

2009 Non-Mandated Expenditures Department Response

DEPARTMENT: Hamilton County Public Works
DEPARTMENT HEAD / ELECTED OFFICIAL: Gary R. Van Hart
OCA TITLE: OCA #100180

Hamilton County departments and agencies have the opportunity to respond and provide insight to the Office of Budget and Strategic Initiatives (BSI) initial assessment as to non-mandated services. This response form should be used for each specific BSI assessment; not a general response for entire department. Take as much space as necessary for each question.

1. *Are there elements of the BSI non-mandated services that you believe are mandated? If so, provide the specific Ohio Revised Code (ORC) citation, Code of Federal Regulation (CFR) and/or relevant case law information. Please be especially diligent if there is a specific service or staffing level prescribed by law.*

We believe the services provided by Public works are mandated.

Mandated Services

Storm Water:

The Clean Water Act (CWA) is a comprehensive program to restore and maintain the chemical, physical, and biological integrity of the Nation's waters (33 U.S.C 1251 (a)). To achieve these goals the CWA mandates EPA to control discharges through issuance of National Pollutant Discharge Elimination System (NPDES) permits. NPDES Phase II Storm Water is unfunded water quality mandate.

OEPA has in turn mandated counties to protect the waters of the state through Phase II of NPDES (40 CFR 122.26(b)). This mandate requires 6 minimum controls. Two of which are: 1. Construction site Runoff control and 2. Post-construction Storm Water Management in New Development and Redevelopment.

To meet the goals and objectives of reduced flooding, improve water quality, prevent erosion, protect riparian areas etc; a comprehensive storm water program is required. Public works has been providing these services by implementing the Hamilton County Storm water Regulation controlling peak storm water flows and reducing the adverse impacts of urban storm water to provide stable drainage channels and floodplains. Runoff retention practices such as detention basin which control peak storm water flows remove substantial amount of pollutant from construction site. Periodic inspection, cleaning and maintenance of debris from storm sewer and detention basins reduces flooding and channel erosion. Stable drainage channels and floodplains are necessary for protection against flooding and for buffering of receiving waters by filtering pollutants and preventing erosion.

Grass Cutting:

Public works provides non flood control grass cutting on certain properties in City of Cincinnati, Delhi and Springfield Township. The maintenance of these lots is mandated by the City of Cincinnati and Township ordinances.

1. The City of Cincinnati Municipal Code – Chapter 731 Weed Control
2. Springfield Township Property Maintenance Code – Chapter 3 (Section 302.4), General Requirements
3. Delhi Township Department of Development Services, Property Maintenance Code – Nuisance Definition

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National Flood Insurance program & National Incident Management System:

Participation in NFIP (National flood Insurance Program) and NIMS (National Incident Management System) were discretionary decisions on behalf of the County; they are tied to federal funding considerations. Failure now to perform flood plain management tasks would mean cancellation and/or unavailability of flood insurance and federally backed mortgages to 8000 properties (3,800 structures with \$2 billion valuation) within FEMA mapped 100 yr floodplain in the unincorporated area. Federal/State disaster funds would not be available for flooding victims. The Counties All Hazards Mitigation plan would be non compliant with DHS/EMA standards and could preempt all emergency/disaster funding from Federal or State.

Failure to remain NIMS compliant could also jeopardize future EMA funding availability.

The National Flood Insurance Act of 1968 which established the flood Insurance Program (NFIP) mandated the mapping of flood prone areas and made flood insurance available in communities that met flood plain management requirements. Community Participation in NFIP is voluntary. But if participating, each community must assess its flood hazard and determine if flood insurance and flood plain management would benefit the community. If communities choose not to participate, flood insurance is not available from NFIP. If the President would declare a disaster as a result of flooding, federal financial assistance will not be available for the permanent repair or reconstruction of insurance building. A community must adopt flood Regulations which have to be approved by ODNR (ORC 1506-15) to be in compliance with the NFIP.

Non-Mandated Services

The remaining comments are provided in the event that the storm function provided by Public Works is not considered mandatory as believed by this office.

2. *Who are the recipients of the service or activity for the non-mandated service? How many recipients? Please note any internal customers, other county departments, jurisdictions, businesses, etc. If the service is geographic specific (i.e., a satellite probation office), please identify the neighborhood, township or municipality.*

All 12 Townships of Hamilton County, approximately 293,000 residents.

3. *Are there county revenues associated with the non-mandated services? If so, please provide the methodology for any lost revenues. Please consider state or federal reimbursements, grants, fees, etc. Please note if the service or activity is included in the county's indirect cost plan.*

The department charges Inspection and review fees. Storm water Plan review fee is 55/hr and Inspection fee is 50/hr. The revenue for last three years is:

- a) 2006 \$93,190 (review Fees=33.50/hr, Inspection Fees \$30.50/hr).
- b) 2007 \$90,297 (review Fee \$55/hr, inspection fee 50/hr).
- c) 2008 \$77,862 (through Sept 25).

These services or activities are not included in the county's indirect cost plan.

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4. *If the county did not provide the non-mandated service, is there the potential for increased expenditures in another jurisdiction within Hamilton County? If so, please list the specific municipality and/or township.*

If the county does not provide the storm water review, flood plain review, storm infrastructure inspection, and maintenance then all 12 townships could provide that service if they choose, which would be an increase cost to the townships. It has been shown that individual township providers would increase the cost of this service.

5. *Does the non-mandated service include Board of County Commissioner policy via resolution or motion?*

The BOCC adopted the Hamilton County Storm Water Drainage System Regulation via resolution. The resolution was adopted June 27, 1973 (Book 170, Page 427), effective January 1, 1974.

6. *Are there contracts or agreements that preclude the elimination of a non-mandated service? If so, please provide the specific language as to termination and/or amendment terms.*

NO

7. *What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e. surplus equipment).*

- | | |
|-----------------|---------------|
| 1. Track loader | 3. Sewer Jet |
| 2. Excavator | 4. Trench Box |

8. *Do any of the non-mandated services include employees represented by a bargaining unit? If so, please note the union and provide information as to reduction-in-force and job abolishment considerations.*

NO

9. *For positions within non-mandated services, are there are special circumstances that preclude a traditional job abolishment process? Separation costs will be addressed centrally including leave balance payouts, unemployment compensation and severance (based on current Commission policy).*

NO

10. *In addition to positions associated with non-mandated services, the Budget Office included a review of management layers, support staff, and currently vacant positions. Please comment on the impact of eliminating these positions.*

The management and staff are cross trained to provide service across different functions and responsibilities of the public works department. The responsibilities of the management and staff span between programs supported by restricted fund (fire hydrant and waterline) and program supported by general funds (such as flood, storm water, grass cutting and snow removal). Because of our cross training of management and staff we can provide these services in a most efficient manner.

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11. *What is the performance impact of not providing the non-mandated service? For example, wait times, waiting lists, case loads, operating hours and other consequences of not providing the service.*

Flood Review: Houses will be built in the flood prone areas. There are 8,335 Parcels in unincorporated Hamilton County within the flood limits. Houses will be built within floodway limit without the availability of flood insurance. The total number of existing structures (houses) 4,062 in the unincorporated Hamilton County will not be able to buy flood insurance. During Presidential Disaster Declaration federal money for flood damage will not be available for the County. Unregulated activities along stream and corridor will result in flooding upstream and downstream properties. The County's Hazard Mitigation Plan would be non compliant with DHS/EMA standards and would preempt all emergency /disaster funding from Federal and State governments.

Storm Drainage Review and Inspection: Without proper review of the storm system within newly developed areas, flooding may occur during rain events. Improper drainage design will increase water volume runoff rates, increase water velocity, increase the rate and severity of flooding, increase erosion of stream banks resulting in stream widening and channelization, and increase chemical pollution and degradation of riparian habitat. The storm systems will not be installed properly, with the net effect being the increase in failure of the storm systems and additional maintenance cost.

12. *Are there any alternatives that result in savings to the general fund?*

Raise Storm water Review and inspections fees. Begin collecting fees for Flood review.

13. *Are there more efficient ways to deliver a mandated service that may allow for the savings to offset the cost of a non-mandated service?*

We don't believe so. Our fire hydrant maintenance and inspection services as compared to six (6) other government and private sectors, indicated that we are the most efficient of the six governments and private contractors. The neighboring government agencies are providing the same services at a minimum cost of 140 percent of Hamilton County Public Works and the private sector cost is 200 to 500% of Hamilton County Public Works. Due to our cross training and numerous programs provided, an excellent efficiency rating can be maintained. Elimination of the storm water program would severely impact that efficiency output.

14. *Is there an opportunity to transfer any non-mandated expenditures to another funding source (i.e., restricted fund or grant)?*

Public works general fund expenditures are been proposed to be moved to restricted fund through Hamilton County Storm Water District. The BOCC will make a decision in November 2008.

15. *Does your department have any fees that could be raised to offset the cost of a mandated service?*

See 12 and 14

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Other Considerations and Comments:

Public works has mapped and maintains a database of 2.75 million ft of storm pipes and 38 thousand storm structures in the unincorporated areas of Hamilton County. Additionally 1,184 detention/retention basins are inspected biannually. Proper operation and maintenance (O&M), of the detention basins including periodic clean out to remove any accumulated residual materials are vital for removing pollutants form storm runoff, reducing flooding, reducing stream bank erosion and maintaining healthy streams.