31, 2009 and debt fees are recommended for year 2010 to be reviewed and revised annually and all costs to be bonded this year.

Motion by Kokoski, seconded by Kalo to adopt Resolution. Ayes: Kokoski & Kalo / Absent: Blair out sick.

Motion carried.

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 09-810 is a true copy as it appears in Journal No. 09 on date of November 19, 2009.

Theresa L. Upton, Clerk

RESOLUTION NO. SWD-12-8

In the matter of applying for Round 3 – Local)
Government Innovation Fund in amount of)
$89,700 for Oberlin Storm Water Utility Fee)
And Business Plan) August 28, 2012

BE IT RESOLVED by the Lorain County Stormwater Management District we hereby apply for Round 3 – Local Government Innovation Fund in amount of $89,700 for Oberlin Storm Water Utility Fee and Business Plan.

FURTHER BE IT RESOLVED, we hereby will have a cash match of $10,000 not to exceed $15,000 for cash match and in kind service.

Motion by Lori Kokoski, seconded by Tom Williams to adopt the Resolution.
Upon roll call the vote taken resulted: Ayes: All
Motion carried. _____(discussion was held on the above)

CERTIFICATE OF SECRETARY/TREASURER

I, hereby certify that the foregoing is a true and correct copy of Resolution No. SWD-12-8, adopted on the 28th day of August 2012.

Tom Williams
Tom Williams
Secretary/Treasurer

RESOLUTION SWD-12-7

In the matter of entering into an MOU with the)
City of Oberlin to assist in a storm water utility) August 28, 2012
Program)

BE IT RESOLVED, by the Lorain County Stormwater Management District we hereby enter into an MOU with the City of Oberlin to assist in a storm water utility program.

Said MOU is considered a part hereof to this resolution by reference thereto and can be found on file in the Commissioners/Stormwater District – Community Development Department.

Motion by Ted Kalo, seconded by Lori Kokoski to adopt the Resolution.
Upon roll call the vote taken resulted: Ayes: All
Motion carried. _____(discussion was held on the above)

CERTIFICATE OF SECRETARY/TREASURER

I, hereby certify that the foregoing is a true and correct copy of Resolution No. SWD-12-7, adopted on the 28th day of August 2012.

Tom Williams
Tom Williams
Secretary/Treasurer

Agreement

This Agreement is made and entered into this 18 day of ~~August~~ October 2012 by and between the Lorain County Storm Water District, hereinafter called LCSWD, and the City of Oberlin, hereinafter called the "City". This Agreement identifies that is it to the benefit of both entities to work cooperatively and collaboratively to develop a Storm Water Utility fee and Business Plan.

WHEREAS, the State of Ohio has created a Local Government Innovation Fund grant program to assist communities in finding more efficient and cost effective ways to deliver services in concert with other entities; and

WHEREAS, the City of Oberlin is surrounded by the Lorain County Storm Water District (LCSWD); and

WHEREAS, both Lorain County and City of Oberlin are required pursuant to the Clean Water Act to comply with certain NPDES (National Pollutant Discharge Elimination System) small MS4 (Municipal Separate Storm Water System) permit regulations of the Environmental Protection Agency (EPA) to develop and implement programs to detect and eliminate illicit discharges; and

WHEREAS, EPA allows MS4 permit holders to partner to jointly perform services required for compliance; and

WHEREAS, County has implemented a Storm Water Utility Fee and Business Plan which includes a set aside of funds to assist in achieving compliance with the Clean Water Act; and

WHEREAS, the City has need of a Storm Water Utility and Business Plan; and

WHEREAS, the parties hereto have determined that it is in the best interests of their constituents to collaborate in the joint development of a Storm Water Utility Plan and Business Plan for the City.

NOW THEREFORE, the City and LCSWD agree to enter into this Agreement to:

1. Develop a Memorandum of Understanding (MOU) outlining the scope of work and respective responsibilities to develop a Storm Water Utility Plan and Business Plan for the City.
2. Once the MOU is developed and approved by both the Oberlin City Council and the LCSWD Board, the City and LCSWD agree to move expeditiously to complete the work outlined in the MOU to develop the Business Plan for a City of Oberlin Storm Water Utility and a Storm Water Utility Fee structure, including all maps, fee structures, and implementation legislation.

WHEREFORE, the parties hereto have caused this Agreement to be executed on their behalf and this Agreement is entered into:

By the City of Oberlin:

Eric Norenberg

City Manager

9/5/12

Date

By ( ):

Name

Director - Storm Water District

Title

10/18/12

Date

Approved as to Form

By:

Eric R. Severs, Law Director, City of Oberlin

OBERLIN STORM WATER MANAGEMENT COST COMPARISON

LCSWD

YEAR 1 COST COMPARISON ESTIMATE

August 20, 2012

REF. NO.	DESCRIPTION	OBERLIN COST ESTIMATE	LCSWD COST ESTIMATE	COLLABORATION COST SAVINGS
	STORM WATER UTILITY IMPLEMENTATION			
1	Data Collection and Kickoff Meeting	$3,788	$3,788	$0
2	Technical Advisory Committee (TAC)	$5,484	$5,484	$0
3	Database Evaluation	$5,352	$5,352	$0
4	Establish a Business Plan	$2,586	$2,586	$0
5	Level of Service Cost of Service Analysis	$5,756	$5,756	$0
6	Range of Rate Analysis	$3,478	$3,478	$0
7	Elected Official Presentation	$4,676	$4,676	$0
8	Executive Summary Final Report	$3,436	$3,436	$0
9	Select Billing Mechanism (wtr/swr versus auditor/tax)	$2,000	$1,044	$956
10	Billing Policy Paper	$12,000	$2,220	$9,780
11	Determine Value of the ERU	$10,564	$10,564	$0
12	Impervious Area Measurements for Non-residential	$11,568	$11,568	$0
13	Rate Study Analysis	$1,682	$1,682	$0
14	Cash Flow Analysis	$2,360	$2,360	$0
15	**Ordinance Development**	**$10,000**	**$0**	**$10,000**
16	Develop Master Account File	**$10,000**	$7,040	$2,960
17	Credits Program	$10,000	$1,738	$8,262
18	SWAC	$10,000	$6,224	$3,776
19	Public Involvement/Education Program Activities	$10,000	$5,024	$4,976
20	City Council Meeting	$3,942	$3,942	$0
21	Executive Summary Final Report	$1,738	$1,738	$0
22	**Annual Database Update and Upload**		**$7,000**	
	MCM#1 Public Education and Outreach			
1	Develop Annual Public Education Campaign	$2,000	$1,000	$1,000
2	Develop Annual Public Education Materials	$2,000	$1,000	$1,000
3	Distribute Annual Public Education Materials	$2,000	$2,000	$0
4	Storm Water Website Development	$5,000	$1,000	$4,000
5	Administration	$2,000	$500	$1,500
6	Annual Reporting	$1,000	$500	$500
	MCM#2 Public Involvement and Participation			
1	SWAC	$2,000	$500	$1,500
2	Develop Annual Public Involvement Plan	$2,000	$1,000	$1,000
3	Lorain County PIPE	$1,500	$0	$1,500
4	Solid and Hazardous Waste Disposal	$0	$0	$0
5	Lorain County Pride Day	$0	$0	$0
6	Administration	$2,000	$500	$1,500
7	Annual Reporting	$1,000	$500	$500
	MCM#3 Illicit Discharge Detection and Elimination			
1	Storm Sewer System Map	$30,000	$20,000	$10,000
2	HSTS Map	$10,000	$5,000	$5,000
3	IDDE Resolution	$1,000	$0	$1,000
4	IDDE Program	$10,000	$2,000	$8,000
5	Dry Weather Screenings	$5,000	$5,000	$0
6	Priority Area Development	$5,000	$5,000	$0
7	Illicit Discharge Tracing/Removal	$5,000	$5,000	$0
8	Hazardous Waste Disposal Plan	$5,000	$1,000	$4,000
9	IDDE Education	$3,000	$1,000	$2,000
10	Staff Training	$1,000	$0	$1,000
11	Administration	$5,000	$2,000	$3,000

12	Annual Reporting	$1,000	$500	$500
	MCM#4 Construction Site Runoff Control			
1	Construction Erosion and Sediment Control Resolution	$1,000	$0	$1,000
2	Erosion and Sediment Control Rules	$3,000	$0	$3,000
3	Erosion and Sediment Control BMP Factsheets	$1,500	$0	$1,500
4	ESC Plan Review & Inspections	$5,000	$2,000	$3,000
5	Staff Training	$1,000	$0	$1,000
6	Administration	$3,000	$1,000	$2,000
7	Annual Reporting	$1,000	$500	$500
	MCM#5 Post Construction Site Runoff Control			
1	Post Construction Storm Water Management Resolution	$1,000	$0	$1,000
2	Post Construction Storm Water Management Rules	$3,000	$0	$3,000
3	Post Construction Storm Water Management BMP Factsheets	$1,500	$0	$1,500
4	Post Construction Inspection/Evaluation Program	$1,200	$1,200	$0
5	Staff Training	$1,000	$0	$1,000
6	Administration	$3,000	$1,000	$2,000
7	Annual Reporting	$1,000	$500	$500
	MCM#6 Good Housekeeping			
1	O&M Manual	$10,000	$2,000	$8,000
2	Facilities SWP3	$10,000	$8,000	$2,000
3	Employee Training Program	$1,000	$0	$1,000
4	Administration	$3,000	$1,000	$2,000
5	Annual Reporting	$1,000	$500	$500
	Totals	**$286,110**	**$169,400**	**$123,710**

CITY OF OBERLIN STORM WATER UTILITY IMPLEMENATION

LCSWD

August 16, 2012

Project Tasks	Total Hours	Task Cost
Task 1 - Data Collection and Kickoff Meeting	22	$2,978
Task 2 - Technical Advisory Committee (TAC)	44	$5,484
Task 3 - Database Evaluation	40	$5,352
Task 4 - Establish a Business Plan Organizational Analysis	22	$2,586
Task 5 - Level of Service Cost of Service Analysis	36	$4,596
Task 6 – Range of Rate Analysis	16	$2,224
Task 7 - Elected Official Presentation	32	$4,096
Task 8 - Executive Summary Final Report	28	$3,436
Sub- Total Phase 1	240	$30,752
Task 9 - Select Billing Mechanism (wtr/swr versus auditor/tax)	8	$1,044
Task 10 - Billing Policy Paper Update	18	$2,220
Task 11 - Determine Value of the ERU	136	$12,108
Task 12 - Impervious Area Measurements for Non-residential	140	$12,688
Task 13 - Rate Study Analysis	14	$1,952
Task 14 Cash Flow Analysis	18	$2,630
Task 15 - Develop Master Account File	48	$7,040
Task 16 - Update Credits Program	14	$1,738
Task 17 - SWAC	48	$6,224
Task 17 - Public Involvement/Education Program Activities 0	40	$5,024
Task 18 - City Council Meeting (SWAC)	30	$3,942
Task 19 - Executive Summary Final Report	18	$2,338
Sub-Total Phase 2	532	$58,948
Total Project Cost	772	$89,700

Assumptions:

1. Billing Policy Papers will be LC and will be updated to inlcude Oberlin as necessary
2. Billing Mechanism will be Lorain County Auditor
3. ERC will attend the City Council Meeting
4. 2 SWAC Meetings
5. Credits Program will be LC's which will be updated to include Oberlin as necessary
6. 1 Public Education Meeting, Create top 10 letter, No brochure
7. No Database maintenance and GIS updating procedures manual
8. No changes to customer appeals process.
9. Oberlin SWU will be managed by Lorain County
10. 400 Residential Properties Measured / 400 Non-Residential Properties Measured

CITY OF OBERLIN, OHIO

RESOLUTION No. R12-12 CMS

A RESOLUTION SUPPORTING THE CITY OF OBERLIN BECOMING A COLLABORATIVE PARTNER WITH THE LEAD APPLICANT'S (LORAIN COUNTY STORM WATER DISTRICT) APPLICATION FOR A LOCAL GOVERNMENT INNOVATION FUND GRANT FOR DEVELOPING A STORM WATER UTILITY FEE AND BUSINESS PLAN FOR THE CITY OF OBERLIN AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio has created a Local Government Innovation Fund grant program to assist communities in finding more efficient and cost effective ways to deliver services in partnership with other entities; and

WHEREAS, the City of Oberlin believes opportunities for collaboration exist to improve the efficiency of operations that will benefit the public; and

WHEREAS, the City of Oberlin is surrounded by the Lorain County Storm Water District (LCSWD); and

WHEREAS, both Lorain County and City of Oberlin are required pursuant to the Clean Water Act to comply with certain NPDES (National Pollutant Discharge Elimination System) small MS4 (Municipal Separate Storm Water System) permit regulations of the Environmental Protection Agency (EPA) to develop and implement programs to detect and eliminate illicit discharges; and

WHEREAS, EPA allows MS4 permit holders to partner to jointly perform services required for compliance; and

WHEREAS, Lorain County has implemented a Storm Water Utility Fee and Business Plan which includes a set aside of funds to assist in achieving compliance with the Clean Water Act; and

WHEREAS, the City has need of a Storm Water Utility and Business Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Oberlin City Council does hereby declare its strong support for the LCSWD Local Government Innovation Fund grant submission to the State of Ohio to support the joint development of a Storm Water Utility Fee and Business Plan for the City.

SECTION 2. That the City Manager is authorized to enter into a collaborative agreement with the LCSWD as required by the LGIF Program guidelines.

SECTION 3. It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council 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.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit:

"to authorize the submission of a grant application in a timely manner", and shall take place immediately upon passage.

PASSED: 1st Reading - September 4, 2012 (S, E)
2nd Reading -
3rd Reading -

ATTEST:

Belinda B. Anderson

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

Ronnie J. Rimbert

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 09/05/2012

EFFECTIVE DATE: 09/04/2012

Lead Applicant	Lorain County Storm Water District (LCSWD)	Round 3	
Project Name	Lorain County & Oberlin City Storm Water Partnership	Type of Request	Grant

Return on Investment is a performance measure used to evaluate the efficiency of an investment. To derive the expected return on investment, divide the net gains of the project by the net costs. For these calculations, please use the implementation gains and costs, NOT the project costs (the cost of the feasibility, planning, or management study)--unless the results of this study will lead to direct savings without additional implementation costs. The gains from this project should be derived from the prior and future program budgets provided, and should be justified in the return on investment narrative.

Return on Investment Formulas:

Consider the following questions when determining the appropriate ROI formula for the project. Check the box of the formula used to determine the ROI for the project. These numbers should refer to savings/revenues illustrated in projected budgets.

Do you expect cost savings from efficiency from the project?

☐ Use this formula: $\frac{\text{Total \$ Saved}}{\text{Total Program Costs}} * 100 = \text{ROI}$

Do you expect cost avoidance from the implementation of the project/program?

☑ Use this formula: $\frac{\text{Total Cost Avoided}}{\text{Total Program Costs}} * 100 = \text{ROI}$

Do you expect increased revenues as a result of the project/program?

☐ Use this formula: $\frac{\text{Total New Revenue}}{\text{Total Program Costs}} * 100 = \text{ROI}$

Expected Return on Investment = $\frac{\$289,710}{\$314,800} * 100 = 92.03\%$

Return on Investment Justification Narrative: In the space below, briefly describe the nature of the expected return on investment, using references when appropriate. (1300 character limit)

The following figures are derived from the 'Oberlin Cost Chart' attachment, which shows how various fees can be minimized or eliminated through collaboration.

The first year for the Lorain County Storm Water District is expected to cost $169,400; for Oberlin to do this on its own would cost $286,100. The year one savings are thus $123,710

In years two and three, MCM costs are $72,700 for the LCSWD, and would be 155,700 for Oberlin. $83,000 is saved each year.

The above formula combines all of these numbers. The numerator is the cost savings in each year: $123,710+

Expected Return on Investment is:

☐ Less than 25% (10 points) ☐ 25%-74.99% (20 points) ☑ Greater than 75% (30 points)

Questions about how to calculate ROI? Please contact the Office of Redevelopment at 614-995-2292 or lgif@development.ohio.gov