COUNTY AGENDA REQUEST

Department:	Stormwater	Presenter(s):	Vanessa Birrell / Brian Keller
Meeting Date:	Wednesday, July 6, 2011	Type of Request:	Old Business

Wording for the Agenda:

Consideration of staff's recommendation related to funding the costs of stormwater management.

Background/History/Details:

Staff has been coming before the Board of Commissioners since 2003 to work through the state and federal mandates that require local cities and counties to address stormwater (run-off) issues in Georgia. An independent feasibility study was conducted to determine levels of need and to address funding mechanisms that would raise funds to pay for stormwater facility maintenance. Historically, these costs have been paid for by county-wide property taxes, from which several types of properties are exempt. Discussions have taken place with our municipalities and Fayetteville and Peachtree City have subsequently established stormwater utilities for their cities.

The time has come for the Board of Commissioners to give direction to staff on how stormwater management will be funded in the future, either by continuing to pay costs with property taxes or to establish a stormwater utility which will be funded by user-fees imposed on property owners in unincorporated Fayette County.

Staff is recommending that a fee-based utility be established. The final decision lies with the Board of Commissioners. If a utility is to be established, an ordinance will need to be prepared and placed on an agenda for action at a future Board meeting.

What action are you seeking from the Board of Commissioners?

Discussion and direction on how the Board wishes to fund stormwater maintenance in the future.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Many times
Is Audio-Visual Equipment Required for this Request?		Backup Provided with Request?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

TO: **Fayette County Board of Commissioners**

FROM: **Stormwater Management Department**

DATE: **June 22, 2011**

SUBJECT: **Stormwater Management Funding Recommendation**

The level of stormwater management the county currently provides can no longer support the mounting maintenance and replacement needs of infrastructure and increasing state and federal unfunded regulatory mandates. Staff estimates that 7% of pipe are in poor condition and require either maintenance or replacement and 26% of pipes are in unknown condition and in need of maintenance prior to conducting any inspection. Most pipes installed in Fayette County are corrugated metal pipe with an average life span of 25 years. Currently 40% of county subdivisions are over 25 years old. Currently, 51 stormwater improvement projects have been identified stormwater staff based on our currently complaint-only level-of-service (Attachment A.)

Stormwater staff is recommending a dedicated stormwater enterprise fund be established sourced from user-fees based on a fair and equitable rate methodology that associates demand placed on the system directly proportional to the user. These recommendations reflect the concerns expressed above and those by the Stormwater Advisory Committee and take into account the department's mission of maintaining the highest degree of safety and infrastructure reliability for the benefit of customers while taking cost and environmental impacts into account. A draft Stormwater Utility Ordinance and a rationalized rate study are attached for the Board of Commissioners' consideration (Attachments B and C.)

Providing dedicated stormwater funding is recognized across the United States as a basic utility service similar to water supply and wastewater utilities. A dedicated enterprise fund based on a stormwater user fee can be the primary funding source of a stormwater management program. A dedicated funding source is essential to keeping citizens and property safe from flooding, meet demands of deteriorating drainage infrastructure and comply with increasing unfunded regulatory requirements. While many other opportunities are available for secondary funding, a utility fee is a continual long-term funding source.

Background - From 2003 to present, various presentations to the BOC have outlined the consistent increase of stormwater management responsibilities and various funding opportunities (Attachment D.) On October 14, 2010 the BOC was presented the Stormwater Funding Feasibility study prepared by Integrated Science and Engineering recommending that the county proceed with implementing a user-fee system dedicated exclusively to stormwater management.

On December 9, 2010 the BOC authorized Integrated Science and Engineering and the Stormwater Staff to collect additional data needed to identify program priorities and service charge scenarios. At

the direction of the Board a Stormwater Advisory Committee, composed of stakeholders throughout the county, has provided recommendations on the stormwater management program (Attachment E.)

Because of extreme impervious area differentials existing among single-family residential parcels in the unincorporated county, ISE was tasked to collect data necessary to implement a detailed impervious area rate model needed to calculate user fees. This detailed model was developed by mapping the impervious areas for every individual parcel.

Proposed Operations Plan and Fee Structure Impervious area is directly proportional to demand put on the stormwater management system and therefore is the most equitable for assigning service charges. We used the impervious area data collected by ISE to calculate the proposed rate study. The rate study uses a step-up approach to accommodate an increased level of service in years four and five.

Based on the impervious rate model an enterprise fund can sustain a long-term stormwater management program initiated by proposed five-year operating plan (Attachment F.) This five-year plan will be updated on a continual basis to insure equality and sustainability for the stormwater management program. Also, at the recommendation of the Stormwater Advisory Committee, every five years the stormwater management program will be re-evaluated to insure the program is adequately addressing all county stormwater needs.

In years one through three of this operations plan proposed work will finish a detailed infrastructure inventory and inspection; future floodplain conditions modeling required by the state; initiation of a systematic operation and maintenance program; and payback of capital improvements and utility setup. In years four and five, an increase in the level-of-service through additional service programs, increased maintenance and capital projects are supported. A cost-of-service graph (Attachment G) shows the average five-year expense percentages for the functional areas.

Three additional staff and one reinstated positions are proposed to help meet requirements for this expanded program. The proposed reinstated senior environmental technician will finish the system inventory and initial inspections required by the North Georgia Metropolitan Watershed District. Once that task is completed, this position will then perform systematic inventory and updates and described in the attached position description (Attachment H.) Upon completion of the initial inventory and inspections a master plan will be developed. Three new positions proposed comprise a maintenance crew consisting of a crew leader and two laborers.

Utility Implementation Requirements and Associated Costs An adopted *Stormwater Utility Ordinance* governs the basic program structure and gives authority for staff to proceed with establishing dedicated enterprise fund and the associated inspection, credit, exemption, extent-of-service and level-of-service and enforcement policies for the Board's approval. Upon adoption of the Stormwater Utility Ordinance and approval of the proposed rate structure, staff can then proceed with development of the Rate Structure Ordinance, Credit Manual and Business Plan. Development of the Business Plan, Credit Manual and Ordinances can be done in-house saving the county anywhere from $30,000 to $60,000.

It is staffs recommendation to establish of the master account files within Munis Software and use the already established Munis billing system at the Water System for cost efficiency. Costs to assimilate

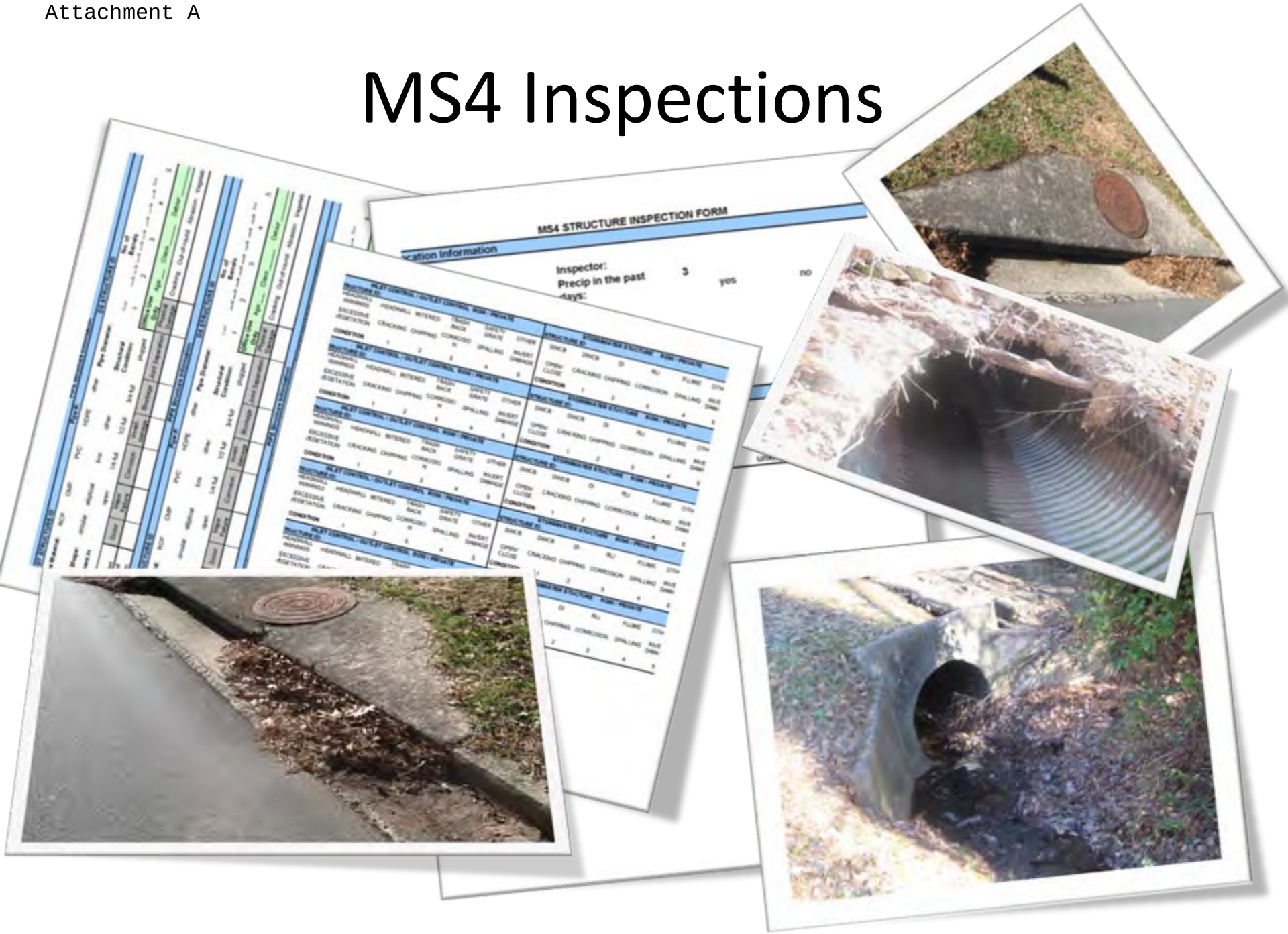
the master account billing file will range from $30,000 to $50,000, depending the ease of software integration and how closely the databases align. It should be noted this task will include a billing trial run exercise as a QA/QC measure.

Public Outreach Compliance Requirements – NPDES educational compliance requirements have increased every year during this permit cycle and all expectations are for a substantial increase in the next permit cycle. These regulatory requirements can be also used to education the users about the utility. Education material for dissemination through web and print media (water bill insert) is the most cost effective media output due to its interchangeability. "The general public must be educated and involved, as a critical element to the success of a stormwater utility" (Public Involvement and Education: The Critical Elements to the Success of Stormwater Utilities.) Public Outreach expenditures are estimated to be approximately $10,000.

To date the Stormwater Management Department has incurred $122,577 for the Feasibility Funding Study, establishment and solicitation of comments from the Stormwater Advisory Committee and impervious area data development. These funds were allocated from the Future Floodplain Study CIP allocation of $630, 000. In addition to the $122k stormwater funding expenditure, $19, 690 was spent from this fund for the Line and Camp Creek Future Floodplain studies.

Attachment A

MS4 Inspections



MS4 STRUCTURE INSPECTION FORM

Location Information

Date:

Inspector:

Time:

Precip in the past 3 days: yes no

Outfall Address:

Receiving Stream:

Subwatershed:

Land Use in Drainage Area: commercial agricultural residential

SYSTEM ID:

Photo ID:

On Map: yes no

Subdivision (if applicable):

Known Industries:

Source of flow: illicit discharge stormwater unknown stream

SKETCH/NOTES:

SYSTEM NUMBER:

PIPE Structure Information											
UPST STRUCTURE ID				Pipe #:			DS STRUCTURE ID				
Pipe Material:	RCP	CMP	PVC	HDPE	other	Pipe Diameter:		No. of Barrels			
Pipe Shape:	circular	elliptical	box	other		Structural Condition:	Good 1	2	3	4	Bad 5
Sediment in pipe:		open	1/4 full	1/2 full	3/4 full	plugged	Office Use Only	Age:___	Class:_____	Detour:_____	
Pipe Condition	Scour	Major Failure	Corrosion	Invert-damage	Blockage	Joint Separation	Physical Damage	Cracking	Out-of-round	Abrasion	Vegetation
Degree of Condition:											

PIPE Structure Information											
UPST STRUCTURE ID				Pipe #:			DS STRUCTURE ID				
Pipe Material:	RCP	CMP	PVC	HDPE	other	Pipe Diameter:		No. of Barrels			
Pipe Shape:	circular	elliptical	box	other		Structural Condition:	Good 1	2	3	4	Bad 5
Sediment in pipe:		open	1/4 full	1/2 full	3/4 full	plugged	Office Use Only	Age:___	Class:_____	Detour:_____	
Pipe Condition	Scour	Major Failure	Corrosion	Invert-damage	Blockage	Joint Separation	Physical Damage	Cracking	Out-of-round	Abrasion	Vegetation
Degree of Condition:											

PIPE Structure Information											
UPST STRUCTURE ID				Pipe #:			DS STRUCTURE ID				
Pipe Material:	RCP	CMP	PVC	HDPE	other	Pipe Diameter:		No. of Barrels			
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Pipe Condition	Scour	Major Failure	Corrosion	Invert-damage	Blockage	Joint Separation	Physical Damage	Cracking	Out-of-round	Abrasion	Vegetation
Degree of Condition:											

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Degree of Condition:											

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Pipe Condition	Scour	Major Failure	Corrosion	Invert-damage	Blockage	Joint Separation	Physical Damage	Cracking	Out-of-round	Abrasion	Vegetation
Degree of Condition:											

NOTES:

SYSTEM NUMBER:

INLET CONTROL / OUTLET CONTROL ROW / PRIVATE STRUCTURE ID:						STORMWATER STUCTURE ROW / PRIVATE STRUCTURE ID:					
HEADWALL W/WINGS	HEADWALL	MITERED	TRASH RACK	SAFETY GRATE	OTHER	SWCB	DWCB	DI	RLI	FLUME	OTHER
EXCESSIVE VEGETATION	CRACKING	CHIPPING	CORROSION	SPALLING	INVERT DAMAGE	OPEN/ CLOSE	CRACKING	CHIPPING	CORROSION	SPALLING	INVERT DAMAGE
CONDITION	1	2	3	4	5	**CONDITION**	1	2	3	4	5

INLET CONTROL / OUTLET CONTROL ROW / PRIVATE STRUCTURE ID:						STORMWATER STUCTURE ROW / PRIVATE STRUCTURE ID:					
HEADWALL W/WINGS	HEADWALL	MITERED	TRASH RACK	SAFETY GRATE	OTHER	SWCB	DWCB	DI	RLI	FLUME	OTHER
EXCESSIVE VEGETATION	CRACKING	CHIPPING	CORROSION	SPALLING	INVERT DAMAGE	OPEN/ CLOSE	CRACKING	CHIPPING	CORROSION	SPALLING	INVERT DAMAGE
CONDITION	1	2	3	4	5	**CONDITION**	1	2	3	4	5

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CONDITION	1	2	3	4	5	**CONDITION**	1	2	3	4	5

COMMMENTS:

MS4 Inspection Results

Stormwater Pipe Data	Miles	Linear Feet
Inspected Pipes	31.5	166,320
% Inspected[1&2]	32.7%	
Estimated Road Culvert (Not in subdivisions)[1]	11.9	63,000
Estimated Culverts in subdivisions (all)[2]	84.5	446,160
Miles of Poor condition (worst ratings 7% of pipes)	6.7	35,629
Miles of Unknown condition (needs maintenance 26% of pipes)	25.1	132,338

1- Based on an estimation of 1,500 pipe crossings on the approx 375 miles of roads outside of subdivisions @ 4 crossings a mile.
2- Based on data given to the BOC on 8-14-2008

Note this does not include structures (catch basins, headwalls, etc.)

Stormwater Improvement Projects

- What is a Stormwater Improvement Project (SIP)
- How many SIP projects are currently identified
- How is a SIP rated
- Examples of a SIP projects

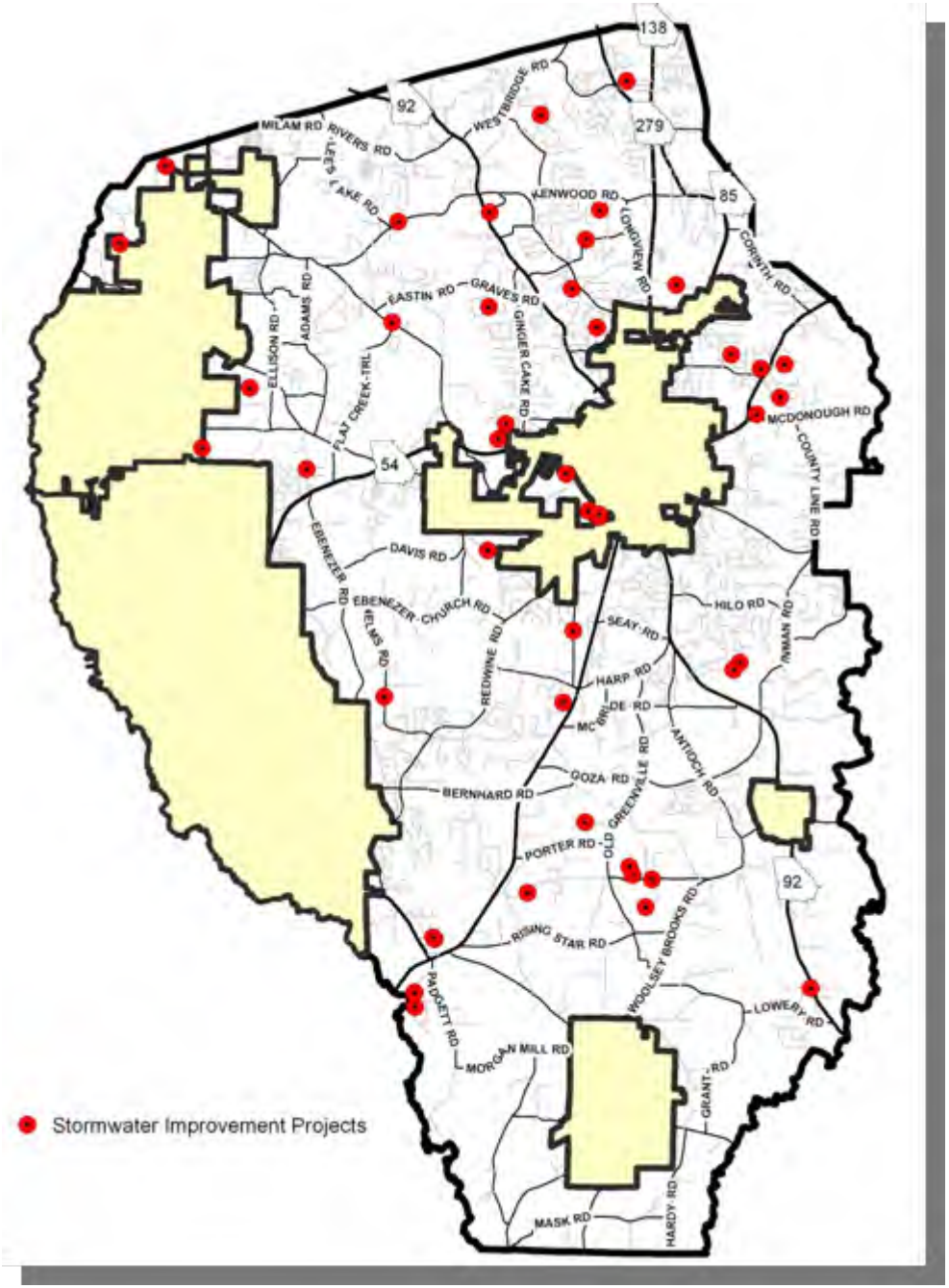
Stormwater Improvement Projects

- What is a Stormwater Improvement Project (SIP)
  - Infrastructure improvement is needed
  - Projects connected to our MS4 or cause by stormwater from our MS4
  - Currently Identified by both inspections and complaints
  - Cannot be correct with the current years operation and maintenance budget
  - And is not general maintenance (these are work order and 66 were issued in 2010)

Stormwater Improvement Projects

SIP #	Location	Month Added
SIP-01	131 Deer Forrest Trial	
SIP-02	Banks Road	
SIP-03	165 Hunters Glen (Quail Hollow)	
SIP-04	130 Morning Dove Dr (Quail Hollow)	
SIP-05	145 Scott Blvd (Timberridge) Need Photos	
SIP-06	Old Senoia Sams Mitigation Site	
SIP-07	150 Old Mill Court (Crystal Lake Estates)	
SIP-08	135 Merrydale Dr (Hunting South)	
SIP-09	Pondarosa	
SIP-10	LaFayette Estates	
SIP-11	121 Broom Blvd (Hall-Broom)	
SIP-12	150 Hall Place (Hall-Broom)	
SIP-13	105 Berry Ridge Road	
SIP-14	386 Lees Mill Road	
SIP-15	Roberts Road	
SIP-16	185 Downing Road	
SIP-17	105 Stable Creek Rd	
SIP-18	Scott Blvd off Ellison	
SIP-19	Crabapple Undersized Pipe	
SIP-20	Sandy Creek and Flat Creek Trail	
SIP-21	Beverly Manor (Multiple Projects)	October
SIP-22	McCurry Park Retrofit	October
SIP-23	All of Betha Woods	November
SIP-24	204 New Hope Circle	November
SIP-25	Pineview and Timberland Trail	November
SIP-26	Pave inverts	December

SIP #	Location	Month Added
SIP-27	Re-grout pipes in JBs	December
SIP-28	362 Quarters Road	January
SIP-29	330 Oak St	January
SIP-30	Old Mill Court	January
SIP-31	OLD HWY 92	January
SIP-32	Quail Hollow 165 Hunters Glen	January
SIP-33	142 Carrollwood Dr	Feb-10
SIP-34	The Oaks II, Lot 51	Feb-10
SIP-35	Amenities Area Millpond Manor	Feb-10
SIP-36	125 Berkley Place	Feb-10
SIP-37	Gristmill Road Culvert/Headwall 074-10	March
SIP-38	McElroy & Banks Rd.	March
SIP-39	Brandon Mill Circle (Catch Basin repiars)	March
SIP-40	Brittany Way	March
SIP-41	Morning Creek Lane	March
SIP-42	155 Rebecca Ct	March
SIP-43	567 Covered Bridge Trail	April
SIP-44	130 North Morning Dove Dr.	April
SIP-45	110 Handshaker Ct.	May
SIP-46	Kirkley Road Culverts	Aug-10
SIP-47	Trickum Creek Road Culverts	Aug-10
SIP-48	105 Northwind Trail	Aug-10
SIP-49	Kair Glen Subdivision	Aug-10
SIP-50	265 Lone Oak Drive	Aug-10
SIP-51	190 Starrs Mill Ridge	
SIP-52	338 Grooms Road	Aug-10


138
92
279
85
54
92
MILAM RD
RIVERS RD
WESTBRIDGE RD
LAKE RD
KENWOOD RD
LONGVIEW RD
CORINTH RD
EASTIN RD
GRAVES RD
GINGER CAKE RD
ADAMS RD
ELLISON RD
FLAT CREEK TRL
MCDONOUGH RD
COUNTY LINE RD
EBENEZER RD
DAVIS RD
EBENEZER CHURCH RD
HILO RD
NEWNAN RD
SEAY RD
KELMS RD
REDWINE RD
HARP RD
MC BRIDE RD
ANTIOCH RD
GOZA RD
BERNHARD RD
OLD GREENVILLE RD
PORTER RD
RISING STAR RD
WOOLSEY BROOKS RD
PADGETT RD
LOWERY RD
MORGAN MILL RD
GRANT RD
HARDY RD
MASK RD
Stormwater Improvement Projects

Stormwater Improvement Projects

- How is a SIP rated

SIP-08 135 Merrydale Drive

FAYETTE COUNTY
STORMWATER MANAGEMENT
STORMWATER IMPROVEMENT PROJECT

SIP Ranking
Tier 3

SIP No.	8

Print

Project Name:	135 Merrydale Dr
Project Location	135 Merrydale Drive
Month/Year Added:	N/A
Condition of System:	3.25
Public Property Rating:	3
Private Property Rating:	0
Public Safety Rating:	5

Description:
Merrydale Drive crosses over Gay Creek.The crossing was made using a 72" coated CMP.The pipe has collopsed to a point where damage to the roadway is occuring. There is invert danage due to rust,Corrosion & scour.

Existing System

Proposed System
Replace existing system with equivalent sized system

SIP-35 Amenities Area Millpond Manor

FAYETTE COUNTY
STORMWATER MANAGEMENT
STORMWATER IMPROVEMENT PROJECT

SIP Ranking
Tier 2

SIP No.	5

Print

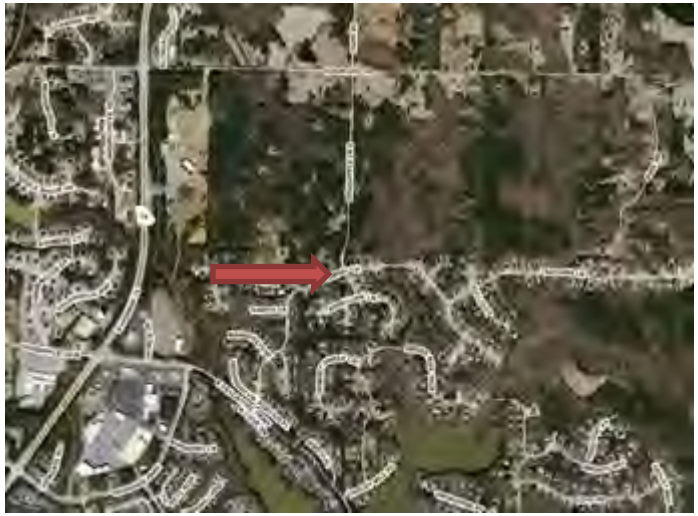
Project Name:	Amenities Area Millpond Manor
Project Location	Amenities Area Millpond Manor
Month/Year Added:	February-10
Condition of System:	3.25
Public Property Rating:	0
Private Property Rating:	4
Public Safety Rating:	3

Description:
The pipe under Gristmill Drive is pointed toward the pipe at the aminiety areas and has caused the pipe to be completely exposed.

Existing System

Proposed System
Remove last part of pipe and reset headwall out of the way of the current flow and stablize entire area.

SIP-19 Crabapple Undersized Pipe



FAYETTE COUNTY
STORMWATER MANAGEMENT
STORMWATER IMPROVEMENT PROJECT

SIP Ranking
Tier 1

SIP No.	19

Print

Project Name:	Crabapple Ln
Project Location	Crabapple Lane
Month/Year Added:	N/A
Condition of System:	1.875
Public Property Rating:	2
Private Property Rating:	2
Public Safety Rating:	1

Description:
Appears that during heavy rain events Stormwater over tops Crabapple Lane making it appear that the pipe is undersized.

Existing System

Proposed System
Complete a hydrology study and design a system to the appropirate size.

The Unknowns

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF FAYETTE COUNTY BY ADOPTING A NEW ARTICLE ?, *STORMWATER MANAGEMENT,***TO CHAPTER 19,***UTILITIES,* **RELATING TO STORMWATER MANAGEMENT IN UNINCORPORATED FAYETTE COUNTY; STATING FINDINGS REGARDING STORMWATER MANAGEMENT NEEDS IN UNINCORPORATED FAYETTE COUNTY; ESTABLISHING A STORMWATER UTILITY AS A DEDICATED ENTERPRISE ACCOUNTING UNIT OF THE DIVISION OF UTILITY SERVICES, STORMWATER MANAGEMENT DEPARTMENT; STATING THE SERVICE AREA, PURPOSES, AND POWERS OF THE UTILITY; PROVIDING DEFINITIONS; STATING GENERAL SERVICE CHARGE RATE POLICIES; DECLARING THAT INDIVIDUAL SECTIONS OF THIS ORDINANCE SHALL BE SEVERABLE ONE FROM ANOTHER; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, Fayette County is responsible for the protection and preservation of the public health, safety, and welfare of the community;
WHEREAS, the Board of Commissioners of Fayette County is authorized by Article IX**,** Section II, Paragraph 111(a) (6) of the Georgia Constitution to provide stormwater management throughout the unincorporated area of Fayette County;
WHEREAS, the federal Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.) and rules promulgated by the United States Environmental Protection Agency pursuant to the Act place increased emphasis on the role of local governments in developing, implementing, conducting and funding stormwater management programs which address water quality impacts of storm water runoff;
WHEREAS, Fayette County has completed a professional engineering and financial analysis by Integrated Science and Engineering of its stormwater management problems, needs, goals, program priorities and funding opportunities, which has been delivered to the county and has been examined, reviewed and discussed by the Board of Commissioners;
WHEREAS, the Board of Commissioners finds and concludes from the professional engineering and financial analysis that substantial stormwater management program operational and capital investment needs exist;
WHEREAS, the professional engineering and financial analysis indicates that adequate and stable funding will be essential if the county is to meet its future stormwater management program operational and capital investment needs; and

WHEREAS, it is the desire of the Board of Commissioners to proceed with the development, implementation, and operation of a utility for stormwater management accounted for in the county budget as a separate enterprise fund dedicated solely to stormwater management and to institute funding methods associated therewith;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, AND IT IS ESTABLISHED AS FOLLOWS:

SECTION 19 The Code of Ordinances of Fayette County is hereby amended by adopting a new Article ? , *STORMWATER MANAGEMENT*, to Chapter 19, *UTILITTES*, to read as follows:

STORMWATER MANAGEMENT

- Sections:
010 - Findings.
020 - Establishment of a Utility and Enterprise Fund.
030 - Definitions.
040 - Scope of Responsibility for unincorporated Fayette County Stormwater Management Utility.
050 - Requirements for Stormwater Systems; Inspections and Enforcement Methods.
060 - General Funding Policy.
070 - Effective Date of Stormwater Charges.
080 - Stormwater Management Utility Service Charges.
090 - Exemptions and Credits Applicable to Stormwater Service Charges.
100 - Stormwater Service Charge Billing, Delinquencies, Collections.
110 - Appeals.

.010 - Findings.

The Board of Commissioners of Fayette County, Georgia makes the following findings:

A. The professional engineering and financing analyses, prepared by Integrated Science and Engineering, Inc., properly assesses and defines the stormwater management problems, needs, goals, program priorities and funding opportunities of unincorporated Fayette County.

B. Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financing analyses, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in unincorporated Fayette in concert with other water resource management programs.

C. Stormwater management is applicable and needed throughout the unincorporated boundaries of Fayette County. While specific service and facility demands may differ from area to area at any

given point in time, a stormwater management service area encompassing all lands and water bodies within the unincorporated boundaries of Fayette County is consistent with the present and future needs of the community.

D. The stormwater needs in unincorporated Fayette County include, but are not limited to, protecting the public health, safety, and welfare. Provision of stormwater management programs and facilities renders and/or results in both service and benefit to all properties, property owners, citizens, and residents of Fayette County in a variety of ways as identified in the professional engineering and financial analyses. The service and benefit rendered or resulting from provision of stormwater management systems and facilities may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and programs, and risk exposure.

E. Fayette County presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater systems owned and operated by the county, and of additions and improvements thereto, rests on the ability of the county to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities in Fayette County in concert with the management of other water resources in the county. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.

F. The Board of Commissioners finds, concludes and determines that a Stormwater Management Utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in unincorporated Fayette County.

G. An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater quality control service requirements and costs posed by properties throughout the county. Such schedule of service charges can be complemented by other funding methods which address specific needs, including but not limited to, allocations of special purpose local options sales taxes to stormwater drainage improvement projects. A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the county. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the county, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. In addition, the value to the stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to, the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.

.020 - Establishment of a Utility and Enterprise Fund.

A. There is hereby established a Stormwater Management Utility within the Fayette County Utility Services which shall be responsible for stormwater management throughout the unincorporated county limits, and shall provide for the management, protection, control, regulation, use, and enhancement of

stormwater systems and facilities. Such utility shall be under the direction of a Stormwater Management Director.

B. The County Administrator and the County Chief Financial Officer shall establish a stormwater enterprise fund in the county budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Board of Commissioners. All revenues and receipts of the stormwater utility shall be deposited promptly upon receipt into the Stormwater Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the stormwater utility, including capital project construction. No other funds of the county shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund, including, but not limited to, grants, transfers of county funds, loans, and bond proceeds may be combined with and applied to stormwater management stormwater management as deemed appropriate by the Board of Commissioners, upon recommendation of the County Administrator.

C. The Board of Commissioners hereby transfers to the Stormwater Utility Director operational control over the existing stormwater management systems and facilities owned and heretofore operated by the County and other related assets, including but not limited to properties upon which such facilities are located, easements, rights-of-entry and access, and certain equipment.

.030 - Definitions.

Except as specifically defined in this chapter, all words used in this title have their customary dictionary definitions. For the purpose of this title, certain words or terms used are defined as follows:

Credit. A conditional reduction in the amount of a stormwater service charge to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. The basis of such credits if granted will be defined by a specific written agreement at the determination of the County Administrator as approved by action of the Board of Commissioners.

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia. For purposes of this ordinance may also be referred to in this ordinance as Fayette County.

Customers. All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Deleted: of the Stormwater Management Utility

Detached Dwelling Unit. Developed land containing one structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. Developed land may be

classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings, or the presence of a commercial use within the dwelling unit so long as such use does not result in additional impervious areas such as parking spaces, playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar non-residential uses. Detached dwelling unit shall not include developed land containing: structures used primarily for non-residential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple dwelling unit residential properties.

Developed Land. All real property altered from its natural state by grading, paving, compaction, construction of structures, impervious services, or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

Impervious A topographic allowing the passage of water through the surface on the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering as it would under natural conditions.

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the stormwater utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Hydrologic Response of a property is the manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area; the size, shape, topographic, vegetative, and geologic conditions of a property; antecedent moisture conditions; and groundwater conditions on a property.

Service Charges. A periodic rate, fee, or charge applicable to a parcel of land, which charge shall be reflective of the service provided by Fayette County Stormwater Utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters, or the grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities is relatively consistent. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced level of stormwater services above those normally provided by the county.

Deleted: **Other Developed Land** shall mean, but shall not be limited to, multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants. ¶

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

Stormwater Management. The planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading erosion, tree conservation, and sediment control.

Stormwater Management Services. All services provided by the county that relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the Fayette County Stormwater Management System;
2. Maintenance, repair and replacement of existing stormwater drainage systems;
3. Regulation of the use of stormwater management services and systems; and,
4. Compliance with applicable state and federal stormwater management regulations and permit requirements.

Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater Management System. The structural and nonstructural stormwater drainage systems, facilities, operations, and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

Deleted: entire set of

Undeveloped Land. Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

.040 - Scope of Responsibility for the Stormwater Management Utility.

A. The Stormwater Management Utility shall be responsible for stormwater management throughout the unincorporated limits of Fayette County Government. The utility shall provide for the conservation, management, protection, control, use, and enhancement of stormwater through planning, acquisition, construction, installation, management, operation, maintenance, regulation, extension, and improvement of the public stormwater systems to collect, control, convey, store, detain, retain, recharge, and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the county to provide a comparable and consistent level of stormwater service to similarly situated properties throughout the service area.

B. The Fayette County Stormwater Management System consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of unincorporated Fayette County that control and/or convey stormwater through which the county intentionally diverts surface waters from its public streets and properties. The county owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system that:

(1) Are located within public streets, rights-of-way, and easements;

(2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of stormwater drainage systems; or

(3) Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of stormwater drainage systems and facilities.

C. Operation and maintenance of stormwater management systems that are located on private property or public property not owned by Fayette County and for which there has been no public dedication of such systems and/or facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Georgia and/or the United States of America.

D. It is the intent of this Ordinance to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of Fayette County. Fayette County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the county, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity by or upon property not owned by the county, pursuant to this or any other regulatory ordinance, regulation or rule of the county or under Federal or State law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees or agents.

.050 - Requirements for Stormwater Systems; Inspections and Enforcement Methods.

The appropriate and efficacious management of the stormwater management system by the county on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. The stormwater utility may provide for inspection of private stormwater drainage systems and/or facilities to ascertain that the stormwater facilities are functioning as designed and approved. The stormwater utility may provide for remedial maintenance of facilities based severity of stormwater problems and potential hazards to the public health, safety and welfare. If determined by the Stormwater Management Department, unpermitted drainage systems, located on private property that are connected to the county's system, shall be permitted and improved by the property owner to ensure proper function to the public drainage system. In cases where such remedial maintenance is required the county shall bill the owner of the private facility for the costs of such maintenance. The county shall have the right, pursuant to the authority of this ordinance, for its designated officers and employees to enter upon private and public property owned by entities other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

Any failure to meet the obligations set forth in this Ordinance shall constitute a nuisance and be subject

to an abatement action filed by the county in the ? Court. In the event a public nuisance is found by the Court to exist, which the owner fails to properly abate within such reasonable time as allowed by the Court, the county may enter upon the property and cause such work as is reasonably necessary to be performed. The actual cost thereof shall be assessed against the owner in the same manner as a tax levied against the property.

The county shall have lien rights from the date of the filing of the abatement action by the county, and said lien rights may be perfected through:

A. A judgment; and

B. The filing of a writ of fieri facias against all property of the person or entity against whom the assessment was made. Upon issuance of said fi. fa., and forwarding of same to the Sheriff, the Sheriff shall be authorized pursuant to Georgia law to levy same upon the property of the owner to satisfy the amount due on the judgment.

These enforcement methods shall be perfected by filing a notice of lien on the General Execution Docket of the Superior Court of Fayette County. A fi. fa. issued by any court in the State of Georgia can be recorded on the General Execution Docket of the Superior Court of any other county in the state in which the owner possesses property. When the execution has been entered upon the docket, the lien shall date from such entry.

State law reference— O.C.G.A. § 9-12-81(b).

.060 - General Funding Policy.

A. It shall be the policy of Fayette County that funding for the stormwater utility is equitably derived through methods that have demonstrable relationships to the varied demands and costs imposed on the stormwater systems and programs and/or the level of service provided as a result of the provision of stormwater services and facilities.

B. Service charges for stormwater management shall be fair and reasonable and shall bear a substantial relationship to the cost of providing services and facilities. The cost of stormwater services and facilities may include administrative, operating, capital investment, debt service, engineering and planning, and reserve expenses, and may also include related regulatory expenses associated with watershed management requirements. Properties shall be charged rentals, rates, charges, fees, or licenses in proportion to their related cost of service impact.

C. Service charge rates shall be designed to be consistent and coordinated with the use of other funding methods employed for stormwater management by the county, whether within or outside the stormwater utility, including but not limited to plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development charges, and special assessments.

.070 - Effective Date of Stormwater Charges.

Stormwater service charges shall accrue beginning ?and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply.

.080 - Stormwater Management Utility Service Charges

A. There are hereby established Stormwater Management Utility service charges that shall be billed to all properties in unincorporated Fayette County service area, except as specific exemptions or credits may allow for in this Ordinance or shall allow in future ordinances or amendments to this Ordinance. The Stormwater Management Utility service charges may, but are not required to, include a service rate charge applied to each property. The service rate charge, if applied, shall be related generally to the amount and quality of runoff discharged to the public stormwater systems and stormwater receiving waters and to the costs of services associated with stormwater management. The service charge may also include a base rate charge for certain costs of service common to all stormwater management accounts, and/or special service charges to persons, entities, or properties that require services and/or facilities not commonly needed by all persons, entities, or properties.

B. Stormwater user fee charge rates shall be adopted via the rate ordinance and shall bear a substantial relationship to the cost of providing stormwater management services. User fee charge rates shall be in addition to other rates, charges, or fees employed for stormwater management within the unincorporated areas of the county as defined herein.

C. The service rate charge, if applied, shall be reflective of the cost of providing services and facilities to properly control stormwater runoff quantity and quality. The most important factor in the county's present cost of providing stormwater management services and facilities to individual properties is the amount of impervious area on each property.

D. Special service charges, if applied, shall be structured to recover the cost of providing to certain persons, entities, and properties types or levels of stormwater management services that are not commonly required by all stormwater service charge ratepayers. Such services may include, but are not limited to, private development plan review and inspection, site inspections to verify the operational condition of on-site stormwater management systems, such as private detention/retention and conveyance facilities, monitoring and mitigative activities related to conditions on individual properties that impact water quality, and actions to abate conditions on private properties that do not comply with adopted county standards and/or that interfere with proper stormwater management and have been determined to constitute a public nuisance.

E. The professional engineering and management analysis conducted for the county determined that properties within the county service area that are classified as single-family residential property and non-single family residential shall be equitably and fairly charged based on the area of imperviousness measured in units of square feet.

L. Undeveloped parcels shall be considered to not have any impervious area.

.090 – Credits and Exemptions Applicable to Stormwater Service Charges.

Except as provided in this Section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exception, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities. The Fayette County Stormwater Utility Service Charge

Credit Policy specifying the performance standards of stormwater systems, facilities, activities, and services which qualify for application of a service charge credit, and how such credits shall be calculated and approved separately by the Board of Commissioners and by reference, incorporated herein.

A. Developed land including buy not limited to individual detached dwelling units, multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, roads, alleys, and by-ways, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plans may receive a stormwater service charge credit(s). The stormwater service charge credit(s) shall be determined based on the requirements and standards contained in the Stormwater Utility Service Charge Credit Policy. The stormwater service charge credit(s) shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.

B. Groups of detached dwelling units represented by an incorporated homeowner's association providing on-site systems, facilities, services, or activities which reduce or mitigate the Stormwater Utility's cost of providing services and facilities may receive a stormwater service charge credit(s). The stormwater service charge credit shall be determined based on the technical requirements and standards contained in the Stormwater Utility Service Charge Credit Policy. The stormwater service charge credit(s) available to groups of detached dwelling units shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the homeowners association reduce or mitigate the stormwater utility's cost of providing services and facilities.

C. Any credit allowed against the service charge is conditioned on continuing compliance with the county’s performance standards as stated in the Stormwater Utility Service Charge Credit Policy and/or upon continuing the provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the county at any time for non-compliance.

D. All public rights-of-way are exempt from stormwater utility fees.

.100 - Stormwater Service Charge Billing, Delinquencies, Collections.

A. Stormwater Management Utility service charges shall be billed and collected in the manner and at the interval deemed most efficient by the county, and shall be payable in accordance with the rules and regulations of the Fayette County Finance Department as applied generally to all bills. A stormwater service charge bill may be sent through the United States mail or by an alternate means notifying the customer of the amount of the bill, the date the payment is due, and the past due date. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land, as shown from public land records, shall be ultimately obligated to pay such fee. If a customer is under billed or if no bill is sent, the county may back bill for a period of up to one year, but shall not assess penalties for any delinquency. A 1.5 percent per month late charge shall be billed based on the unpaid balance of any Stormwater Management Utility service charge that becomes delinquent.

B. The stormwater service charge may be billed on a common statement and collected with other utility services through separate bills or any other method by which the county could bill other utility customers or property owners.

C. Any Stormwater Management Utility service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the county.

D. In addition to any other remedies or penalties provided by this or any other Ordinance of the county, failure to pay any utility service charge when billed in conjunction with another Fayette County utility bill may result in a discontinuance of any or all other utility services provided by the county. The owner of each property, building, premises, lot, or house shall be obligated to pay such fee, which shall be enforceable by the county by action at law or equity.

E. No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.

F. Suits for collection shall be commenced by the county in the county of the owner's residence; provided, however, if the owner is not a resident of this State, suit may be filed in the Superior or State Court of Fayette County, Georgia. If a suit is instituted by the county for collection, the owner shall pay court costs, litigation expenses, and reasonable attorney's fees incurred by the county.

G. If suit is instituted for the collection of any fees due hereunder or for the enforcement of this Ordinance, the owner shall pay the court costs, litigation expenses, and reasonable attorney's fees associated therewith.

.110 - Appeals.

Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner:

A. An appeal must be filed in writing with the Fayette County Stormwater Utility Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.

B. Based on the information provided, a technical review shall be conducted by the Stormwater Utility Director of the Stormwater Management Utility and a written determination will be issued within thirty (30) days stating whether an adjustment to the service charge is appropriate and, if so, the amount of such adjustment.

C. In response to an appeal, the Stormwater Utility Director may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

D. A decision of the Stormwater Utility Director which is adverse to an appellant may be further appealed to the Director’s supervisor within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Director’s supervisor by the appellant, stating the grounds for the appeal. The Director’s supervisor shall issue a written decision on the appeal

within thirty (30) days. All decisions of the Director's supervisor shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant.

E. If the person or entity seeking adjustment or relief from the service charge desires, the decision of the Stormwater Management Director's supervisor may be appealed in writing to the Board of Commissioners. Such appeals must be made within thirty (30) days of the decision of the Director's supervisor and include a written basis for the appeal. The decision of the Board of Commissioners shall be final.

F. This appeal process shall not interfere with the rights of the person or entity to seek judicial relief in a court of competent jurisdiction, but shall be exhausted before judicial relief is pursued. Any appeal to the Superior Court of Fayette County must be filed within thirty (30) days of the decision of the Board of Commissioners.

G. Notices of the appeal and decisions shall be served personally or delivered by registered or certified mail to the address of record.

Attachment C

Fayette County Stormwater Management Program - Preliminary Rate Study					
	Year 1	Year 2	Year 3	Year 4	Year 5
REVENUE					
Stormwater Utility Revenue					
Number of RERUs (A)[1]	157,008	158,578	160,164	161,765	163,383
Monthly Charge per RERU ($) (B)	**$0.68**	**$0.68**	**$0.75**	**$0.75**	**$0.75**
Average Monthly Charge for 6,400 sq. ft. home[2]	**$4.08**	**$4.08**	**$4.50**	**$4.50**	**$4.50**
Yearly Charge for 6,400 sq. ft. home	**$48.96**	**$48.96**	**$54.00**	**$54.00**	**$54.00**
YEARLY GROSS UTILITY REVENUE (A*B)*12	**$1,281,185**	**$1,293,997**	**$1,441,475**	**$1,455,889**	**$1,470,448**
Revenue Additions[3]	$0	$106,718	$57,808	$74,068	$103,689
Revenue Reductions[4]	($128,119)	($129,400)	($144,147)	($145,589)	($147,045)
YEAR NET REVENUE FOR SWMP (C)	**$1,153,066**	**$1,271,315**	**$1,355,135**	**$1,384,368**	**$1,427,092**
EXPENSES					
Administration	$79,059	$81,431	$83,874	$86,390	$88,982
Environmental Enforcement and Compliance	$353,810	$360,887	$368,104	$375,467	$382,976
Operations & Maintenance	$128,042	$261,872	$268,459	$275,219	$282,155
Direct Capital Outlay	$517,467	$541,667	$596,667	$580,000	$605,000
YEAR EXPENSES (D)	**$1,078,378**	**$1,245,857**	**$1,317,104**	**$1,317,076**	**$1,359,113**

YEAR-END FUND BALANCE = C-D	**$74,688**	**$25,458**	**$38,031**	**$67,292**	**$67,979**

1 - RERU = Rounded Equivalent Residential Unit (Impervious area/1000 sq. ft.) and 1% increase in RERU per year for new impervious area
2 - Average Size Impervious area for a Single Family Residential Lot in Unincorporated Fayette County
2 - Year-End Fund Balance and Delinquency Collections (half of pervious year)
3 - 5% Delinquencies and 5% Credits

Attachment D

Process of Creating a Stormwater Utility

~2003 to Present Various presentations to BOC exploring opportunities for the Stormwater Management Program.

March 5, 2008 (Workshop) – Presentation on regulatory permits, stormwater system components, extent and level of service concepts, user-fee funding mechanism.

January 22, 2009 (Retreat) Presentation given on the current status of the Stormwater infrastructure, funding options and a stormwater utility overview.

February 12, 2009 (Public Meeting) –The Engineering Department invited local jurisdictions to give additional information to the Commissioners in an open discussion format, including:

•Erik Lombard, Director of the Henry County Stormwater Utility,
•Jim Luebbering, Director of Public Works for Henry County
•Brant Keller, Director Public Works & Utilities for the City of Griffin,

August 5, 2009 (Workshop) – Discussion of staff's recommendation to conduct a Stormwater Funding Feasibility Study.

August 13, 2009 (Public Meeting) Approval of staff's recommendation to issue a RFP for the performance of a Stormwater Funding Feasibility Study

December 10, 2009 (Public Meeting) County approved ISE to develop a Stormwater Funding Feasibility Study.

FAYETTE COUNTY
STORMWATER ADVISORY COMMITTEE
POSITION PAPER

At the direction of the Fayette County Board of Commissioners a stakeholders group of citizens from unincorporated Fayette County, Brooks, Tyrone and Woolsey was formed to evaluate the Fayette County Stormwater Management Program (SWMP). This committee's purpose was to provide the Board of Commissioners their perspective and give recommendations regarding implementation of an expanded SWMP to meet future stormwater challenges facing Fayette County. This document summarizes the findings and recommendations of this committee.

Committee Creation and Operation

Fayette County stakeholders and volunteer citizens having diverse backgrounds and knowledge participated on the Stormwater Advisory Committee. Committee members are listed below along with the stakeholder group they represent.

		Meeting			
Name	Stakeholder Group	1	2	3	4
Bill Webb	Key Club/Kiwanis/Rivers Alive	■	■		
Jeff West	Fayette County Asst. Road Director	■	■		
Beth Vaughn	Town of Tyrone - Stormwater		■		
Virginia Gibbs	Fayette Chamber Of Commerce	■		■	■
Joe Myers	Citizen/Solicitors Office	■	■	■	■
Osvaldo Sanchez	Citizen with Flooding Problems	■			
Brad Barnard	Builder/Developer	■	■	■	■
Dan Langford	Brooks - Mayor			■	■
Don Easterbrook	Citizen/Engineer/Stormwater Director Fayetteville	■		■	■
Pete Nelms	Fayette County EMS	■	■	■	
Courtney Nolan	Citizen/Engineer		■		
Craig Gross	Citizen/Extension Agent	■			
Bob Dixon	Builder/Developer	■			
Scott Price	Citizen	■			
Warren Huddleston	Minister of Providence United Methodist Church	■			
Jerry Young	Pastor Of Fayette Family Church		■	■	
Tony Parrott	Director, Fayette County Water System	■		■	■
Dennis Chase	Environmentalist	■	■	■	■
Steve Brown	County Commissioner		■	■	
Robert Horgan	County Commissioner	■			
Don Rehwaldt	Town of Tyrone - Mayor			■	■
Gloria Furr	Town of Tyrone - Town Council				■
Richard Newbern	Town of Tyrone - City Manager		■	■	■

		Meeting			
Name	**Stakeholder Group**	**1**	**2**	**3**	**4**
Grace Caldwell	Citizen			■	
D Barlow	Citizen			■	
Shana Slay	Citizen	■		■	
Dale Phenicie	Citizen			■	
Tim Thoms	Citizen/State Water Board Advisory Member			■	
Penny Hunter	Town of Tyrone			■	
Sharon Boyer*	Fayette Co. Schools				
Lisa Perrett*	Georgia EPD Municipal Stormwater				
Huie Bray*	Brooks/Miniwarehouse				
Gary Laggis*	Woosley - Mayor				
Angela Hinton Fonda*	North Fayette Community Association				
Mike Bell*	M and S Auto Salvage				
Frank James*	Stream Bank Mitigation				

* - Citizens invited to the committee but unable to attend

In order to accomplish their task of recommending to the Board of Commissioners on how to proceed with an expanded Stormwater Management Program, the committee assessed the current program, recommended goals for an improved program, and assessed funding alternatives to meet these goals.

The following questions were utilized to engage the committee in dialogue to better assess and make recommendations about the future of the Fayette County Stormwater Management program:

- What is Fayette County currently doing in terms of stormwater management?
- What are stormwater related problems, issues, and needs currently faced by Fayette County?
- What extent-of-service and level-of-service should guide the Stormwater Management program?
- What is (are) the best way(s) to pay for these program improvements?
- How should the importance of stormwater management be presented to the general public?

Committee meetings were developed and facilitated by Integrated Science and Engineering who prepared the Stormwater Funding Feasibility Analysis for the county.

Current Stormwater Program

Current funding for the Stormwater Management Program is through the general fund. The county spends approximately $436,000 annually on the Stormwater Management Program. Funding for administrative, program implementation, permit compliance and customer service are budgeted annually as operating expenses of the Stormwater Management Department.

Complaint-driven operation and maintenance is budgeted within Public Works annual budget. If a problem cannot be corrected from within this budget it is placed on a Stormwater Improvement Project list. Currently there are over 53 Stormwater Improvement Projects.

The committee discussed the root cause for mounting stormwater problems. This is due to lack of adequate resources to perform master planning necessary to provide regular operation and maintenance and replacement of failing infrastructure. Other institutional issues were discussed that included public awareness and education; and water quality management.

Throughout the United States there are two potential primary funding sources for stormwater management programs: general funds or an equitable stormwater user fee (stormwater utility). The committee noted the following advantages and disadvantages of each:

Revenue Source	Advantages	Disadvantages
General Fund	• Generally accepted by the Public as a viable means of funding a stormwater management program • Low administrative cost since billing mechanisms are already in place • Enforcement of payment clearly defined in existing laws • Property tax portion of general fund is deductible on federal or state income tax	• General fund taxes are based on non-stormwater related indicators such as property value, sales tax, etc. • Property tax portion of general fund bills all taxable properties in Fayette County including those in Fayetteville, Peachtree City and Tyrone which do not receive Stormwater Services from the Fayette County government • Tax exempt properties that significantly contribute runoff do not pay property taxes into Stormwater Program increasing burden on other properties • No credits are available to reduce costs to property owner by recognizing efforts to reduce stormwater runoff • General fund revenues are not legally dedicated to stormwater management and must compete with other functions to be adequately funded

Revenue Source	Advantages	Disadvantages
Stormwater Utility User Fee	• Distributes costs to all developed parcels (including Tax Exempt) within the service district of the Stormwater Utility only • Equitably distributes costs based on the amount of impervious surface area on the property • Revenues are legally dedicated to stormwater functions only • Credits reduce fee by recognizing property owners' efforts to reduce stormwater runoff • Stable revenue source not subject to property values or sales tax revenue fluctuations • Costs can be divided into monthly, quarterly or annual payments	• Perceived as a rain tax • Fee is not tax deductible on federal or state income tax like property taxes • Can have a high administrative cost compared to general fund revenue sources • Enforcement of payment can be burdensome if not tied to other utility services

Under a user fee system, properties are billed based on the amount of impervious (paved areas, roofs, driveways, etc,) area on their property. Impervious area is related to the amount of demand each property puts on the county's drainage system. A user fee was deemed as flexible and intuitively fair, in that those who impact the system the most pay the most. With this system, credits can also be given for detention ponds, open space, landscaped areas and other practices, thus stimulating sound development and maintenance.

Stormwater Program Improvement Recommendations

The committee concluded that the Stormwater Management Program should actively reinvest in stormwater infrastructure for the long-term cost saving benefit to the County. This increased level-of-service should be funded through an equitable dedicated user fee based on impervious area. Revenue from stormwater user fees should be placed in an enterprise fund dedicated mainly to stormwater infrastructure improvements and operations and maintenance.

The committee developed the following recommended action items and activities to achieve the overall goal of improving the Stormwater Management Program.

1. **Extent and Level of Service**

Stormwater infrastructure improvements and operations and maintenance should be limited to county-owned properties and right-of-way. All county stormwater drainage system components should be inventoried and inspected every five years. Stormwater Infrastructure within county-owned properties and right-of-way should be replaced, rehabilitated or upgraded based on a ranking system with priority given to public safety concerns.

All privately-owned drainage systems including detention ponds should be maintained by the owner. Unpermitted drainage systems, located on private property that are connected to the

county's system, should be permitted and improved by the property owner, if warranted, to ensure proper function of the public drainage system. If an unmaintained privately owned system negatively impacts the county's drainage system, a fine should be administered. Private inspection and maintenance records should only be required by the county where neglected conditions could impact downstream property or roads.

2. **Public Involvement and Education**

Education and outreach should become a significant function of the program using effective communication measures such as print and web-based media. While staff currently has a limited outreach program, more resources should be allocated to improve the program.

3. **Water Quality Management**

Develop an active water quality management program to include a monitoring program to identify and correct problems. The county should also partner with private organizations and/or individuals to correct water quality issues where appropriate.

4. Operations and Maintenance

Complete the inventory of the stormwater drainage system to adequately develop a more proactive approach to maintenance of the stormwater drainage system including a preventative maintenance program.

5. Capital Construction

Systematically plan, design, and construct capital projects to correct functional and capacity problems of the stormwater drainage system as well as replace deteriorated drainage systems that can not be repaired with other methods.

6. **Administration**

Funding from stormwater user fees for additional staff should be limited to resources needed for an improved operation and maintenance program. **A** checks and balance system should be established through reauthorization of the stormwater user fee every five years. Prior to this reauthorization, a neutral citizen's advisory committee should provide a recommendation on the matter to the Board of Commissioners. Initial user fees during the first authorization period should range from $40 to $60 per typical residential property per year with proportional charges for nonresidential properties.

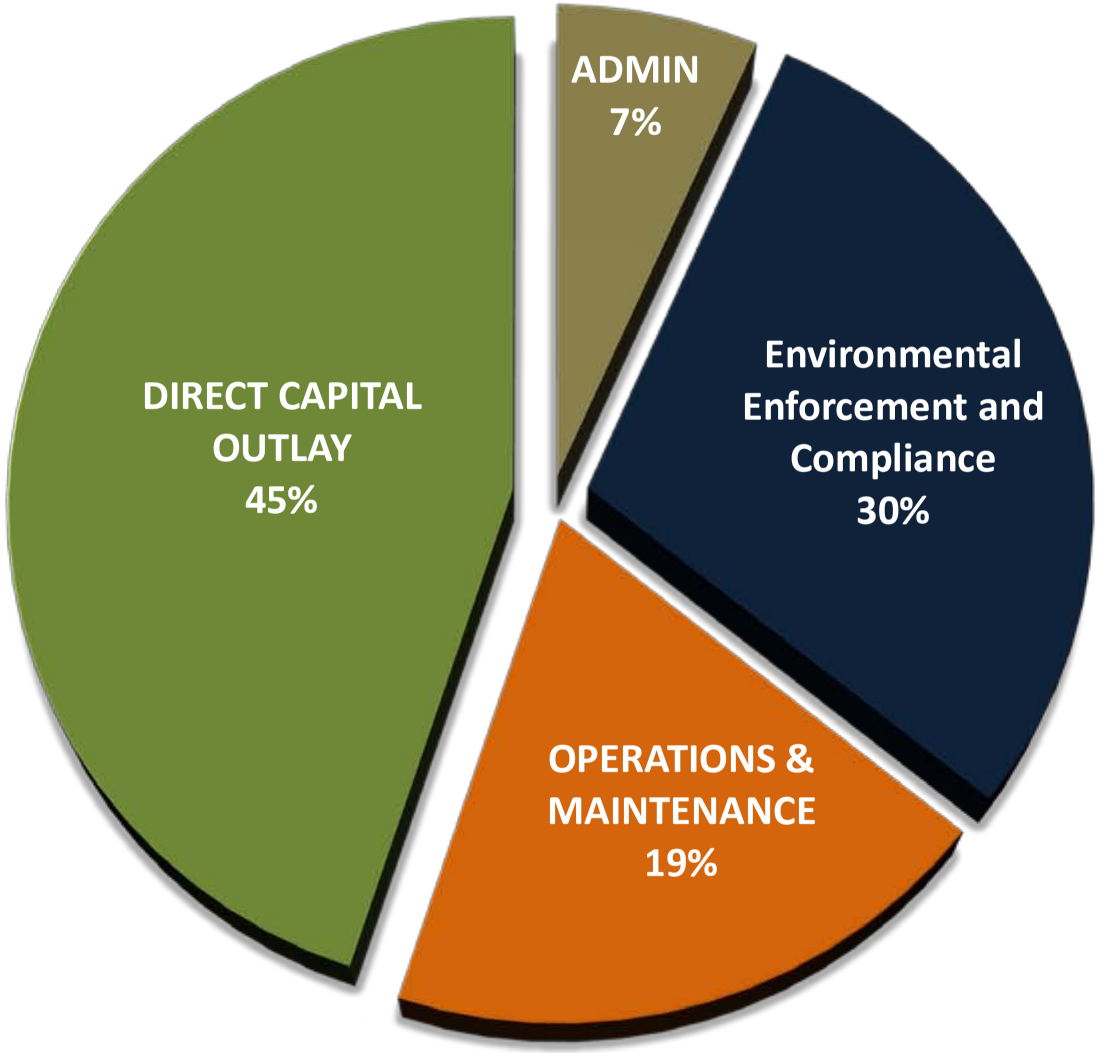
Attachment F

Fayette County Stormwater Management Program Proposed 5 - Year Operations Plan								
EXPENSE				**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**
ADMINISTRATION								
Enterprise Functions (Legal, Financial, HR, etc.)		5.00%	$64,059 / Year	$64,059	$65,981	$67,960	$69,999	$72,099
Bill Preparation			$15,000 / Year	$15,000	$15,450	$15,914	$16,391	$16,883
			Administration Subtotal	***$79,059***	***$81,431***	***$83,874***	***$86,390***	***$88,982***
ENVIRONMENTAL ENFORCEMENT AND COMPLIANCE	**Rate**		**Cost**					
Personnel / Overhead[1]								
Stormwater Director (existing)	$67,000 / Year	0.50 FTE	$82,410 / Year	$41,205	$42,029	$42,870	$43,727	$44,602
Environmental Programs Engineer (existing)	$65,000 / Year	1.00 FTE	$79,950 / Year	$79,950	$81,549	$83,180	$84,844	$86,541
Environmental Tech (existing)	$41,500 / Year	1.00 FTE	$51,045 / Year	$51,045	$52,066	$53,107	$54,169	$55,252
Environmental Tech (existing)	$44,000 / Year	0.75 FTE	$54,120 / Year	$40,590	$41,402	$42,230	$43,075	$43,937
Engineering Tech (existing)	$42,000 / Year	0.75 FTE	$51,660 / Year	$38,745	$39,520	$40,310	$41,116	$41,938
Senior Environmental Tech (reinstated)	$47,500 / Year	1.00 FTE	$58,425 / Year	$58,425	$59,594	$60,786	$62,002	$63,242
Operations								
General Supplies			$15,000 / Year	$15,000	$15,300	$15,606	$15,918	$16,236
GIS Equip/Computers/Software			$15,600 / Year	$15,600	$15,912	$16,230	$16,555	$16,886
Public Outreach/ Compliance			$10,000 / Year	$10,000	$10,200	$10,404	$10,612	$10,824
Advertising			$1,000 / Year	$1,000	$1,020	$1,040	$1,061	$1,082
Communication Services			$2,250 / Year	$2,250	$2,295	$2,341	$2,388	$2,436
			Environmental Enforcement and Compliance Subtotal	***$353,810***	***$360,887***	***$368,104***	***$375,467***	***$382,976***
OPERATIONS & MAINTENANCE								
Personnel / Overhead[1]								
Maintenance Crew								
Crew Leader (proposed)	$20.00 / Hour	1.00 FTE	$54,080 / Year	$27,040	$55,162	$56,265	$57,390	$58,538
Laborer (proposed)	$14.50 / Hour	1.00 FTE	$39,208 / Year	$19,604	$39,992	$40,792	$41,608	$42,440
Laborer (proposed)	$11.50 / Hour	1.00 FTE	$31,096 / Year	$15,548	$31,718	$32,352	$32,999	$33,659
Operations								
Materials (Pipe, Rip-Rap, Concrete, Headwalls, etc)	$2,000 / Month		$24,000 / Year	$12,000	$24,000	$24,720	$25,462	$26,226
Operations (Fuel, Maint, Tools, Disposal Fees, etc.)	$2,275 / Month		$27,300 / Year	$13,650	$27,300	$28,119	$28,963	$29,832
Equipment Rental	$1,700 / Month		$20,400 / Year	$10,200	$20,400	$21,012	$21,642	$22,291
Jet/Vac Services	$1,700 / Month		$20,400 / Year		$20,400	$21,012	$21,642	$22,291
Pipe Video Services	$1,000 / Month		$12,000 / Year		$12,000	$12,360	$12,731	$13,113
Outsourced Maintenance			$30,000 / Year	$30,000	$30,900	$31,827	$32,782	$33,765
			Operations & Maintenance Subtotal	***$128,042***	***$261,872***	***$268,459***	***$275,219***	***$282,155***
DIRECT CAPITAL OUTLAY								
O&M Crew Truck				$25,800				
Flood Plain Mapping				$100,000	$100,000	$100,000		
Culvert Replacements\Culvert Lining				$75,000	$75,000	$75,000	$125,000	$125,000
CIP projects							$175,000	$175,000
Repayment of SW Utility Setup				$100,000	$50,000			
General Fund Payback Year 1 CIP projects					$175,000	$200,000	$200,000	$225,000
General Fund Payback Equipment Costs				$141,667	$141,667	$141,667		
Office Trailer and Poll Barn Storage				$75,000				
Driveway Culvert Replacement Program						$40,000	$40,000	$40,000
Home Owner Supply Program						$40,000	$40,000	$40,000
			Direct Capital outlay Subtotal	***$517,467***	***$541,667***	***$596,667***	***$580,000***	***$605,000***
			Total Cost of Services	***$1,078,378***	***$1,245,857***	***$1,317,104***	***$1,317,076***	***$1,359,113***

1 - Personnel Benefit Adjustment of 2%

Operations and Maintenance Equipment	
Equipment	Price
Grade All/CAT Rubber Tire (Used)	$200,000
Track hoe and Trailer	$65,000
Dump Truck	$80,000
Jet Truck	$65,000
Hydroseeder	$15,000
Total	**$425,000**
Payment to General Fund per year (3 years)	($141,666.67)

STORMWATER MANAGEMENT FUNCTIONAL AREAS



Attachment H

TITLE: Senior Environmental Technician

DEPARTMENT: Stormwater Management, Fayette County

JOB SUMMARY: This position is responsible for environmental program implementation, implementing the stormwater system inventory and inspections program to include maintaining stormwater systems database, responding to customer service requests, and assisting with plan preparation and report writing.

MAJOR DUTIES:

- Implements the Fayette County Stormwater Management Inventory and Inspection Program; maps the Fayette County stormwater infrastructure; conducts public education and outreach programs; conducts training for county departments; conducts public participation activities; conducts stream walks and inspections stormwater outfall and county stormwater facilities.

- Conducts stormwater system inventory and inspections to meet regional and state compliance programs.

- Runs GIS computer software, graphic software, GPS data collectors, and basic surveying equipment to support stormwater management functions. Investigates customer service requests relating to stormwater systems inventory management; updates attribute datbases; inputs field inventory and inspection data; rectifies data errors from field inspections.

- Receives and responds to complaints from citizens regarding stormwater management systems and inspects for compliance with county ordinances administered by the Stormwater Management Department.

- Notifies developers, contractors, and property owners of inspection results and correction requirements; issues and posts notices of violations, stop work orders and citations; re-inspects sites to insure compliance.

- Prepares and maintains accurate reports and records.

- Performs other related duties as assigned.

KNOWLEDGE REQUIRED BY THE POSITION:

- Knowledge of federal, state, and local laws and regulations applicable to stormwater management.

- Knowledge of the goals and objectives of EPD and EPA watershed protection programs.

- Knowledge of GIS software and methods for updating graphics databases.
- Skill in reading and assessing construction drawings, specifications, and plats.
- Skill in the interpretation and application of regulations and standards.
- Skill in public and interpersonal relations.
- Skill in oral and written communication.

SUPERVISORY CONTROLS: The Stormwater Management Director assigns work in terms of general instructions. The supervisor spot-checks completed work for compliance with procedures, accuracy, and the nature and propriety of the final results.

GUIDELINES: Guidelines include county development regulations; state laws pertaining to stormwater management and watershed protection; federal laws pertaining to watershed protection, wetlands, and flood plain management. These guidelines require judgment, selection, and interpretation in application.

COMPLEXITY: The work consists of varied technical duties. Frequent changes to regulations contribute to the complexity of the position.

SCOPE AND EFFECT: The purpose of this position is to implement stormwater management programs for the county. Success in this position contributes to the enforcement of county regulations.

PERSONAL CONTACTS: Contacts are typically with other county personnel, developers, builders, property owners, citizens groups, homeowners' association members, students, co-workers, state agents, and members of the general public.

PURPOSE OF CONTACTS: Contacts are typically to give or exchange information; resolve problems; provide services; and motivate and influence persons.

PHYSICAL DEMANDS: The work is typically performed while sitting at a desk or table or while standing or walking.

WORK ENVIRONMENT: The work is typically performed in an office or outdoors. The employee may be exposed to dust, dirt, grease, and occasional cold or inclement weather.

SPECIAL CERTIFICATIONS AND LICENSES: Possession of a valid State of Georgia driver's license (Class C) and a satisfactory Motor Vehicle Record (MVR) in compliance with County Safety and Loss Control Guidelines. Completion of the State of Georgia Department of Transportation Defensive Driving Course and/or Emergency Vehicle Operation Certification within twelve (12) months of employment.

ADA COMPLIANCE: Fayette County is an Equal Opportunity Employer. ADA requires the County to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.

HIPAA COMPLIANCE: The Health Insurance Portability and Accountability Act of 1996, as amended, requires employees to protect the security of Protected Health Information (PHI) however it is obtained, handled, learned, heard or viewed in the course of their work.

DRUG AND ALCOHOL COMPLIANCE: In accordance of Fayette County's Substance Abuse Policy of 1996, as amended, all job applicants offered employment will undergo testing for the presence of illegal drugs and alcohol as a condition of employment. In the course of employment, employees are subject to random, reasonable suspicion, post accident and routine fitness for duty testing for illegal drugs and alcohol abuse. Employees are prohibited to work under the influence, to possess, to distribute or to sell illegal drugs in the work place or abuse alcohol on the job. Confirmed positive is reason for denial of employment and/or termination.

MINIMUM QUALIFICATIONS

- Knowledge and level of competency commonly associated with completion of specialized training in the field of work, in addition to basic skills typically associated with a high school education.

- Sufficient experience to understand the basic principles relevant to the major duties of the position, usually associated with the completion of an apprenticeship/internship or having had a similar position for two to three years.

- Possession of or ability to readily obtain a valid driver's licenses issued by the State of Georgia for the type of vehicle or equipment operated.