

An Ordinance

1. **Authorizing and Establishing a Department of Stormwater Management;**
2. **Establishing a Board of Directors for the Department of Stormwater Management; and**
3. **Delegating the Authority to Manage and Control the County Stormwater Management Program to the Board of Directors of the Department of Stormwater Management.**

WHEREAS, Floyd County, Indiana (hereinafter the "County"), is mandated by applicable law to address the requirements of the National Pollutant Discharge Elimination System (NPDES) small Municipal Separate Storm Sewer System (sMS4) permit program requirements as administered by the Indiana Department of Environmental Management (IDEM) under 327 IAC 15-13 (Rule 13) and related programs; and,

WHEREAS, the County is responsible for stormwater management; and,

WHEREAS, the County desires to provide effective stormwater management for all its citizens to protect, to the extent practicable, from the loss of life and property damage from flooding, and to minimize, to the extent practicable, impacts to surface water quality from urban runoff; and,

WHEREAS, the County has been mandated by the United States Environmental Protection Agency (USEPA) as administered by the Indiana Department of Environmental Management (IDEM) to obtain and administer a permit, under a prescriptive schedule, for its stormwater quality management system; and,

WHEREAS, the County desires to provide effective administration of the stormwater management program, including the ability to generate funds to address the issues presented above;

NOW, THEREFORE, BE IT ORDAINED BY THESE COMMISSIONERS OF FLOYD COUNTY, INDIANA, AS FOLLOWS:

Section 1. Pursuant to the authority granted by IC 8-1.5-5, this Article adopts the provisions of IC 8-1.5-5 and thereby establishes a Department of Stormwater Management. The Department is charged with the administration of the County's stormwater management program, including the installation, maintenance, and operation of the stormwater collection and disposal system, and the establishment and oversight of a funding mechanism to administer this program.

Section 1. Pursuant to the authority granted by IC 8-1.5-5, this Article adopts the provisions of IC 8-1.5-5 and thereby establishes a Board of Directors to control the Department of Stormwater Management. The Board is charged with the administration of the Department of Stormwater Management and all programs under the Department's authority. The board established by this ordinance may hereinafter be referred to as the "Floyd County Stormwater Board."

Section 3. All of the actions and determination previously taken or made by any other board or political subdivision of the County in administering the Floyd County stormwater and/or drainage facilities and systems are hereby ratified.

Section 4. The membership of the Floyd County Stormwater Board shall hereinafter consist of the following:

- a. The Board of Commissioners of Floyd County, Indiana, and
- b. The Floyd County Surveyor.

The term of office of a member of the board is coextensive with the member's term of office.

A member of the Floyd County Stormwater Board is not entitled to a salary or per diem for serving as a member of the Board. However, a member shall be reimbursed for necessary expenses incurred by the member in the performance of official duties.

Section 5. The President of the Floyd County Board of Commissioners shall serve as the President of the Floyd County Stormwater Board.

Section 6. The Floyd County Stormwater Board shall select a secretary and a treasurer, who need not be members of the Board. However, the Board may combine the offices of secretary and treasurer into a single office of secretary-treasurer. The secretary, treasurer, or secretary-treasurer of the Floyd County Stormwater Board shall be entitled to compensation as fixed by this Board of Commissioners, subject to the approval of the County Council. Upon such appointment, this Board of Commissioners, and the County Council hereby reserves the right to compensate these offices. Such compensation shall be subject to change pursuant to the provisions of a subsequent ordinance adopted by the Board of Commissioners.

Section 7. The Floyd County Stormwater Board shall present by June 15th of each year to the County Council a budget for review and approval.

Section 8. This Board of Commissioners hereby determines that no bond shall be required of the Board of Commissioners or County Surveyor as members of the Floyd County Stormwater Board. This Board of Commissioners further hereby fixes the bond requirement of the treasurer of the Floyd County Stormwater Board in the amount of Twenty Thousand Dollars (\$20,000.00), provided that the requirement of such bond shall be waived if the treasurer appointed by the Floyd County Stormwater Board is the County Treasurer. The County Clerk shall file all such bonds with the Floyd County Recorder as provided by IC 5-4-1-5.1.

Section 9. The Floyd County Stormwater Board may establish rules and bylaws for its own governance. The Floyd County Stormwater Board shall hold regular meetings at least once monthly pursuant to a schedule adopted by the Floyd County Stormwater Board.

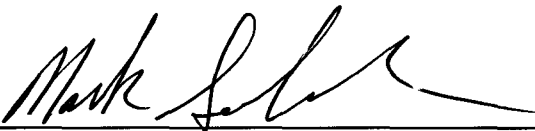
Section 10. The Floyd County Stormwater Board may assess and collect user fees from all of the property of the unincorporated County upon the approval of the Board of Commissioners and the County Council. Modification or changes in stormwater fees and the issuance of any debt for or on the behalf of the County's stormwater and/or drainage utility may thereafter be made at the reasonable discretion of the Floyd County Stormwater Board.

This Article shall be in full force and effect following its adoption by this Board of Commissioners, the approval of the County Council, and the minimum period of any publication of this Article required by applicable Indiana law.

SO ORDAINED BY THIS BOARD OF COMMISSIONERS THIS 28th DAY OF February, 2007.



Stephen Bush, President
Floyd County Commissioners



Mark Seabrook
Floyd County Commissioner



Charles A. Freiberger
Floyd County Commissioner

Attest: 

TERESA A. PLAISS, COUNTY AUDITOR



Larry McAllister, President
Floyd County Council

Attest: 

TERESA A. PLAISS, COUNTY AUDITOR