

**SCWA EXECUTIVE COMMITTEE MEETING  
COMMITTEE OF THE WHOLE  
MINUTES OF OCTOBER 23 2002**

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**Present:** James Koski, Matt Rappley, *Office of Saginaw County Public Works Commissioner*; Rob Grose, Sonny Grunwell, *Saginaw Charter Township*; John Malzahn, *Bridgeport Charter Township*; Dan Sika, *Thomas Township*; Dan Armentrout, *Saginaw County Road Commission*; John Premo, *City of Saginaw*; Ron Hansen, Russ Beaubien, Tammy Shivley, *Spicer Group*

**Absent:** Dale Klein, *Carrollton Township*

**Guest:** David Meyer, *Attorney*

I. **Call to Order:** This meeting of the Executive Committee was called to order at 9:30 by Mr. Koski.

II. **Review of Previous Minutes:** The minutes September 25 and October 9, 2002 were reviewed with no corrections noted.

*Moved by Matt Rappley, supported by John Malzahn, to approve the minutes of September 25<sup>th</sup> and October 9, 2002 as presented. MOTION CARRIED.*

III. **Old Business:**

SASWA Formation Update:

Both Mr. Koski and Mr. Meyer were in contact with Mr. Tagget of Spaulding Township. On Monday evening (October 21), Spaulding Township approved a resolution to join the authority and asked for an invoice for their outstanding balance. All municipalities have now passed their resolutions.

Mr. Meyer requested that copies of all of the resolutions be forwarded to his office in order to proceed with filing of the appropriate paperwork to form SASWA, which needs to become a legal entity by the first of the year. Bylaws are to be approved at the first official SASWA meeting. The Articles of Incorporation must also be published.

Malzahn noted that James Township, by omission, is not listed as a charter member in the Articles of Incorporation and will have to be added after formation of the authority.

Assessment Mechanisms for the Alliance:

Mr. Meyer noted that the authority was formed under Act 233 because it was best written to provide the authority with jurisdictional regulatory enforcement abilities. However, it was not specifically designed for Phase II Storm Water projects. Per Section 7, General Language, there are several funding options: 1) levy a special assessment, 2) assess user fees, 3) assess connection charges, 4) levy a tax, 5) use of general funds. Of these, he and Mr. Koski considered only the options of a user fee or a connection charge feasible. Recent court action has determined that connection fees are proper, but: 1) must be unique to this particular area, 2) are charged for current services; and 3) are voluntary. The fees would be for the privilege of connecting to a particular drainage system. Mr. Meyer did find a case where users fee were instituted after installation of a storm sewer. Mr. Koski stated user fees could be used if he obtains municipality agreements and the county adopts an ordinance. The fees would include current service in connection to management of sewer systems, regulation of water quality, and educational purposes. Mr. Malzahn advised to exercise caution with wording, as the authority is not maintaining the drains. The user fee is for regulation of storm water which goes into the system. Mr. Meyer reiterated that there must be a unique benefit to this area. Mr. Hansen noted that water quality will be monitored and improved, which is a direct benefit to the drain system. Mr. Meyer advised to be prepared for challenges, as individuals will argue that it is a tax.

Mr. Rappley suggested assessment of a user fee apportioned to everyone within the boundaries. Mr. Grose agreed and Mr. Malzahn added that per the bylaws, the authority will be addressing fees annually anyway. Mr. Meyer indicated a mechanism must be devised for fairly charging commercial, residential, and agricultural entities. Mr. Rappley suggested counting all the parcels within the urbanized area and coming up with a per parcel cost within the district. Dan Hoffman should be able to provide parcel counts, which can be used to determine fees. Rates will be determined on a per parcel basis within the regulated area and are expected to be less than five dollars per parcel. Parcel splits must also be addressed within

the ordinances. Parcels in combined sewer systems are not included. However, at large, fees would cover educational components in these areas. Mr. Malzahn suggested basing those fees on the previous year's expenses.

When individuals comes in and ask "what am I paying for", a precise, well reasoned response will be necessary. Mr. Koski stated that it will be explained as a fee that is necessary to be permitted and compliant with federally mandated rules regarding storm water management to which the community must adhere.

*Mr. Malzahn moved, Mr. Grose supported, authorization to direct Mr. Meyer to file the appropriate paperwork, including the Articles of Incorporation, to form the Saginaw Area Storm Water Authority. Mr. Meyer is also to research and draft an ordinance which incorporates discussion held today. MOTION CARRIED.*

IV. **New Business**

Meetings for November and December:

The Executive Committee will meet on November 13<sup>th</sup>, November 27<sup>th</sup>, and December 11<sup>th</sup>. The General Membership will meet November 20<sup>th</sup> and December 18<sup>th</sup>.

Agenda for Next Meeting:

V. **Adjournment:** Meeting adjourned at 11:15 a.m.

Respectfully submitted,

Dan Sika, Secretary

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