

ORDINANCE 4295

Establishing a Department of Storm Water Management

WHEREAS, City is required to comply with the Phase II Storm Water Regulation as implemented by Indiana Department of Environmental Management Rule 13; and

WHEREAS, City of Elkhart, Town of Bristol, City of Goshen, and Elkhart County have entered into a cooperative agreement to coordinate MS4 activities and comply with the requirements of 327 IAC 15-13 or Rule 13; and

WHEREAS, while some of the requirements are going to be met by a county-wide approach, some of the activities will be carried out locally by each respective jurisdiction; and

WHEREAS, a department to manage MS4 activities, and install, maintain and operate a storm water collector and disposal system is needed.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that:

1. A City of Goshen Department of Storm Water Management is created under I.C. 8-1.5-5.
2. The Department of Storm Water Management shall be controlled by a Board of Directors. The Board of Directors shall consist of three (3) members appointed by the Mayor of the City of Goshen. Not more than two (2) of the members of the board may be of the same political party.
3. One (1) of the Mayor's appointments will serve a term consisting of the remainder of 2005 and 2006, the term ending December 31, 2006. One (1) of the Mayor's appointments will serve the remainder of 2005, 2006 and 2007, the term ending December 31, 2007. The third of the Mayor's appointments will serve the remainder of 2005, 2006, 2007 and 2008, the term ending December 31, 2008. After the end of the initial term, each of the appointments will serve four (4) year terms thereafter.
4. The Board of Directors of the Department of Storm Water Management are not entitled to a salary for serving as a member of the Board of Directors. However, a member shall be reimbursed for necessary expenses incurred as a result of the member performing their official duties.
5. The Department of Storm Water Management shall constitute a special taxing district.

6. The Department of Storm Water Management shall have jurisdiction over all the territory within the corporate boundaries of the City of Goshen. The jurisdiction of the Department of Storm Water Management shall change in accordance with changes in geographic boundaries of the City of Goshen.
7. The Board of Directors of the Department of Storm Water Management may exercise all powers necessary to carry out their duties and all powers listed in I.C. 8-1.5-5-6, I.C. 8-1.5-5-8 and I.C. 8-1.5-5-9.
8. All real property, rights of way, or other property acquired by purchase or appropriation by the Board of Directors of the Department of Storm Water Management shall be taken and held in the name of the City of Goshen.
9. The Board of Directors shall meet as needed to carry out their duties but shall meet at least ten (10) times a year.

This ordinance is duly passed by the Common Council of the City of Goshen, Indiana on the 17th day of May, 2005.

/s/ Allan Kauffman

Allan Kauffman, Presiding Officer

Attest:

/s/ Tina M. Bontrager

Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is presented by me to the Mayor for his approval on the 17th day of May, 2005.

/s/ Tina M. Bontrager

Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is approved by me and duly adopted on the 17th day of May, 2005.

/s/ Allan Kauffman

Allan Kauffman, Mayor