

RESOLUTION NO. 77-2009

Offered by: All of Council

A RESOLUTION OPPOSING THE NORTHEAST OHIO REGIONAL SEWER DISTRICT'S ATTEMPT TO ASSERT JURISDICTION TO MANAGE STORMWATER WITHIN COMMUNITIES IN SUMMIT COUNTY, OHIO WHERE IT PROVIDES WASTEWATER SERVICES, AND FURTHER OPPOSING ANY PROPOSED TAXES, ASSESSMENTS OR FEES FOR THE MANAGEMENT OF STORMWATER THAT ARE, OR WILL BE, PROPOSED BY NEORS D AGAINST SUMMIT COUNTY COMMUNITIES AND RESIDENTS, AND SEEKING, IN CONJUNCTION WITH THE SUMMIT COUNTY COMMUNITIES THAT WILL BE AFFECTED BY THE PROPOSED PLAN OF NEORS D, THE ASSISTANCE OF SUMMIT COUNTY TO DEVELOP A STORMWATER PLAN FOR SUMMIT COUNTY, AND DECLARING AN EMERGENCY

WHEREAS, the Northeast Ohio Regional Sewer District (hereinafter "NEORS D") was created in 1972 by Order of the Cuyahoga County Court of Common Pleas pursuant to Ohio Revised Code, Chapter 6119; and

WHEREAS, the Court Order creating NEORS D was amended in 1975 and 1979 and each Order stated: "The purpose of the District shall be the establishment of a total wastewater control system for the collection, treatment and disposal of wastewater within and without the District"; and

WHEREAS, over the past thirty-seven (37) years, several Summit County communities have joined NEORS D for the sole purpose of wastewater service and other Summit County communities have contracted with NEORS D for the sole purpose of wastewater service while other Summit County communities receive wastewater service from NEORS D without a contractual agreement; and

WHEREAS, NEORS D has never performed stormwater management services for any Summit County community at any time since its creation in 1972; and

WHEREAS, the Summit County Engineer has been designated as the party responsible for stormwater in Summit County; and

WHEREAS, NEORS D has promulgated a "Stormwater Management Code" and claims the Cuyahoga County Court Orders confer jurisdiction to manage stormwater within all service areas where it provides wastewater services, including communities in Summit County, Ohio; and

WHEREAS, NEORS D further claims the right to tax and assess Summit County communities and residents for stormwater services even though no Summit County communities have agreed to such taxes or assessments and neither Summit County nor any Summit County community has representation on the Board of Directors of NEORS D; and

WHEREAS, the Village of Richfield believes that any proposed stormwater assessments, taxes or other fees proposed by NEORS D could be spent with greater efficacy if

stormwater determinations were made by the local communities, with Summit County providing regional coordination; and

WHEREAS, the Village of Richfield pledges to work with the other Summit County communities affected by the NEORS D plan and the City of Hudson will seek the assistance of Summit County through its Executive, Council, Engineer, Prosecutor and Soil and Water Conservation District to develop, facilitate and adequately fund a regional storm water plan for Summit County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio, that:

SECTION 1. The Council of the Village of Richfield strongly opposes NEORS D's attempt to assert jurisdiction to management stormwater within communities in Summit County, Ohio where it provided wastewater services, and further opposes any proposed taxes, assessments or fees for the management of stormwater that are, or will be, proposed by NEORS D against Summit County communities and residents.

SECTION 2. The Council of the Village of Richfield pledges to work with all other Summit County communities affected by the proposed NEORS D plan and encourages all other communities in Summit County to oppose NEORS D's plans.

SECTION 3. The Council of the Village of Richfield asks that Summit County, through its Executive, Council, Engineer, Prosecutor and Soil and Water Conservation District to develop, implement and adequate fund a regional plan for storm water in Summit County.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to register a timely protest of NEORS D's attempt to impose a stormwater management plan in Summit County; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED: 12/15/09

Rich Hudson
President of Council

ATTEST:

Michael J. ...
Mayor

Cawley E. Sullivan
Clerk of Council

Dated: 12/16/09