Elkhart County Regional Sewer District

IDEM
OFFICE OF
WATER QUALITY
2015 MAY 11 A 3:50

Indiana Department of Environmental Management
Lynn Newlon, Regional District Coordinator
110 North Senate Avenue
MC 65-40 LN IGCN RM 1255
Indianapolis, IN 46204-2251

May 6, 2015

RE: Restructure of the Elkhart County Regional Sewer District Board of Trustees and Revision of the Bylaws

Ms. Newlon

The Elkhart County Regional Sewer District respectfully submits the attached petition to restructure the Board of Trustees for your consideration and approval.

The expansion of the District territory to encompass the whole County has generated the need to revise the District's governing board and bylaws and submit this petition.

If you need further documentation or information, please contact Kristine Krueger at (574) 535-6746 or email kkrueger@elkhartcounty.com

Sincerely

Scott Robinia

Scott Robinia,
District Board President

ELKHART COUNTY REGIONAL SEWER DISTRICT
PETITION TO AMEND STRUCTURE OF THE BOARD OF TRUSTEES AND REVISE BY-LAWS

Pursuant to IC 13-26-1-2 the Elkhart County Regional Sewer District tenders this petition to Indiana Department of Environmental Management requesting approval to restructure the composition of the Board of Trustees and revise the bylaws to align with the needs of Elkhart County.

History: The Elkhart County Regional Sewer District (District) is a regional sewer district organized as an independent political entity of the State of Indiana. The Elkhart County Commissioners and County Council petitioned the Indiana Department of Environmental Management (IDEM) to establish the District in November 2003. The petition was approved and in November 2004 the District was formally established by Order of IDEM. During the formation period the District initially identified one specific area in need of services. Inadequate and/or failing systems were eliminated with the construction of a collection system and the appropriate treatment of collected sewage. This service area is known as Heaton Lake. During that time and the subsequent years, the District has been governed by a board of five members. To date, Heaton Lake has been the District's only service area.

Throughout Elkhart County numerous neighborhoods, locations, and areas were developed and rely on on-site septic systems. Unfortunately these systems often become culprits of environmental and/or public health issues. Through the course of time, many of these systems now leak, have failed, or are failing, thereby contributing to contamination. Correction of the problem has become a nearly impossible imposing task. Due to limitations associated with small lot size, poor soil types, and/or flood plain (high water table) nearly all alternative systems/remedies are eliminated. Those left are often the most costly less desirable and often short-tem.

Deteriating systems contribute to pollution and contamination and the creation of unsafe water and health hazards. As well as decreases property values, diminish neighborhood appeal and impedes development. This coupled with the fact that options are limited, costly and very likely short-tem. This has been a disconcerting challenge for the County. This awareness caused the Elkhart County Commissioners and County Council to explore the possibilities of the District.

Considering the District's purpose and its position to procure funds, contract services, construct, operate, and provide for collection, treatment, and disposal of sewage, would be an excellent additional resource to address such public, health, safety, conveince and development situations. In May 2010 the Elkhart County Commissioners' along with the District submitted an Application for Inclusion of Additional Territory (which would encompass the whole county) for the Elkhart County Regional Sewer District to IDEM. This is practical and feasible means of providing an additional resource in addressing public health, safety, convenience and development growth. Later that year IDEM granted this request and the District is now considered County-wide.

Need The expansion of the District's area generated the need to reevaluate the structure of the District's governing board. The District board collected input from the public, municipalities, mayors, town managers, area treatment agencies and other interested parties. The territory expansion was accepted with the caveat introduced by the municipalities, that the board of trustees be expanded. The board representation should not be limited to only those impacted by current or future projects. It was determined it would be more beneficial if the board of trustees would consist of representatives from all

municipalities and treatment facilities at all times and not just when projects arise. This will allow participation early on, expedite communications among entities, instill trust in the surrounding communities, and facilitate better board members and a better board.

Objective All municipalities and communities with treatment facilities were invited to participate in the restructure process. Discussions were limited only to the structure of the Board and did not include District responsibilities. Those municipalities that desired representation on the board were encouraged to make an appointment. Those wanting participation without appointment would be retained as non-voting members and participate in an advisory capacity. These individuals are strongly encouraged to attend Board meetings. It was agreed that board size would remain flexible to accommodate representation from various entities pertaining to multiple overlapping projects.

Request Elkhart County Regional Sewer District pursuant to IC 13-26-4 wishes to expand their governing body, the board of trustees from five (5) members to eleven (11) members. And revise the by-laws to reflect these changes.

Composition: The Elkhart County Regional Sewer District Board of Trustees will be comprised of seven (7) voting members and four (4) advisory members. The seven (11) voting trustees will be appointed as follows: one (1) trustee appointed by Oslo township trustee and township board, two (2) trustees by the Elkhart County Commissioners, one (1) trustee appointed by the Elkhart County Council, one (1) trustee **each** appointed by the Mayor of the City of Elkhart, the Mayor of the City of Goshen, and the Mayor of the City of Nappanee. Non-voting members will be one (1) trustee **each** selected by the Middlebury Town Council, Millersburg Town Council, Wakarusa Town Council, and one (1) trustee by the New Paris Conservancy District.

Initial Term: The initial appointment to the Board of Trustees shall be limited in duration as follows: Osolo Township appointee's shall be one (1) year, Elkhart County appointees shall be two (2) years, Elkhart County Council appointee's shall be three (3) years, and the appointees for the Cities of Elkhart, Goshen, and Nappanee shall be four (4) years. Those trustees selected by the Middlebury, Millersburg and Wakarusa Town Counsels and the New Paris Conservancy shall serve an initial term of four (4) years.

Length of Appointments: After the expiration of the initial term of the above appointments all subsequent appointments by the respective appointing body shall be for terms of four (4) years. Upon a vacancy on the Board of Trustees prior to the expiration of the Trustee's appointed term, for any reason, the appointing authority for that Trustee shall appoint a replacement Trustees within thirty (30) days of the notice of vacancy to complete the term of the Trustee who vacated the office. Any replacement Trustee shall serve the remainder of the four (4) year term.

Voting Rights: The Trustees appointed by the above mentioned bodies shall be entitled to vote on all questions before the Board of Trustees, the manner deciding which is not specifically regulated by Statute or subject to control by the Indiana Department of Environmental Management. The Trustees selected by those bodies mentioned above shall not be entitled to vote on questions before the Board of Trustees.

BOARD OF TRUSTEES

One Appointment May Be Made by	Initial Term
Osolo Township Trustee/Board (1)	1 year
Elkhart County Council (1)	3 years
Mayor of the City of Elkhart (1)	4 years
Mayor of the City of Goshen (1)	4 years
Mayor of the City of Nappanee (1)	4 years

Two Appointments May Be Made by:	
Elkhart County Commissioners (2)	2 years each

One Non-Voting Appointment May Be Made by:	
Middlebury Town Council (1)	4 years
Millersburg Town Council (1)	4 years
Wakarusa Town Council (1)	4 years
New Paris Conservancy District (1)	4 years

After initial term, all subsequent appointments shall be for terms of 4 years each

Board Officers serve a term of one year each

Name	Appointee	Start	End
Ben Russo	Osolo Township	2011	2015
Scott Robinia	Commissioners	2011	2015
Frank Lucchese	Commissioners	2013	2017
Tom Holtzinger	County Council	2012	2016
Lynn Brabec	City of Elkhart	2014	2018
Dustin Sailor	City of Goshen	2015	2019
Gale Gerber	City of Nappanee	2015	2019