

STATE BOARD OF ACCOUNTS
302 West Washington Street
Room E418
INDIANAPOLIS, INDIANA 46204-2769

AUDIT REPORT

OF

STORM WATER DEPARTMENT

DELAWARE COUNTY, INDIANA

January 1, 2011 to December 31, 2011



FILED
12/03/2012

TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
County Officials	2
Transmittal Letter	3
Audit Result and Comment: Storm Water Disbursements	4
Exit Conference.....	5
Official Response	6-7

COUNTY OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
President of the Storm Water Board	Larry Bledsoe	01-01-11 to 12-31-12
President of the County Council	James King	01-01-11 to 12-31-12
President of the Board of County Commissioners	Todd Donati	01-01-11 to 12-31-12



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS
302 WEST WASHINGTON STREET
ROOM E418
INDIANAPOLIS, INDIANA 46204-2769

Telephone: (317) 232-2513
Fax: (317) 232-4711
Web Site: www.in.gov/sboa

TO: THE OFFICIALS OF DELAWARE COUNTY, INDIANA

We have audited the records of the Storm Water Department for the period from January 1, 2011 to December 31, 2011, and certify that the records and accountability for cash and other assets are satisfactory to the best of our knowledge and belief, except as stated in the Audit Results and Comments. The financial transactions of this office are reflected in the Annual Report of Delaware County for the year 2011.

STATE BOARD OF ACCOUNTS

August 14, 2012

STORM WATER DEPARTMENT
DELAWARE COUNTY
AUDIT RESULT AND COMMENT

STORM WATER DISBURSEMENTS

The Storm Water Department spent \$121,647 on concrete work necessary for drainage and landscaping and irrigation for the Delaware County Building Plaza. The Delaware County Building is not within the boundaries of the Delaware County Storm Water Department which are defined as the unincorporated areas of Delaware County. Any benefit from water run off or improvements to storm water drainage will be to the City of Muncie Storm Water Department which has jurisdiction over the incorporated area of the City of Muncie.

Indiana Code 8-1.5-5-6 states in part: ". . . the board may: . . . (4) make all necessary or desirable improvements of the grounds and premises under its control."

STORM WATER DEPARTMENT
DELAWARE COUNTY
EXIT CONFERENCE

The contents of this report were discussed on August 14, 2012, with Shareen Wagley, Storm Water MS4 Coordinator, and Todd Donati, President of the Board of County Commissioners. The official response has been made a part of this report and may be found on pages 6 and 7.

Response to 2012 SBOA Audit of the Delaware County Stormwater Utility.

It is our opinion that the Stormwater user fees of the County were spent according to state and federal law and local ordinance in the matter of the Delaware County Building Plaza Upgrade Project.

The Delaware County Department of Stormwater Management is tasked through the interlocal agreement (language below) with implementing its SWQMP for NPDES permit INR040056 individually and jointly with the Muncie Sanitary District and the Town of Yorktown. All entities under the listed permit have both obligations to the partnership and on their own. The project in question was implemented on property owned by Delaware County not in a public right of way or on property owned or operated by any other entity. The DCSWM implemented this project under its individual obligation to its own program.

The project was a retrofit removing large amounts of impervious surface and increasing handicapped parking for the building. MCM 6 of the SWQMP is Pollution Prevention and Good Housekeeping (see list of MCMs below) in which operations of MS4 facilities are to be done with stormwater best management practices in place. This MCM provides for not only operational activities but also setting the example for the community by following preferred stormwater practices. The user fees of the DCSWM were used to improve the stormwater quality and quantity leaving the County owned property under construction and with post construction requirements.

Additionally, the purpose and objective stated in the rate ordinance (see below) delegates the DCSWM to manage the quantity of “stormwater entering the combined sewers of the Muncie Sanitary District”. The project eliminated runoff of a county property into combined sewers of the Muncie Sanitary District. Again, this is County owned property utilizing county user fees to reduce its own runoff into a combined sewer of the District as required by its rate establishing ordinance.

The County Building Plaza Project is a model stormwater retrofit that we may showcase across our community, state, country and beyond. The plaza to date has been used as an educational demonstration project presented to engineers, the public and international visitors via tours, the web and the media. The plaza has also been used as a training facility for high school and Ball State students interested in horticulture maintenance, architectural landscaping and environmental management. The plaza has installed signage that includes the operation and functions of the various best management practices for the general public. For reporting purposes of the NPDES permit, the county building plaza will also qualify credit for MCM’s 1, Education and Outreach and 2, Public Participation and Involvement.

See included language below from various Ordinances of the Delaware County Commissioners and Interlocal agreement that specifically support the expenditures of the Stormwater Management Utility on the Delaware County Building Plaza Upgrade Project. It is our opinion that the user fees of the Delaware County Stormwater Utility were spent properly and within the law.

Delaware County Ordinance 2006-033 Establishing Stormwater Rates, Page 3, signed December 20, 2006:

PURPOSE AND OBJECTIVE

The mission of the Department of Stormwater Management shall be to develop, implement, operate and adequately and equitably fund the acquisition, construction, operation, maintenance and regulation of stormwater collection and drainage systems and activities in the County including without limitation, stormwater quality, separate storm sewers, neighborhood drainage, flood control, flood pumping, stormwater conveyance, sewer separation, and other improvements to the existing and future storm sewers and to the existing combined sewers of the Muncie Sanitary District.

The Department of Stormwater Management shall safely and efficiently control stormwater runoff, insure compliance with the National Pollutant Discharge Elimination System Stormwater Discharge permit, enhance public health and safety, protect lives and property, facilitate mobility and enable access to homes and businesses throughout the county during storms, compliment and support the Muncie Sanitary District programs and objectives, control the discharge of pollutants in stormwater to receiving waters and enhance the natural resources of the county.

Delaware County Ordinance 2006-032 Establishing Stormwater Management Department signed Dec 20, 2006, page 3, 8.7 which states,

“The Storm Water Management Board shall prepare a budget for the operation of the Department on an annual basis which budget shall contain funds to maintain the Indiana Municipal Separate Storm Sewer System (MS4) – NPDES Permitting Program 327 IAC 15-13 and shall include but not limited to:

1. General Administration
2. Public Education and Outreach
3. Public Participation and Involvement
4. Illicit Discharge Detection and Elimination
5. Construction Site Runoff Control
6. Post-Construction Site Runoff Control
7. Pollution Prevention and Good Housekeeping
8. Tracking & monitoring Storm Water Quantity into the Sanitary Storm Sewer System and into Delaware County Legal Drains.”

Interlocal Agreement Providing for Implementation of Stormwater Quality Management Plan Signed 2006, 2008 and 2010 (page 3, 3.d) which states:

“Each will fund and implement its own Individual Program, and will fund and implement its share of the General Program;”