

1 RESOLUTION NO. 2009-473

LATE FILING

2
3 SPONSOR Mr. Pry and Mr. Kostandaras -Council of the Whole

4
5 DATE November 16, 2009

COMMITTEE Public Works

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7 **A Resolution opposing the Northeast Ohio Regional Sewer District's attempt to assert**
8 **jurisdiction to manage stormwater within communities in Summit County, Ohio where it**
9 **provides wastewater services, and further opposing any proposed taxes, assessments or fees**
10 **for the management of stormwater that are, or will be, proposed by NORSD against**
11 **Summit County communities and residents, for the Council and the Executive, and**
12 **declaring an emergency.**

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

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

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

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

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

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

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41 WHEREAS, the County of Summit believes that any proposed stormwater assessments,
42 taxes or other fees proposed by NORSD could be spent with greater efficacy if stormwater
43 determinations were made by the local communities with Summit County providing, if necessary,
44 regional coordination.

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

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SECTION 1

This Council strongly opposes NORSD's attempt to assert jurisdiction to manage stormwater within communities in Summit County, Ohio where it provides wastewater services, and further opposes any proposed taxes, assessments or fees for the management of stormwater that are, or will be, proposed by NORSD against Summit County communities and residents.

SECTION 2

This Council encourages all other affected communities to join the County in its opposition to NORSD's attempt to assert jurisdiction and impose taxes, assessments or fees for the management of stormwater in Summit County.

SECTION 3

The Clerk of Council is hereby directed to deliver a certified copy of this Resolution to the Northeast Ohio Regional Sewer District, at its principal place of business.

SECTION 4

This Resolution is hereby declared to be an emergency in the interest of the health, safety and welfare of the citizens of Summit County and for the further reason to immediately voice said opposition because NORSD proposes to begin stormwater assessments of Summit County residents in 2010.

SECTION 5

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 6

It is found and determined that all formal actions of this Council concerning and relating to the adaption of this Resolution were adapted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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5 INTRODUCED November 16, 2009

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8 ADOPTED November 16, 2009

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10 Shirley F. Grew

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ENACTED EFFECTIVE November 17, 2009

CLERK OF COUNCIL

Nick Kostandaras
PRESIDENT OF COUNCIL

APPROVED November 17, 2009

Russell M. Poy

EXECUTIVE

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith