



STORMWATER MANAGEMENT COMMISSION

Date: January 10th 2008
TO: Potential Project Partners
FROM: Mike Warner, Executive Director
RE: **Stormwater Infrastructure Repair Fund (SIRF) Policies and Procedures**

To meet the intent of this fund's program objectives and provide a lasting solution to the drainage or flooding problem, SMC staff needs to fully analyze the problem, determine cost acceptable solutions and then implement chosen alternatives in the ground. This process takes time and may be subject to one or more of the following constraints:

- SMC Approval (Required for all Fund Expenditure's)
- Determination of Cost Share Partner (50% Required)
- Design
- Permitting
- Land Rights (Easements, etc. necessary to construct)
- Construction Bidding and Award

These constraints are inherent in a typical project process and are expected but usually take from a few months to over a year to negotiate. Because of this extended time frame we have administratively created a 'Project Eligibility Authorization' form that is filled out and signed by an eligible local sponsor and then approved at a subsequent SMC meeting. This step is intended to officially recognize the project as being potentially eligible for funding, but not fiscally encumber or authorize any reimbursable expenses.

Using this procedure, when the project comes back several months later to the Commission for approval and execution of the project agreement, fund eligibility will have already been determined as detailed in the attached policy and procedure document.

Some emergency actions are also eligible for fund reimbursement, if they are a one time expenditure done in conjunction with a permanent project component that is fund eligible in every aspect including cost share required match. SMC's typical actions in an emergency response situation are flooded area pumping, sandbagging/diking, crowd/traffic control and evacuation procedures, which may be appropriate expenditures of this fund as a one time scenario done in conjunction with more permanent measures.



STORMWATER MANAGEMENT COMMISSION

POLICIES AND PROCEDURES

Stormwater Infrastructure Repair Fund (SIRF)

Lake County Stormwater Management Commission

Approved
January 10th, 2008

February 6, 2014

Policies and Procedures Stormwater Infrastructure Repair Fund (SIRF)

These Policies and Procedures provide general guidance on administration and project eligibility for the SIRF Program of the Lake County Stormwater Management Commission (SMC).

PURPOSE

The Stormwater Infrastructure Repair Fund primary role is to assist in resolving interjurisdictional drainage and flooding related problems (i.e., stormwater management system infrastructure needs) discovered through the Citizen Inquiry Response System and Flood Hazard Inventory process.

ADMINISTRATION

- A. SIRF shall be administered by SMC staff and all fund expenditures shall be approved by the Commission at a SMC meeting.
- B. SIRF has a required minimum 50/50 project cost share match. Funding match can be from any funding source outside SIRF itself. For example, the required match can be from local units of government, homeowners associations and individual resident contributions. Since the SIRF has been approved for SMC use from the County General Fund, the total per project use of County General Fund cost share (from all partnering departments) cannot exceed 67% (e.g. 1/3 from two general fund department accounts and 1/3 outside partner) or a maximum of 50% from SIRF.
- C. Any unencumbered funds (not bound by an executed project agreement) will not carry-over from one fiscal year to the next. A minimum of semi-annual fund summary reports shall be created, one during budget development and one at year end, showing results of project implementation and cost share amounts per project partner for each project implemented or underway.
- D. Benefited property owners should contribute some type of remuneration to the project, either land value of easements needed, cash or in-kind services if appropriate, which can be applied to cost share requirement. SIRF funding will not pay for any easements, deed or plat restrictions, necessary to implement the project on property that is benefiting from the project.
- E. Project eligibility recommendations to SMC will be made based on project specific basis and shall include a completed Eligibility Authorization form. Per project evaluation and staff recommendations shall be performed. A minimum threshold indicated by the project evaluation process is required for a project to be funded and a minimum protection level attained by project implementation is the 10-year critical duration storm event, although a one-time expenditure for emergency services per project area may be allowed that is in conjunction with the permanent project measures.
- F. The project agreement may be made directly to the project partner if it is an incorporated entity (e.g., Not-for-profit, Homeowners Association). If the project partner is not incorporated, the project agreement, if necessary, shall be approved and executed with a local government or agency that is an active participant in the project.
- G. Applicant shall provide evidence, if requested, that the applicant has an existing fiscal system in place to track and administer funds. Awardees will also be required to sign a project agreement and submit a final project report.

PROJECT COMPLIANCE CRITERIA

The following requirements shall provide basis for compliance with the SIRF program.

1. Identify one or more clearly defined stormwater infrastructure problems that the project will address.
2. Produce a clear work plan, which describes the tasks to be accomplished, end results, method for evaluating the effects of the project, products to be completed and the time frame to accomplish.
3. All requests for resources shall result in the implementation of in-the-ground projects, although funding request may be in the categories of planning, engineering analysis, alternate solution evaluation, design, capital construction, maintenance and repairs and property acquisition. Projects required as part of a regulatory permit are not eligible for SIRF funding. Variances to this may be warranted due to unique circumstances.
4. Applicants shall be equal co-sponsors with SMC and shall cost-share at least 50% with cash contribution, in-kind or professional services, property donation value or a combination of these. Several project partners could combine resources to meet the applicant share, or applicants may propose other funding sources to meet the cost share requirement.
5. Community's requesting SIRF funds as an applicant or local sponsor shall be in good standing with the National Flood Insurance Program and comply with SMC policies.
6. The project shall comply with or be consistent with the Watershed Development Ordinance, applicable watershed plans, and all regulations, laws and statutes.
7. Approval and execution of project agreements are limited to SIRF funds and SMC staff capacity not currently encumbered by workplan commitments or prior executed project agreements.
8. "Land Rights" - For all properties where in-the-ground construction will or may occur, the Applicant shall provide Owner-authorized land access and/or land rights or evidence of possessory interest in the form of previously recorded documentation or written authorization, from all property owners affected. Documentation or authorization may include, recorded permanent easements; land covenants, deed-restricted areas, or prescriptive easement (with the Owner's authorization or evidence of possessory interest); or other Owner-approved and SMC accepted legal instruments (i.e., Owner-executed License Agreement). Work within public road rights-of-way shall not be performed without appropriate permits or authorization from the jurisdictional Road Authority.

PROJECT PRIORITIZATION CRITERIA

The following shall be considered by SMC staff in the development of the staff recommendation. The project by itself or as a component of a candidate project shall to the extent possible:

- A. Benefit multiple jurisdictions
- B. Have beneficial results during flood events at a minimum of the 10 year storm level with higher protection levels being preferred.
- C. Enhance surface water quality utilizing best management practices.
- D. Alleviate flood damages with consideration of the type and quantity of damages occurring as follows in priority order:

Evaluation Process

Individual parcels within a project area will be assigned a damage type(s) and the rating for the project area is determined by totaling the rating(s) for each parcel, and adding frequency of occurrence and additional funding credit beyond minimum required.

<u>Damage Priority</u>	<u>Flood Damage Type</u>	<u>Evaluation Criteria</u> <u>Number and Frequency of Occurrences</u>
1	Structural Damage	
2	Flooded Building	
3	Health and Safety	
4	Road Flooding	
5	Disruption of Revenue	
6	Parking Lot Flooding	
7	Nuisance Flooding	

1. Structural Damage – parcels with buildings that receive structural damage. Structural damage is defined as flood damaged materials which are permanently attached to the building (i. e. carpet, drywall, beams, foundation, electrical, etc.)
2. Flooded Building – parcels with buildings that are flooded and no structural damage results (i. e. crawl spaces, unfinished basement flooding, storage sheds, etc.)
3. Health and Safety – parcels with health and safety hazards resulting from the flooding (e.g., well and septic field flooding, high channel velocities, deep yard ponding). Health and Safety concerns also relate to disruption of emergency services caused by the problem that the project would alleviate.
4. Road Flooding – roads flooded that result in traffic disruption. Road classification priorities are assigned as follows:
 - 4.1. Principal Arterial Roads (i.e. 4 lanes)
 - 4.2. Minor Arterial Roads (i.e. 2 lanes)
 - 4.3. Local Neighborhood Roads (i.e. 2 lanes)
5. Disruption of Revenue – Recognizes the detrimental affect to business and tax revenues.
6. Parking Lot Flooding – Properties that have operational inconveniences due to flooded parking facilities
7. Nuisance Flooding – parcels that are flooded and affect the aesthetics or results in minor ponding.

Frequency of Occurrence – the proposed project area is considered when evaluating the frequency of flooding over a fifty year period of time.

Additional credit will be given when evaluating projects that have a greater than 50% non-SIRF cost-share in the form of additional leveraged funds, in-kind services or volunteer time for the project.

Quantifiable value of economic disruption and the cost to repair damaged structures, properties and roads shall be used, when available, to augment the evaluation and recommendation process.

SIRF RESOURCE REQUEST PROCESS

1. The applicant shall complete the SIRF Eligibility Authorization Form and provide the required attachments.
2. All requests should be filed with the SMC Director.
3. SMC Staff will review the Eligibility Authorization Form considering SIRF fund availability, staff capacity and the compliance and prioritization criteria listed above. After consulting with the applicant for any additional information, SMC staff will develop a written staff recommendation.
4. The SIRF Eligibility Authorization Form, project evaluation, summary information and recommendations will be included in the SMC agenda packet to be mailed/electronically mailed out at least one week before the SMC meeting along with an invitation to attend the meeting to the applicant. SMC staff shall fulfill requests for additional information as they arise on an individual basis.
5. SMC staff will present the request, recommendation and rationale. The applicant may expand on this presentation. The applicant's technical representative is recommended to attend the meeting to address questions that may arise by the SMC. A comment, question and answer, and discussion period shall be facilitated by the SMC Chairperson.
6. After a motion, second and any further discussion, an SMC roll call vote will be taken to authorize, not authorize, authorize with revisions or conditions added to the staff recommendations, or defer action until a following meeting.
7. Commission approval of the Eligibility Authorization does not constitute a project agreement and does not authorize expenditure of any reimbursable expenses.
8. SMC staff will work with the applicant to ensure that all remaining project compliance criteria has been met before bringing the project back to the Commission for approval and execution of the project agreement.
9. SMC staff shall prepare the project agreement with the applicants for the disposition of approved, available funds and staff commitments. All project agreements must be approved and executed at a subsequent SMC board meeting, unless the project agreement is approved and executed by the Commission along with the Eligibility Authorization Form.
10. Only project expenses incurred after Commission approval and execution of the project agreement can be reimbursed.