

STATE OF GEORGIA

COUNTY OF GWINNETT

**A RESOLUTION OF THE GWINNETT COUNTY BOARD OF COMMISSIONERS
TO ESTABLISH A RATE STRUCTURE FOR A STORMWATER UTILITY.**

WHEREAS, the Georgia Constitution authorizes counties to provide stormwater systems and services; and

WHEREAS, the Georgia Supreme Court has held that counties may prescribe, revise and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished or made available by a stormwater utility; and

WHEREAS, the Gwinnett County Board of Commissioners has determined to create a stormwater utility to provide stormwater services within Gwinnett County; and

WHEREAS, the Georgia Supreme Court has recognized that the amount of impervious surface is the most important factor influencing the cost of stormwater management services; and

WHEREAS, stormwater service fees shall be a periodic service charge which shall be used only for the purpose of funding the Gwinnett County stormwater utility's cost of providing stormwater management services and stormwater management systems and facilities; and

WHEREAS, stormwater service fees shall be based on the relative contribution of each customer to the demand for stormwater management services, shall be structured so as to be fair and reasonable and shall bear a substantial relationship to the cost of providing stormwater management services and stormwater management systems and facilities; and

WHEREAS, privately owned stormwater management facilities may exist within the County and may be accepted by the stormwater utility subject to certain conditions; and

WHEREAS, Gwinnett County has a land area of 433 square miles and a population estimated to exceed 700,000 people; and

WHEREAS, the large area and the large population of Gwinnett County require that a stormwater utility educate a large population that may not know how to manage stormwater runoff; and

WHEREAS, the Gwinnett County Board of Commissioners finds and declares that it is in the public interest to provide educational and other credits to landowners for management of stormwater; and

WHEREAS, the Gwinnett County Board of Commissioners has determined that certain studies must be performed to establish a system of credits for landowners; and

WHEREAS, the Gwinnett County Board of Commissioners finds and declares that it will conduct studies, to be completed within 18 months of the date of this Resolution, to determine the amount of such stormwater utility credits, recognizing that any and all credits that may be created shall be retroactive to the effective date of the stormwater utility ordinance; and

WHEREAS, upon completion of the studies authorized by this Resolution to establish a rate structure for a stormwater utility, all such credits that shall be adopted shall be made retroactive to the effective date of the Gwinnett County Stormwater Utility Ordinance; and

NOW, THEREFORE, the Gwinnett County Board of Commissioners does hereby prescribe the stormwater service fee rate and authorize the stormwater utility to impose a stormwater service fee for the stormwater management services provided which the rate of which fee shall be based on 100 square feet of impervious surface and, as set out in the following table, shall include the time period from 2006 through 2011:

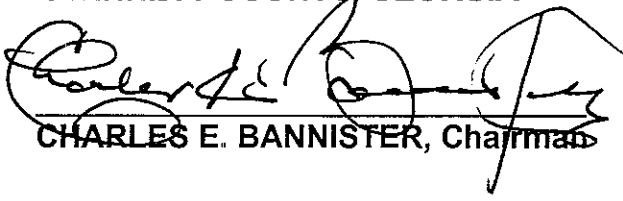
| <u>Year</u> | <u>Annual Stormwater Service Fee</u> (\$/100 square feet of impervious surface) |
|-------------|---|
| 2006 | 0.77 |
| 2007 | 1.41 |
| 2008 | 2.01 |
| 2009 | 2.46 |
| 2010 | 2.46 |
| 2011 | 2.46 |

Furthermore, the Board of Commissioners hereby authorizes the County Administrator or designee to conduct a study to develop procedures, rules and regulations to be adopted as the County's Stormwater Credits Manual in accordance with the policy established herein to establish the amount of stormwater utility credits that may be provided to property owners in consideration of providing stormwater education services and of making improvements on their property that reduce the burden on the stormwater management system. Furthermore, the Board of Commissioners authorizes the Director of the Gwinnett County Department of Public Utilities to adopt policies for the stormwater utility to accept responsibility for providing stormwater management services to private stormwater management systems and facilities and to establish and to periodically revise a schedule of labor, material and administrative charges for services rendered and commodities provided which are not addressed in this Rate Resolution.

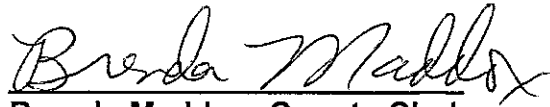
THIS RESOLUTION shall remain in effect from the date executed until January 1, 2012 unless amended by action of the Board of Commissioners. It shall continue in effect beyond January 1, 2012 if it is not amended or supplanted by another rate resolution.

THIS RESOLUTION is adopted, and shall become effective, this the 1 day of Nov, 2005.

**BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA**

By: 
CHARLES E. BANNISTER, Chairman

ATTEST:


**Brenda Maddox, County Clerk
(SEAL)**

APPROVED AS TO FORM:



**Forrest Fields
Senior Assistant County Attorney**