COUNTY DEPARTMENT AGENDA REQUEST

Department:	Stormwater Management	Presenter(s):	Vanessa Birrell / Bryan Keller
Meeting Date:	Thursday, August 13, 2009	Type of Request:	Consent

Wording for the Agenda:

Approval of staff's recommendation that a request for proposals be issued for the performance of a Stormwater Utility Feasibility Study.

Background/History/Details:

Stormwater Management is charged with identifying all operations and maintenance of the County's stormwater system including but not limited to identification and engineering of capital improvement projects, water quality management, regulatory compliance and program administration. Currently, Fayette County Stormwater Management functions at a minimal level given the constraints imposed by resource allocations. An assessment of the Stormwater Department's operational and financial aspects should be conducted in an effort to better manage our local water resources, keep citizens' and property safe from flooding, erosion and water pollution issues, and identify unknown problems and key opportunities. As future development occurs and the County's MS4 ages, there will be growing pressure to meet demands of deteriorating drainage infrastructure, regulatory water quality and floodplain requirements, and future land use planning.

The Board of Commissioners was briefed on this issue at their Workshop Meeting on August 5, 2009. After all proposals are received and evaluated by staff, the Board of Commissioners will entertain further discussion on the various proposals, including their complexity, suitability, and cost, and will determine whether or not to authorize the study to be done.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation that a request for proposals be developed and issued for the performance of a Stormwater Utility Feasibility Study.

If this item requires funding, please describe:

Funding for the Stormwater Utility Feasibility Study will be reallocated from existing authorized CIP projects.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, August 5, 2009
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Yes	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Minutes
February 12, 2009

1. **DISCUSSION OF STAFF'S REQUEST THAT THE BOARD OF COMMISSIONERS CONSIDER ISSUING A REQUEST FOR PROPOSALS FOR A FEASIBILITY STUDY FOR IMPLEMENTATION OF A STORMWATER UTILITY. REPRESENTATIVES FROM OTHER OPERATING UTILITIES WILL PRESENT INFORMATION TO THE BOARD AS REQUESTED AT THE COMMISSIONERS' RECENT ANNUAL PLANNING MEETING:**

Developmental Engineer Bryan Keller of the Engineering Department introduced the Director of Henry County Stormwater Management Erik Lombard, P.E., Division Director over building and development services for Henry County Jim Luebbering, P.E. and also the Director of Public Works and Utilities for the City of Griffin, Dr. Brant Keller who discussed the pros and cons of the implementation of a stormwater utility in Fayette County. He presented a memorandum to the Board outlining the current Extent of Service (EOS) and the Level of Service (LOS) as well as the proposed EOS and LOS.

Commissioner Hearn asked Mr. Lombard to describe the work that he performs for the Henry County Stormwater Utility. Mr. Lombard responded that the Henry County Stormwater Department was somewhat unique in that they work on facilities that were not located in the right-of-way. He said Henry County's Department of Transportation handled all drainage and structure issues located in the right-of-way and his department handled all of the maintenance from the right-of-way to the State water buffer.

Dr. Brant Keller interjected that he had two dedicated crews consisting of nine people for 13.9 square miles. He said the only thing that they did not maintain was private commercial operations and industrial operations. He said the City of Griffin was pretty intense and this was his 145th conversation in the State of Georgia on stormwater utilities. He said he was passionate about this issue and commented that he had lived in Fayette County for 20 years. He felt the residents of Fayette County deserved some type of stormwater management program and the County could start at one level and progress as it grows and how the revenues come in. He pointed out that since 2002 his operating budget in stormwater and wastewater had gone up $300,000 every year. He said Fayette County was located in the metro area and this County would feel more pressure very shortly as the water plans develop. He said the City of Griffin spends an average of $910,000 in additional mandates in stormwater and wastewater. He said this Board could define where it wanted to be today and then in the future define where Fayette County would be in five years from now.

Chairman Smith asked Dr. Keller how many of the 144 entities that he had spoken with established a stormwater utility and Dr. Keller replied that out of the people he had spoken to in the State of Georgia 19 had followed the protocol to establish utilities out of the 35 utilities in the State. Dr. Keller interjected that this was a political decision and he pointed out that people would pay their utility bill, telephone bill and a stormwater bill. He said he and his staff would be glad to meet with the Board and discuss the entire stormwater program.

Commissioner Hearn asked Jim Luebbering about the percentage of the work that his maintenance crews do on a weekly basis. Mr. Luebbering replied that one of the things that they handle concerned the existing flood control ponds that were built by the developers when the neighborhoods went in. He said they needed to be maintained and retrofitted and the crews spend a lot of time cutting trees off of fill embankments, pulling debris and trash out of ponds, and cleaning out the outlets and pulling all of the sediment out. He said his department works hand in hand with the Department of Transportation and his program was a pretty intensive equipment program. He said they had made the choice to proceed in purchasing excavators, dump trucks, small ditch witches and plenty of weed eaters in order to maintain all of the ponds either aesthetically or functionally. Mr. Luebbering remarked that there were absolute mandated requirements that require the setup of a funding mechanism to take care of this.

Chairman Smith asked Dr. Keller if a stormwater utility was the appropriate way to address this issue. Dr. Keller replied that advalorem taxes were not the way to go. Dr. Keller further stated that by setting up a stormwater utility it would be a user fee and a dedicated revenue stream that would address this in the future. He pointed out if the County was in the water and sewer business, it would go into bond debt one way or the other.

Chairman Smith asked if there were some counties who had allowed the cities to become part of one community wide utility. Dr. Keller replied that there were multiple ways to handle this to make it work and it would be a matter of how the subject matter was approached. He cautioned the Board that if a stormwater utility was formed there would have to be a consulting engineer. He said there would have to be a Request for Proposal including a specification for a consulting engineer. He said if a stormwater utility was formed, there would be legal challenges and it would have to be defendable in court. He urged the Board to not go into this venture by itself and he pointed out that he was not aware of any of these in the entire United States without a consulting engineer.

Commissioner Hearn asked Mr. Lombard what kind of backlog he had in terms of current identified projects. Mr. Lombard responded that they schedule out every quarter and just completed scheduling through the end of the summer. He said there were several hundred service requests for maintenance on drainage areas outside of the right-of-way that were on file and there was no end in sight.

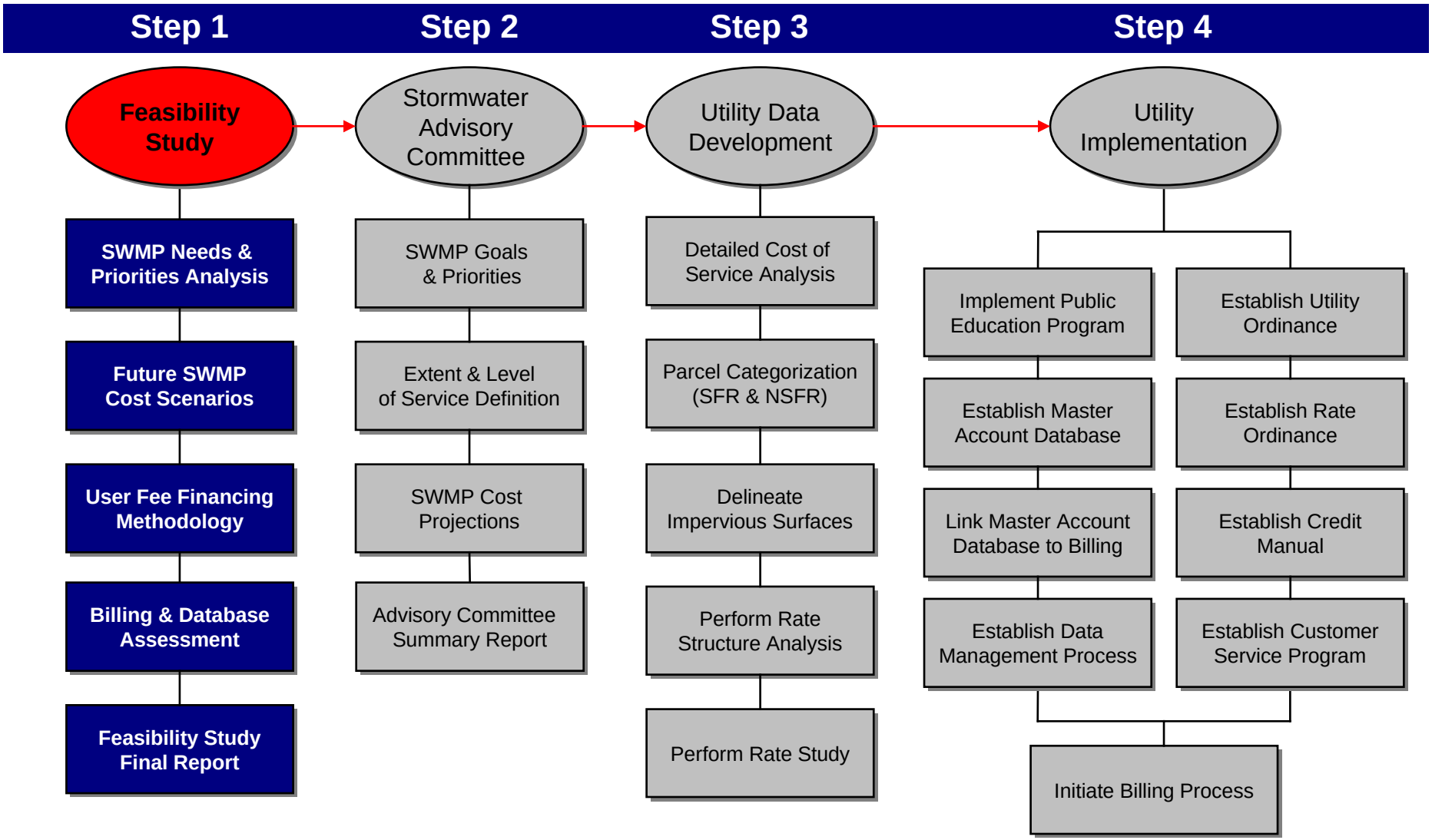
Chairman Smith commented that Fayette County currently had certain requirements that had to be met now. He asked Dr. Keller if Fayette County established a utility to handle this, could it start out at the same level that was currently being provided until the County was mandated otherwise. Dr. Keller replied that this would open Fayette County up to an issue that might be challengeable in court. He said if Fayette County was going to create a utility and did no more than what was being done today out of an advalorem tax based budget and charge a user fee, it would not be defensible.

Chairman Smith asked Dr. Keller what resources Fayette County currently had as far as staff time, engineering and so forth would need to be dedicated in setting up this utility. Dr. Keller remarked that the County would need one person totally dedicated to focus, manage and to align things and he or she would have to be able to multi-task and keep everything going. He said that person would have to come before the Board at least once a month to provide updates and it would definitely take a full time person just for the stormwater utility portion.

Commissioner Maxwell felt Fayette County was behind the curve and needed to catch up where it needed to be. He said he was very interested in negotiating with Peachtree City, Tyrone and Fayetteville to see if there was any interest in doing a consolidated stormwater utility. He felt the Board need additional information before moving forward.

Chairman Smith asked the Board members if they would agree to authorize him to have discussions with the mayors of the various cities to see if there was any political ability to do a combination into one utility to capitalize on the strength of what they have already learned and see if there could be one system for the County as a whole.

Commissioner Horgan suggested that staff review the ordinances to determine if these might help with this as well and Developmental Engineer Bryan Keller remarked that he had already begun that review.

It was the consensus of the Board that Chairman Smith be authorized to have discussions with the mayors of the various cities in Fayette County to determine if there might be any political ability to have one combined stormwater utility system for Fayette County, and also that staff continue with their work in reviewing the County's ordinances that might help with this as well. A copy of the request and memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

The Process of Creating a Stormwater Utility