



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A
(Amended)

Delta City Council
Regular Meeting

November 1, 2011
7:00 p.m.

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Request from Lee Marts VFW Post 3571 for Sewer Tap at 1576 H25 Road**
- F. C.A.W.S Agreement (Thomas)**
- G. Quarterly Financial Report (DeZeeuw)**
- H. Storm Water Utility Contract (Hatheway)**
- I. Council Bill #5, 2011; First Reading (Glammeyer)
2012 Electric Rates**
- J. Council Bill #3, 2011; Second and Final Reading
Vacation of 6th & 7th Streets**
- K. Council Bill #4, 2011; Second and Final Reading
New Zoning Ordinances**
- L. Resolution #7, 2011; Acquire Real Property from Hi-Quality Packing, Inc. (Hatheway)**
- M. Purchase Contract with High Quality Packing, Inc. (Hatheway)**
- N. Hotel and Restaurant Liquor License Renewal; Fiesta Vallarta Delta (Nelson)**
- O. Proclamation; Buddy Poppies**
- P. City Attorney Comments**
- Q. City Manager Comments**
- R. Councilmember Comments**

EXECUTIVE SESSION

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding Confluence Drive.

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, and Ed Sisson, along with City Manager Joe Kerby. Absent were Councilmember Guy Pfalzgraff and City Attorney Michael Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve the minutes of October 4, 2011 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

The following individuals commented on animal control within the City of Delta:

- Fran Goetz, 1053 Grand Avenue, Delta.
- Debbie Faulkner, 42528 Needle Rock Road, Crawford.
- Chris Miller, 245 Columbia Street, Delta.

Ms. Miller also invited Council to the Delta County Volunteer Recognition.

Fran Goetz at 1053 Grand Avenue, Delta, commented on animal control and the animal shelter.

Linda Tibbits, 21334 H75 Road, Delta, commented on the lights at the horse country arena.

Tri County Water Authority Service Agreement

Utilities Director Steve Glammeyer reported that staff has been working on a service agreement with Tri County Water since April of 2010. The last agreement expired on April 1, 2010. This agreement sets forth the boundary whereby the City will be able to acquire existing Tri County water customers and expand and serve new customers and developments as they become available within the next 15 years.

Mr. Glammeyer explained the process of how the area was identified. He stated the Board of Directors of Tri County has seen the agreement and the map, they have agreed with what has been presented.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to enter into a new service area agreement with Tri County Water Authority and authorize the Mayor to sign said agreement. All in favor, motion carried.

Council Bill #3, 2011; First Reading
Vacation of 6th & 7th Streets

Council Bill #3, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
VACATING SEGMENTS OF SIXTH AND SEVENTH STREETS,
AND ALSO CONNECTING ALLEYWAYS, ALL OF WHICH
TRAVEL AREAS LIE BETWEEN THE WEST LINE OF SILVER
STREET AND THE EAST LINE OF THE UNION PACIFIC
RAILROAD RIGHT OF WAY IN THE CITY LIMITS

was read by the Clerk.

Public Works Director Jim Hatheway stated that this is part of the contract with Producers Coop. As agreed to the contract this would be brought before Council's approval to vacate Sixth and Seventh Street as stated. The City is reserving the right of ways for utilities which is standard protocol.

Regular Meeting, Delta City Council, October 18, 2011 (Cont.)

Council Bill #3, 2011; First Reading (cont.)

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #3, 2011, on first reading. Roll call vote: Councilmembers Jurca, aye; Sisson, aye; Raley, aye; and Cooper, aye. Motion carried.

**Council Bill #4, 2011; First Reading
New Zoning Ordinance**

Council Bill #4, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, DELETING AND AMENDING VARIOUS PROVISIONS OF TITLES 17 AND 8 OF THE DELTA MUNICIPAL CODE IN ORDER TO ELIMINATE THE B-4, I-1 AND 1-2 ZONING DISTRICTS AND RE-CLASSIFY THE AFFECTED AREAS WITHIN NEW OR OTHER EXISTING ZONING DISTRICTS

was read by the Clerk.

Community Development Director Glen Black reported this would be eliminating the B-4, I-1 and I-2 districts. He explained that the B-4 district will be moved into the B-2 District and combining the I-1 and I-2 District into a new I District.

Mr. Black stated that the Planning Commission held a Public Hearing at their October 3, 2011. The recommendations that Planning Commission submitted are within this ordinance and recommends approval.

Mr. Black presented a power point presentation showing the changes. During his presentation he stated there is an error on page 2 at the top. It should read as 17.04.150 not 17.04.160.

Councilmember Jurca questioned how much feedback was received from the public.

Director Black reported that there was one individual that was concerned about the old Gofer Foods store on Riley Lane. There were a number of people that came for the industrial changes. Their concerns were regarding the 100 foot setback, screening and the nuisances. Mr. Black explained that these changes actually help some of these individuals come into compliance.

Mayor Cooper stated that she was contacted by one individual asking what is happening. She reported that this is just cleaning up the code.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Council Bill #4, 2011 with the correction as noted on first reading. Roll call vote: Councilmembers Jurca, aye; Sisson aye; Raley aye; and Cooper aye.

Proclamation; Hospice and Palliative Care Month

The Mayor read the Proclamation.

Proclamation; Conflict Resolution Month

Mayor Cooper read the Proclamation.

City Attorney Comments

There were none.

City Manager Comments

Manager Kerby presented the following items:

- River corridor project; Delta County has submitted concept papers to GOCO.
- Fall cleanup starts October 24, 2011.
- CML District 10 meeting tomorrow evening at Rec Center.
- Staff has started the process for the Performance Contracting.

Regular Meeting, Delta City Council, October 18, 2011 (Cont.)

City Manager Comments (cont.)

- DCED and the Community Revitalization communities will be hosted a forum on October 27th at 5:30pm. There will be an updated regarding Confluence Drive presented that evening.
- The Parks Department is working on the off-leash dog park.

Councilmember Comments

Mayor Cooper reported that she attended the CML legislative committee meeting in Denver. They discussed items that municipalities would like to see CML sponsor.

Executive Session

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for instructing negotiators on aspects of Confluence Drive project issues. All in favor, motion carried.

At 7:32 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:15 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Ed Sisson, Bill Raley, and Robert Jurca; along with City Manager Joe Kerby, Public Works Director Jim Hatheway and Brad Rodenberg. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated

The meeting was immediately adjourned.

Jolene E. Nelson, City Clerk

Lee Marts

VFW Post 3571

And Auxiliary

Date: October 3, 2011

City of Delta Colorado
Mayor Mary Cooper
360 Main Street
Delta, Colorado 81416

Subject: Sewer Tap at 1576 H-25 Road.

Dear Mayor Mary Cooper:

The members and auxiliary of Lee Marts Post 3571 are truly excited about the prospect of our future home. Last November the Post became the owner of the property known as "The North Delta Community Center" located at 1576 H-25 Road.

On August 24th, 2011 the post received from the State of Colorado a letter stating that the property located at 1576 H-25 Road IS "tax exempt" and the post is also a 501 C (3) Corporation.

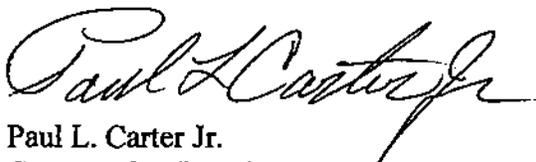
The sole purpose of this request is to ask the City of Delta, Colorado to wave the total cost of the sewer tap fee and grant to the post the right to tap into the City of Delta's sewer system.

The new Post 3571 will be a great asset to the city as it will be a "family" orientated facility available to the residents of the city. It will also contain a Delta orientated Military Meuseum.

It will have great visibility from Highway 50 so the new state of the art "green" building will be a great statement for the city of Delta to be presenting a GREEN friendly city.

Also the Military Memorial flower gardens will be a beautiful sight when visitors are entering and leaving the city.

If you have any questions please do not hesitate to contact me at (970) 874-5150 or at the address below.



Paul L. Carter Jr.
Commander, Post 3571



**Delta Police Department &
Delta County Citizens for Animal Welfare and Shelter
PROPOSAL – OCTOBER 27, 2011**

This proposal provides for a mutual understanding of responsibilities associated with the operation of the Delta Town Shelter between the City of Delta and Delta County Citizens for Animal Welfare and Shelter (CAWS). CAWS will operate the shelter in a manner consistent with meeting both the immediate needs of animals brought in by City of Delta Animal Control Officer (CDACO) and the mission of CAWS to find permanent homes for all adoptable animals. CAWS will complement shelter operations through our Compassionate Care foster program, moving adoptable animals from the shelter into family settings as space is available, while actively searching for permanent homes.

PROPOSED OPERATIONS

CAWS will contract with the City of Delta to independently operate a shelter for domestic dogs and cats at the location currently designated as the City of Delta Animal Shelter (CDAS). In order to ensure that the needs of City of Delta Animal Control are met, the shelter initially will only accommodate animals from City of Delta Animal Control (CDACO), and CAWS animals that are actively being promoted for adoption. The CDACO will not accept, transport or otherwise handle animals from other counties and/or municipalities.

Space Allocation: Of the twelve dog kennels at the shelter, six will be dedicated exclusively for City of Delta Animal Control (impounds, holds, etc.), and six will be for adoptable pets in CAWS' program (including relinquished or unclaimed animals from the CDAC, and other animals from CAWS as space allows). One of the six kennels dedicated to CDACO will be exclusively used for quarantine and the CDACO will have access to this kennel at all times and a process for notifying CAWS staff about after hours quarantines and vicious animals will be established. CAWS and the CDACO will work closely regarding intake and available space to ensure that unclaimed animals flow from impound into adoptive kennels, and to ensure that animals are not brought in if there is not space.

Animal Control Issues: The CDACO will be responsible for all animal control issues within the city limits of Delta including pick-up and transportation to the shelter as well as the management and implementation of the City of Delta's animal licensing program. CAWS shelter staff will refer all animal control inquiries, issues and questions from City of Delta residents to the Delta dispatch center and never directly to the CDACO.

Impounds: CAWS shelter staff will manage and care for animals brought in by the DACO for a five-day hold period, after which the CDACO will transfer to CAWS those animals that have not been redeemed. If after adoption, an animal's original owner claims the animal, CAWS shelter staff will inform the Delta Police Department and/or CDACO of the owners contact information. All fees and fines assessed under the City of Delta animal control policies will be collected by the CDACO and animals will be released by the CDACO.

These fines (current City of Delta fines) include:

Impound Fee:

Altered Animal \$20.00 / Unaltered Animal \$30.00

Dog at Large:

Altered Animal: 1st Offense \$25.00 / 2nd Offense \$50.00 / 3rd Offense \$100.00

Unaltered Animal: 1st Offense \$60.00 / 2nd Offense \$85.00 / 3rd Offense \$135.00

Quarantine Fees:

\$15/day

All intake and disposition paperwork collected by the CAWS shelter staff shall be shared with the Delta Police Department upon request.

Property: All existing animal traps, equipment, freezer, cages etc. located at the shelter will remain City of Delta property and will remain at the facility for use. Under no circumstances will City of Delta property be removed from the facility. City of Delta traps and CDACO equipment is strictly for the use of the CDACO. An equipment inventory list will be made by the DACO and will be reviewed with CAWS at the time the shelter management is transferred. CAWS will also maintain an inventory list of items purchased by CAWS or donated to CAWS for use at the shelter.

Unadoptable Animals: In extreme cases where an animal's adoptability is in question (extreme human aggression, dire illness, etc.), a majority vote from a three-person team will be required before the animal may be euthanized. This team will consist of the Delta Chief of Police (or an appointed designee), a veterinarian and a representative from CAWS (shelter manager, shelter director or a member of the CAWS Board of Directors). The City of Delta Chief of Police or designee may utilize a behavioral analysis test to determine the adoptable factors of a particular animal.

Staff: Staffing will be comprised of two paid, part-time shelter managers, (non-benefitted), an unpaid volunteer director to act as a liaison to the CAWS Board of Directors and ten-to-fourteen volunteer staff members to support the shelter manager(s) and director. A shelter advisory board will be recruited and chaired by the CAWS volunteer director and will include an appointed representative of the Delta Police Department. CAWS will assume the part-time weekend shelter manager, Teresa Kallsen, at her current hourly rate (non-benefitted). CAWS will hire an additional manager, to support the shelter and volunteers during the week. Both shelter managers will be supervised by the volunteer coordinator.

* Weekday Paid Manager: 10 hours per week Monday – Friday from 8:00am to 10am (**paid by CAWS**)

* Weekend Paid Manager: 10 hours per week, Saturday & Sunday from 8am to 1pm (**paid by CAWS**)

* Weekday Volunteer Staff: Monday – Friday 9:30am to 5:30pm (3 volunteers, 3 hours/day)

* Weekend Volunteer Staff: Saturday & Sunday 12:30 pm to 4:30pm (2 volunteers, 2 hours/day)

The City of Delta Police Department will pay the part time salary of CDACO Ms. Ryla Pavlisick.

Hours of Operation:

These are tentative and will require input from current shelter staff.

MONDAY-FRIDAY: 8:00am to 5:30pm

SATURDAY & SUNDAY: 8:00am to 4:30pm

CAWS retains the option to begin operating at reduced hours as our volunteer bases is built. CDACO will still have access to the animal shelter facility at all times.

Relinquishments: Relinquishments accepted by CAWS will be processed into the CAWS adoption program as outlined in the current CAWS procedures and policies. This process includes taking the animals first to a veterinarian designated by the shelter staff to receive initial vaccinations, worming and spaying if needed. Shelter staff/volunteers will manage the CAWS dog and cat telephone help lines and return calls made by residents needing assistance. All calls for animal control issues will first be referred to Delta dispatch if the caller is a resident within the city of limits of Delta. All other calls will be handled on a case-by-case basis as outlined in CAWS policy. Shelter staff will manage the foster care system and place animals in home settings when openings become available. The CAWS Board of Directors will recruit foster homes.

Feral Cats: Feral cats will not be accepted into the shelter. Feral cat colony issues will be referred to the CAWS Community Cat team leader.

Marketing and Community Outreach: The shelter staff, volunteer director and advisory board will be responsible for all marketing for the shelter and promotion of animals awaiting adoption. This will include production of Rescue Magazine, and maintaining listings on petfinder.com and the CAWS website. Further, this team will begin a community outreach/education program with the approval and assistance of the City of Delta. The CDACO will maintain a Petfinder.com web site of impounded animals during the five-day holding period. Once the animal is transferred to CAWS, the animal will be removed from the CDAC Pet-finder website.

Adoption Events: Adoptions will be promoted at the shelter during operating hours and the CAWS Board of Directors will be responsible for planning, organizing and implementing all off-site adoption events.

PROPOSED TIMELINE

Beginning on January 1, 2012, CAWS volunteer director and appointed volunteers will begin operations training by "shadowing" current City of Delta shelter staff members. Additionally, specialized training by the City of Delta staff on Rabies, Bordetella and other domestic animal diseases will be provided to CAWS. During this transition phase, CAWS will also be actively engaged in recruiting, training and screening volunteers, developing the advisory board and securing funds for 2012. All existing CDAC operations and policies will remain in place during this three-month introductory period. CAWS will assume full shelter responsibility on April 1, 2012 under a one-year contract to be evaluated after six months. CAWS and City of Delta retain the right to terminate the agreement at any time. However, CAWS and/or the City of Delta shall allow for a 30-day advance notice regarding the dissolution of the agreement.

PROPOSED TERMS

The following terms are proposed for the period beginning January 1, 2012 and ending December 31, 2012:

The City of Delta will provide and be responsible for the shelter building, parking area, use of shelter equipment, natural gas, electricity, water/sewer service, and repairs and maintenance.

CAWS retains the option to keep the existing weekend shelter manager at her current un-benefitted hourly rate. In addition CAWS will hire a second manager for a total of 20 hours.

All domestic dogs and cats acquired through the CDACO (except quarantines) and unclaimed by the owner will be assessed a \$12/day boarding and feeding fee, paid to CAWS by City of Delta, not to exceed the five-day hold period (maximum charge is \$60/ unclaimed animal).

Animals impounded for quarantine purposes by the City of Delta will be held at the facility for the entire quarantine period at a fee, paid to CAWS by City of Delta, in the amount of \$7.50/day.

CAWS will collect a \$12/day boarding and feeding fee from owners redeeming or claiming their animals (except quarantines). If the animal is unredeemed and/or unclaimed the animal will enter the CAWS Compassion Care Program through a transfer transaction with no additional fees assessed to the City of Delta. The CDACO shall have access to all unredeemed and/or unclaimed animals impounded by the CDACO during the five-day holding period and all animals impounded for quarantine purposes.

No relinquishment fees will be assessed to the City of Delta for animals impound by the CDACO. Fees will be tracked by CAWS and billed to the City of Delta on a monthly basis. The CDACO will confirm billed fees on a monthly basis.

CAWS will assume all other shelter expenses and maintain all required licensing, insurance and record keeping. CAWS will maintain the shelter facility in a clean, healthy, sanitary manner at all times. The City of Delta Chief of Police or designee may inspect the facility unannounced. Should the facility be observed in an unsatisfactory condition, the City of Delta will immediately notify CAWS who will be given 15 working days to rectify the situation. If the unsatisfactory situation persists, the agreement between CAWS and the City of Delta shall be immediately terminated.

In the instance the agreement between CAWS and City of Delta is terminated or dissolved; CAWS shall provide copies of all records associated with the Delta Animal Shelter. Animals at the shelter at the time of termination shall become the property of the City of Delta.

Marty and Tori (animals of the City of Delta) shall remain residing at the City of Delta shelter. All maintenance necessities for Marty and Tori shall be maintained by CDAC. Marty and Tori shall not be adopted for any purpose and/or reason.

The Chief of Police or designee will conduct a background check on CAWS.

VOLUNTEER SCREENING & RECRUITMENT

CAWS will carefully pre-screen all volunteers. Those meeting CAWS requirements will undergo a comprehensive training program to be developed implemented and presented by the shelter managers and the volunteer director. Volunteers must be 21 years of age or older with no criminal history. Background checks and references will be required for all volunteers who are unknown to the CAWS Board of Directors and other long-time associates of CAWS. The background checks completed by CAWS shall be shared with the Delta Chief of Police. The Delta Chief of Police reserves the right to perform background checks of any CAWS volunteer and report finding to the CAWS Board of Directors.

CAWS will partner will local service groups in Delta to recruit qualified shelter volunteers as well as to help fundraising. One such group, Altrusa, has expressed interest in spearheading such a campaign.

CAPITAL INVESTMENT

CAWS believes to provide adequate outdoor access, the current dog run at the City of Delta Shelter should be enlarged. Beginning January 1, 2012, CAWS proposes increasing the west side parking lot and fencing the area for dogs. CAWS will rent or otherwise provide fencing for the dog area, and will request approval from the City of Delta before installation. Additionally, CAWS proposes building an outdoor cat enclosure, size and location to be determined. Cost would be assumed by CAWS.

PROPOSED BUDGETS

2012 City of Delta Contribution

CITY EXPENSES:

Repairs, Upgrades and Maintenance	\$	Paid by Delta
Utilities (gas, electric, trash, water, sewer)	\$	Paid by Delta
City of Delta Quarantine fees paid to CAWS 25 animals / \$7.50/day/10 days	\$	1,875.00
City of Delta AC boarding and feeding fee paid to CAWS 50 dogs, unredeemed/ \$12/day/5 days max.) 35 cats, unredeemed/\$12/day/5days max.)	\$	3,000.00 2,100.00
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TOTAL CITY EXPENSE PAID TO CAWS	\$	6,975.00

Other City of Delta Contributions:

The above contribution amount does not reflect a dollar amount of contribution for use of the facility, property, parking, and equipment being provided for CAWS use while operating the facility.

ESTIMATED CITY INCOME:

Impound fines (100 reclaimed dogs @ \$20/dog)	\$	2,000.00
Quarantine fines (25 animals/\$15/day/10 days)	\$	3,750.00
Dogs at Large fines (50 dogs at \$25)	\$	1,250.00

TOTAL INCOME TO THE CITY OF DELTA	\$ 7,000.00
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2012 CAWS Contribution

CAWS EXPENSES:

Salaries /2 Part-time shelter managers	\$ 14,000.00
Soc. Sec./Medicare	\$ 1,000.00
Worker's Comp, etc.	\$ 500.00
Materials & Supplies	\$ 9,000.00
Spay & Neuter	\$ 3,500.00
Vaccinations, Vet Care	\$ 6,000.00
Liability Insurance	\$ 3,500.00
Due, Memberships, Subscriptions, Licenses	\$ 500.00
Telephone	\$ 800.00
Misc.	\$ 850.00
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	\$ 39,650.00

Other CAWS Contributions:

The above contribution amount does not reflect a dollar amount of contribution that creates an opportunity for the City of Delta to meet the needs of its citizens and animals with a fully operational, adoption guarantee (no-kill) shelter.

ESTIMATED CAWS INCOME:

Adoption fees	\$ 8,175.00
Relinquishment fees from CAWS accepted animals	\$ 500.00
Boarding fees from reclaimed animals by owners (100 dogs /\$12/day/2.5 days)	\$ 3,000.00
City of Delta Quarantine fees paid to CAWS (25 animals/\$7.50/day/10 days)	\$ 1,875.00
City of Delta Boarding/Food Fees paid to CAWS for unclaimed animals 50 dogs, unredeemed/\$12/day/5 days maximum)	\$ 3,000.00
35 cats, unredeemed/\$12/day/5 days maximum)	\$ 2,100.00
Donations	\$ 7,000.00
Grants	\$ 14,000.00
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	\$ 39,650.00

City of Delta
City Council Monthly Financial Report
For Period Ended September 30, 2011

Fund	Budget	9/30/2011 Year to Date Actual	Actual Percent of Budget
General Fund			
Revenues	4,633,175	3,952,998	85.32%
Expenditures	5,016,016	3,688,801	73.54%
Conservation Trust Fund			
Revenues	75,875	61,953	81.65%
Expenditures	86,500	83,326	96.33%
Recreation Center Fund			
Revenues	2,307,700	1,730,729	75.00%
Expenditures	2,731,406	1,353,258	49.54%
C.W.C.I. Fund			
Revenues	2,065,300	1,505,164	72.88%
Expenditures	2,496,330	1,442,377	57.78%
M. L. & P. Fund			
Revenues	5,490,757	3,843,185	69.99%
Expenditures	8,188,124	4,635,955	56.62%
Sewer Fund			
Revenues	1,304,700	972,470	74.54%
Expenditures	2,196,801	1,062,582	48.37%
Water Fund			
Revenues	1,687,946	1,441,612	85.41%
Expenditures	1,958,926	1,351,722	69.00%

City of Delta
City Council Monthly Financial Report
For Period Ended September 30, 2011

Fund	Budget	9/30/2011 Year to Date Actual	Actual Percent of Budget
Refuse Fund			
Revenues	637,920	458,657	71.90%
Expenditures	553,133	497,721	89.98%
Golf Course Fund			
Revenues	989,500	840,252	84.92%
Expenditures	987,886	857,173	86.77%
Perpetual Care Fund			
Revenues	4,000	4,690	117.25%
Expenditures	0	950	0.00%
Unemployment Taxes Fund			
Revenues	20,000	18,536	92.68%
Expenditures	20,000	27,307	136.54%
Internal Service Fund			
Revenues	972,420	891,684	91.70%
Expenditures	1,222,357	909,809	74.43%
Employee Dental Fund			
Revenues	54,000	32,397	59.99%
Expenditures	54,000	41,456	76.77%
Capital Project Fund			
Revenues	2,928,500	46,241	1.58%
Expenditures	24,945,001	3,643,039	14.60%
Debt Service Fund			
Revenues	1,852,807	1,299,801	70.15%
Expenditures	1,852,802	854,550	46.12%

City of Delta



Storm Water Utility Program Implementation

Program Development

Phase 2

Scope of Work

Prepared by:



September 9, 2011

I. BACKGROUND

The Storm Water Program Feasibility Needs Analysis Study (Phase 1) was the first step towards making the key decision to create a successful self sustaining storm water utility program for the City of Delta (City). Phase 1 included the following: data collection; a presentation of the overall storm water program; three SWAC meetings; storm water rate structures discussions; draft preliminary level of service cost of service analysis; estimation of projected revenue using sample impervious area measurements; and a City Council presentation of the project findings.

The URS/ERC Team has developed the following detailed scopes of work and fee estimates for Phase 2, program development, and Phase 3, billing system implementation. Specially, these scopes of work include the following tasks:

- ◆ Develop a storm water business plan;
- ◆ Review and select a rate structure;
- ◆ Develop a cost of service analysis;
- ◆ Perform a rate study and cash flow analysis;
- ◆ Create a storm water rate model;
- ◆ Assist City legal staff with the program ordinance and rate resolution;
- ◆ Prepare a minimum level of public education and involvement;
- ◆ Present Phase 2 findings to City Council.

II. PHASE 2 - SCOPE OF WORK

TASK 1 - DEVELOP STORM WATER BUSINESS PLAN

Implementing a successful storm water utility program requires the development of a formal, flexible strategic business plan that provides guidance both now and in the future. The purpose of this task is to formulate a long-term strategic plan that is the basis for the "Storm Water Utility Business Plan".

- 1.a Strategic Business Plan Paper.** The URS/ERC Team will develop a draft strategic business plan paper in a policy paper document using the information developed during Phase 1 of the project.
- 1.b One Conference Call To Discuss Draft Plan.** The URS/ERC Team will conduct a conference call to discuss the draft storm water utility program Mission Statement and Goal Statements with City staff which is part of the overall business plan development from subtask 1a above.
- 1.c Strategic Business Plan Paper.** The URS/ERC Team will finalize the strategic business plan paper in a policy paper document based on the conference call in subtask 1.b above.

Deliverable:

-
1. ERC will provide the City with a Storm Water Utility Business Plan Policy Paper.

TASK 2 - RATE STRUCTURE ANALYSIS

The goal of this task is to develop a fair and equitable equation to allocate storm water management costs that is legally defensible. The following is a list of the two rate structures to be discussed as part of this analysis:

- Flat rate per parcel; and
- Impervious area method (ERU based for residential and all non-residential properties impervious areas are measured)

- 2.a A Rate Structure Policy Paper will be prepared by the URS/ERC Team.** The URS/ERC Team will discuss and compare the 2 rate structures listed above by documenting the:

- Advantages and disadvantages of each rate structure; and
- Analysis in a rate structure policy (white) paper.

- 2.b One Conference Call To Discuss Paper.** The URS/ERC Team will conduct a conference call to discuss the rate structure policy paper with City staff.

Deliverable:

1. The URS/ERC Team will develop a Storm Water Program Rate Structure Policy White Paper.

TASK 3 –LEVEL OF SERVICE / COST OF SERVICE ANALYSIS

The URS/ERC Team will consider the appropriate and accurate level of service /cost of service information developed as part of Phase 1 and perform a comprehensive level of service and cost of service analysis consistent with the program mission statement and/or goal statements developed as part of the business plan (Task 1).

- 3.a Storm Water Functional Elements.** Based upon input from City staff through the data collection process, and from the URS/ERC Team's previous experience, a specific description of program elements will be developed and used to meet the storm water utility program goals. These program elements will include the following:

- Administration (including billing, collection and customer service costs)
- Maintenance
- Operations
- Planning
- Enforcement
- Regulatory
- Water Quantity
- Water Quality (NPDES Permit)

- Other Environmental Issues (CSO's and SSO's)
- Capital Improvements Program (CIP)
- Other

- 3.b Identify “Required Minimum” Level of Services.** The URS/ERC Team will develop a “required minimum” level of service plan for the City Storm Water Utility Program for a five (5)-year period from 2012 through 2016.
- 3.c Identify “Required Minimum” Cost of Services.** The URS/ERC Team will develop a “required minimum” cost of service plan for the City Storm Water Utility Program for a five (5)-year period from 2012 through 2016.
- 3.d NPDES Permit Activities.** URS/ERC Team will incorporate the City's Storm Water Utility Program NPDES Permit plan and cost assumptions into the cost of service computer model.

Deliverables:

Level of Service and Cost of Service Policy Paper that will include:

- a. A five-year Cash Flow Analysis.
- b. Rate Study and five-year ERU rate.
- c. An interactive Microsoft Excel™ model for the purpose of showing various iterations of the Level of Service / Cost of Service and resulting revised rates.

TASK 4 - RATE STUDY ANALYSIS

The purpose of this task is to develop and project utility revenue requirements including all cost of service drainage functional activities, debt service and capital requirements, and growth and expense estimations. The URS/ERC Team will evaluate revenue levels and project revenue requirements for the five-year period that the rates and funding plan will be in effect (2012 through 2016).

- 4.a Project Utility Expenses.** Based upon at least three years of historical financial information, currently applicable budgets, and reasonable assumptions concerning growth, new costs for the Utility, City reports, and cost escalations, a projection of total utility expenditures for City services funded through utility enterprise fund will be developed. (It is recommended that the City establish a separate storm water enterprise fund solely for the storm water utility program.
- 4.b Project Utility Revenues.** The URS/ERC Team will project revenues and allow for growth in the storm water customer base.

Deliverable:

A Microsoft Excel™ electronic spreadsheet file to be furnished to City staff for ease and use in modifying assumptions used during for the Rate Study. A Rate Study and

the Task 5 below Cash Flow Analysis Policy White Paper documenting all of the results of the rate study and cash flow analysis described below will be developed for this task and task 5 below.

TASK 5 - CASH FLOW ANALYSIS

The URS/ERC Team will develop a five-year cash flow analysis that will be incorporated in a user friendly computer model.

- 5.a Develop Cash Flow Analysis.** Based on the results of the revenue requirements as a result of the rate study analysis, a five-year cash flow analysis will be developed for the five-year period the rates will be in effect, from 2012 to 2016.
- 5.b Develop a Computer Model for the Analysis.** A computer cash flow model will be used in this analysis for the City. A five-year pro forma (computer model), which is the basis for the action plan, will be developed and used to assist in analyzing and implementing the detailed five-year revenue requirements and cost of service program. The "required minimum" will be included in this analysis.

Deliverable:

A Microsoft Excel™ electronic spreadsheet file will be furnished to City staff for ease and use in modifying assumptions used during for the Rate Study. A Rate Study Task 4 above, and the Cash Flow Analysis Policy White Paper (combining both analysis into one document) documenting all of the results.

TASK 6 - THE URS/ERC TEAM WILL PROVIDE SUPPORT TO CITY LEGAL STAFF

The purpose of this task is to provide technical assistance to the City legal staff regarding developing a program ordinance and separate rate ordinance for the Storm Water Utility program. The following specific subtasks will be performed as part of this task.

- 6.a Program Ordinance Development** - The URS/ERC will provide technical assistance to the City legal staff in creating a Storm Water utility ordinance.
- 6.b Program Rate Resolution Development** - The URS/ERC will provide technical assistance to the City legal staff in creating a Storm Water utility rate resolution:

Deliverables:

- The URS/ERC Team will generate a model draft ordinance
- The URS/ERC Team will review a final draft rate resolution

TASK 7 - PREPARE A PUBLIC EDUCATION PROGRAM

The purpose of the Public Involvement/Education Program is to begin developing a process to inform, educate, and generate public support for the overall Storm Water Utility program. The URS/ERC Team will develop a Communication Launch Plan as part of this task. (The more aggressive public education program will be implemented during Phase 3 of the overall project).

7.a Communications Launch Plan - A communications plan will be developed for the overall Storm Water Utility program will be as follows:

- Develop PowerPoint presentations for all meetings, public hearings, City council meetings

Assumptions

- The URS/ERC will develop the PowerPoint presentations for all appropriate meetings

TASK 8 –ORGANIZE A SWAC

The URS/ERC Team will assist the City in forming a Storm Water Advisory Committee (SWAC) to assist in reviewing and/or revising program decisions, policies and procedures developed by the existing SWAC (in Phase 1) in establishing the storm water management program, and in gaining public support. This task includes preparation the SWAC meeting agendas, and attendance reports for up to three (3) meetings during Phase 3. The SWAC will give participants the opportunity to participate during the formation of the Storm water Utility and will assist the City in the following:

- Obtaining support from the general public as well as support from professional, civic and special interest groups within the general public; and
- Building consensus and gauge the level of interest in public participation in storm water program activities within the community in order to set meaningful measurable goals for these aspects of the program.

The SWAC will be comprised of representatives from the City, local residents, businesses, schools, churches, and civic groups to provide input into the development of the City's Storm Water Utility program. The URS/ERC Team will facilitate the meetings, provide education for the committee members, and utilize other materials such as guidance documents to assist in the utility formation. Committee recommendations will be documented and incorporated into the appropriate documents.

8.a Organize a Storm Water Advisory Committee (SWAC) – The URS/ERC Team will assist the City in developing a SWAC that will be charged with

reviewing and providing input on all relevant issues and policies relating to the storm water utility program and implementation plan.

Deliverables:

1. The URS/ERC Team will recommend agencies, departments, businesses and other organizations that should be represented on the Storm water Advisory Committee. The City staff will be responsible for identifying individuals to participate on the SWAC and submitting its recommendations to the Mayor's Office. The SWAC should serve at the direction of City Council or at the pleasure of the Mayor.
2. The URS/ERC Team will review and comment on meeting agendas, which will be prepared and distributed by the City staff agendas for three (3) TAC meetings.

TASK 9 – HOLD TAC MEETINGS DURING PHASE 2

The URS/ERC Team will hold up to 3 TAC meetings during phase 2 to review the policy papers developed during Phase 2.

TASK 10 – CITY COUNCIL PRESENTATION

10.a Prepare City Council Presentation. A formal PowerPoint™ presentation will be made to City Council informing them of the status of the storm water program and regarding the entire project including all tasks, policy papers and deliverables developed as part of Phase 2.

The City's Responsibility:

1. Furnish to the URS/ERC Team all existing records and reports, and other financial and billing information pertinent to the storm water management utility rate analysis at no cost to the URS/ERC Team. It shall be the City's responsibility to provide the URS/ERC Team this information as requested within a reasonable time frame and in an organized manner. The URS/ERC Team shall rely on this information as being complete and accurate.
2. Furnish the URS/ERC Team with office space, telephone, and proper work area when the URS/ERC Team is on-site.
3. Assistance from the Legal Department, Finance/Accounting Department, Planning and the Utility staff, in providing and developing the information, statistics, etc., required for the purpose of the study.
4. The City will make its resources and data available to the URS/ERC Team. These resources include, but are not limited to: staff; studies; documents; policies (written and unwritten); strategies; etc.

5. The City accepts the process/method of “estimating” and/or “forecasting” the revenue and the number of ERU’s if applicable for the rate study and cash flow analysis phase 2 of the overall project

III. PHASE 2 - PROJECT SCHEDULE

The project is assumed to have a 7 month project schedule upon Notice-to-Proceed (NTP) and will be completed at the end of the month of April 2012.

IV. PHASE 2 - PROJECT FEE ESTIMATE

The following is a cost estimate for the above Phase 2 scope of services with the following assumptions:

Assumptions For Phase 2 Fee Estimate:

1. September 2011 NTP
2. 7 month overall project schedule
3. 1 City Council Presentation Included in the Fee for Phase 2
4. No Impervious Area Measurements in Flat Fee Method
5. No Credit Program in Flat Fee Method
6. Eight Conference Calls Included in the Fee For Phase 2

Phase 2 - Project Tasks	ERC Total	URS Total	Total Hours	Task Cost
Task 1 - Develop Storm Water Business Plan	40	16	56	\$8,240
Task 2 – Rate Structure Analysis	24	8	32	\$4,680
Task 3 - Level of Service / Cost of Service Analysis	60	12	72	\$10,280
Task 4 - Rate Study Analysis	12	0	12	\$1,840
Task 5 - Cash Flow Analysis	56	16	72	\$10,120
Task 6 - URS/ERC Team Will Provide Support To City Legal Staff	40	12	52	\$7,800
Task 7 - Prepare Public Education Program	0	16	16	\$2,000
Task 8 - Organize a Storm Water Advisory Committee (SWAC)	0	2	2	\$250
Task 9 - Hold TAC Meetings	0	20	20	\$2,400
Task 10 - City Council Presentation	0	24	24	\$3,000
Phase 2 Total	232	\$126	\$358	\$50,610

V. PHASE 3 - SUMMARY SCOPE OF WORK AND FEE

The following is a cost estimate for the above Phase 2 scope of services with the following assumptions:

Assumptions For Phase 3 Fee Estimate:

1. Hold 3 SWAC Meetings During Phase 3 only
2. 1 City Council Presentation Included in the Fee for Phase 3
3. 1 Public Rate Hearings included in Phase 3 Fee
4. No Impervious Area Measurements in Flat Fee Method
5. No Credit Program in Flat Fee Method
6. Add \$35,000 to Phase 3 for ERU Rate Structure
7. 3 on site trips included in the fee all during Phase 3 only

Phase 3 - Project Tasks	ERC Total	URS Total	Total Hours	Task Cost
Task 11 - Continue Public Involvement/Education Program Activities	64	32	96	\$13,200
Task 12 - Develop Master Account File (Flat Fee)	48	0	48	\$7,040
Task 13 - Develop Customer Appeals Process	8	4	12	\$1,780
Task 14 - Prepare and Hold SWAC Meetings During Phase III	8	32	40	\$5,280
Task 15 - Digitize Properties (Polygon Implementation) (w ERU only)	0	0	0	\$0
Task 16 - Develop Credit Program (w ERU only)	0	0	0	\$0
Task 17 - Develop Billing Policy Papers	20	8	28	\$3,920
Task 18 - Develop Storm Water Program Rules and Regulations	48	48	96	\$13,320
Task 19 - Hold 1 Public Hearings for new Stormwater Rate	24	24	48	\$6,440
Task 20 - City Council Official Final Presentation (1)	8	16	24	\$3,280
Task 21 - Executive Summary Final Report	8	40	48	\$6,280
Task 22 - 3 Travel Expenses (ERC 1 URS 2)	11	20	31	\$4,540
Phase 3 Total	247	224	471	\$65,080

A detailed and potential revised scope of work for Phase 3 will be developed at the conclusion of Phase 2 based on the results and decision made during this Phase 2.



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Education

University of Toledo - BBA/Accounting, 1981

University of Dayton - MBA/Strategic Planning & Management, 1990

Key Qualifications

Mr. Damico is a Financial Consultant for Environmental Rate Consultants, Inc. (ERC). He has over 20 years of experience in water, wastewater and storm water utility rate and cost of service consulting assisting over 40 municipal and regional storm water utility programs and performing over 40 water/sewer and storm water rate studies all across the country. Mr. Damico specializes in writing code in Microsoft Access™ for billing systems and rate models, Microsoft Excel™ based computer rate models, developing storm water management utility programs, water and wastewater cost of service and rate study analysis, strategic planning program development, billing system and database analysis and billing system implementation for all previous clients.

2011 Project Summary listed below:

- 1. Lorain County, OH, Regional Storm Water 6117 District - Year 2011**
- 2. Lucas County, OH, Regional Storm Water 6117 District - Year 2011**
- 3. City of Cold Springs, KY, Expert Witness and Storm Water Related Services – Year 2011**
- 4. City of Columbia, MO, Storm Water Utility Business Plan Revision - Year 2011**
- 5. Louisville/Jefferson County, KY MSD - Financial Analysis - Year 2011**

Municipal Storm Water Utility Projects (County/District projects listed separately below):

City of Cold Springs, KY, Year 2011 - This current project consists of providing information to the City Legal counsel regarding storm water and sanitary sewer consultation against SD1, the regional storm water district that breached the original services contract.

City of Columbia, MO, Storm Water Utility Program Business Plan Revision, Year 2011 - As Project Manager, this current project includes revising and developing a Business Plan for the existing Storm Water Utility Program that has been in place since 1994. This project includes performing a level of service costs of service analysis, a rate study and cash flow analysis, meeting legal staff, and evaluating the conditions of the storm water GIS and existing utility billing system database for future expansion.

City of Baltimore, Maryland, Storm Water Utility Program Development and Implementation, Year 2010 - As Billing System Manager and Programmer for ERC, this project is consisting of all phases of implementing a storm water utility program including developing a Storm Water Utility Business Plan, level of service costs of service, rate study and cash flow analysis, institutional, legal, organizational, engineering, NPDES Phase I permit, public information, GIS development, and billing system database and impervious area development process aspects of a storm water utility implementation project.

City of Lima, Ohio, Storm Water Utility Program Development and Implementation, Year 2010 - This current project consists of all phases of implementing a storm water utility program including developing a Storm Water Utility Business Plan, level of service costs of service, rate study and cash flow analysis, institutional, legal, organizational, engineering, NPDES Phase II permit, public information, GIS development, and billing



system database and impervious area development process aspects of a storm water utility implementation project.

City of Lancaster, Ohio, Fact Witness Litigation Project, Year 2010 - This past project consisted of providing information to the City Legal counsel regarding the establishment of the storm water utility program in 2004. A non-residential property owner sued the City and lost arguing their property does not drain into the City's storm water system. The case went to trial and the program ordinance and language was upheld and deemed appropriate language to defend the storm water utility program.

City of Chattanooga, Tennessee, Revising the Storm Water Rate Structure - Year 2010 - As Billing System and Database Manager, this past project consisted of revising the current intensity of development rate structure to the more fair and equitable and more legally defensible impervious area rate structure method.

City of Chattanooga, Tennessee, Perform and Develop the Storm Rate Study and Business Plan - Year 2010 - As Billing System and Database Manager, this past project consisted of revising the current rates and charges, revising the current BMP credits program based on the more fair and equitable and more legally defensible impervious area rate structure method.

City of Lancaster, Ohio, Revised and Updated the Storm Water Business Plan and Rate Study, Year 2008 - As Billing System and Database Manager, this past project consisted of updating and revising the storm water rates and developing a business plan originally created by ERC in 2004.

City of Titusville, Florida, Revising an Existing Storm Water Utility Program, Years 2007 - 2008 - As Computer Model & Financial Manager, this past project consisted of developing a storm water utility business plan program including evaluating their current intensity of development rate structure, facilitating and consensus-building for financial, institutional, legal, organizational, engineering, policies and procedures manual revision and development, and public involvement aspects. The storm water program analysis includes: developing a "Storm Water Business Plan" through a strategic planning process to identify all issues to be resolved and identify a program mission and goals; rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for the revised storm water utility service charge rates.

City of Greenville, Ohio, Storm Water Utility Program Development and Implementation, Years 2007 - 2008 - As Computer Model & Financial Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Chattanooga, Tennessee, Revision of the Rate Structure Analysis, Year 2010 - As Rate Structure Manager, this past project consisted of modifying the current intensity of development rate structure to a revised, legally defensible impervious area rate structure method.



City of Chattanooga, Tennessee, Funding Options Analysis, Year 2007 - As Computer Model & Financial Manager, this past project consisted of developing revenue requirements and evaluating all potential and viable funding sources for the storm water water quality program. The analysis identified four specific six year scenarios to choose from, and the Technical Advisory Committee selected scenario 2 which includes four rate increases over a four year period, as the committee recommendation that was carried forward to the elected officials for implementation over the next 6 years.

City of Chattanooga, Tennessee, Level of Service and Cost of Service Analysis, Years 2006 - 2007 - As Computer Model & Financial Manager, this past project consisted of developing a Level of Service Cost of Service business plan in the amount of \$21M for both water quality and water quantity activities, achieving consensus with the SWAC regarding the business plan, meeting with the Storm water Board to achieve consensus, and then meeting individually and face to face with each City Council member to present the results of the \$21M business plan and gain their acceptance of the plan which lead to the funding options analysis project.

City of Chattanooga, Tennessee, Performing a Storm Water Utility Program Audit, Years 2002 – 2003 - As Computer Model & Financial Manager, this past project consisted of performing an audit of all of the financial aspects of the storm water utility program including financial, accounting, legal, billing and collection and all aspects of the NPDES Phase I permit activities. ERC then created an interactive user-friendly computer model for the City staff to comply with TDEC requests as related to the consent order.

Village of Woodridge, Illinois, Storm water Utility Program Needs Analysis, Years 2005 – 2006 - As Billing System Manager, this past project consisted of performing a Storm water Program Needs Analysis including developing a Storm water Utility Business Plan and a Microsoft Excel™ based cost of service rate model.

City of Newark, Ohio, Storm Water Utility Program Development and Implementation, Years 2005 – 2006 - As Billing System Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis included facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Suffolk, Virginia, Storm Water Utility Program Development and Implementation, Years 2004 – 2006 - This past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis included the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Davenport, Iowa, Storm Water Utility Program Development and Implementation, Years 2004 – 2005 - As Billing System Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational,



engineering and public information aspects. The storm water program analysis included the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Lancaster, Ohio Storm Water Utility Program Development and Implementation, Years 2002 – 2004 - As Billing System Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Milford, Ohio Storm Water Utility Development and Implementation, Years 2003 - 2004 - As Billing System Project Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan and all facets of creating a storm water utility program.

City of Toledo, Ohio, Storm Water Utility Development and Implementation, Year 2000 - As Financial Task Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, facilitating, consensus-building through a stakeholder group, financial, institutional, legal, organizational, engineering, policies and procedures and public information aspects. The storm water program analysis included: a strategic planning process to identify all issues to be resolved and to develop goals and objectives; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system. Also responsible for coordinating with the billing system upgrade CIS billing system and incorporating the Lucas County Auditor's GIS into the City CIS database for billing purposes.

City of Columbus, Ohio, Storm Water Management Utility Development, Year 1995 - As Financial Task Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional and engineering aspects. The storm water program analysis included a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system. Also responsible for coordinating with the billing system upgrade to the SCT Banner System administered by the Division of Water, a separate billing agent for the storm water program.

City of Fort Wayne, Indiana, Storm Water Management Utility Development, Year 1995 - As Financial Task Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional and engineering aspects. The storm water program analysis included a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water



utility service charge rates and a storm water management utility billing system. Also responsible for coordinating with the billing system. Also responsible for coordinating with the billing system upgrade to the CUBIS administered by the Division of Water.

County (District) Storm Water Utility Projects:

Lucas County, Ohio Regional Storm Water 6117 District, Years 2008 - 2011 - As Computer Model & Financial Manager, this current project consists of creating a regional multi-jurisdictional storm water utility program that includes developing a Storm water Utility Business Plan and developing a financial strategy and plan, facilitating a key stakeholder and steering committee, creating a set of regional standards, developing regional master planning guidelines, assisting the County in submitting a single NPDES Phase II permit and many public workshops, and public involvement aspects for the newly created Ohio Revised Code (ORC) 6117 Storm water District.

Louisville/Jefferson County, KY MSD, Year 2011 - As Project Manager, this current project consists of analyzing assisting in writing a simple financial opinion to evaluate the financial feasibility of utilizing the Kentucky Clean Water State Revolving Fund (SRF) program to finance the costs for some or all of the capital improvements projects (CIP) considered by the MSD.

Lorain County, Ohio Regional Storm Water 6117 District, Years 2011 - This past project consisted of creating a County-wide storm water utility District program that includes developing a Storm water Utility Business Plan and developing a financial strategy and plan, assisting the County in reviewing the NPDES Phase II permit plan, and public involvement aspects for the newly created Ohio Revised Code (ORC) 6117 Storm water District.

Oldham County, Kentucky, Storm Water Utility Program Implementation, Years 2008 – 2009 - This past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

Delaware County, Pennsylvania Watershed Project, Year 2008 - As Computer Model & Financial Manager, this past project consisted of a regional multi-jurisdictional program that includes developing a Storm water Utility Business Plan and facilitating a key stakeholder and steering committee, creating a set of regional standards, developing a single NPDES Phase II permit for the multi-jurisdictional organization and many public workshops, and public involvement aspects the Watershed group.

Gwinnett County, Georgia, Storm Water Utility Program Development and Implementation, Years 2003 - 2006 - This past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative



study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

Lucas County, Ohio, Year, Storm Water Utility Program Needs Analysis, Years 2006 – 2007 - As Computer Model & Financial Manager, this past project consisted of performing a Storm water Program Needs Analysis including developing a Storm water Utility Business Plan and performing a Telephone Survey to identify the public perception on all aspects of storm water management problems throughout the County.

Clermont County, Ohio Regional Storm Water 6117 District, Years 2005 – 2007 - As Billing System Manager, this past project consisted of performing a regional multi-jurisdictional storm water utility feasibility study. The project consisted of developing a Storm water Utility Business Plan, performing a Rate Structure Analysis and Rate Study Analysis and action plan.

Butler County, Ohio Regional Storm Water 6117 District, Year 2002 - As Computer Model & Financial Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, developing a financial strategy and plan, facilitating a key stakeholder and steering committee, creating a set of regional standards, developing regional master planning guidelines, assisting the County in submitting a single NPDES Phase II permit and many public workshops, and public involvement aspects for the newly created Ohio Revised Code (ORC) 6117 Storm water District.

Butler County, Ohio Storm Sewer Billing System Implementation, Years 2003 - 2004 - As Project Manager, this past project consisted of creating a regional storm water billing system for all communities and county properties that fall within the newly created Storm water District. A public relations program and credits program were also included.

Hamilton County, Ohio Regional Storm water 6117 District, Year 2002 - As Assistant Financial Task Manager, this past project consisted of creating a regional multi-jurisdictional storm water utility program that included developing a financial strategy and plan, facilitating and achieving consensus through a key stakeholder steering committee, creating a set of regional standards, developing policies and procedures for this newly created 6117 organization, developing regional master planning guidelines, assisting the region in submitting a single NPDES Phase II permit and many public workshops, and public involvement aspects of the regional project. This was the first District program in the State Of Ohio implemented to manage storm water on a watershed basis.

Hamilton County, Ohio Regional Storm Water 6117 District, Year 2004 - As Billing System Task Manager, this past project consisted of Verification of Existing Data Base Information for the potential of a storm water billing system for the Hamilton County Storm water District.

Lucas and Wood Counties, Ohio - Toledo Metropolitan Area Council of Governments (TMACOG), Year 2002 - As Financial Task Manager, this past project consisted of creating a regional multi-jurisdictional storm water utility program that included developing a financial strategy and plan, creating a set of regional standards, developing regional master planning guidelines, assisting the region in submitting a single NPDES Phase II permit and many public workshops, telephone opinion survey and public involvement aspects of the regional project. The regional plan included creating a legal framework and district under Ohio Revised Code 6119.



Water & Sewer Rate Study Projects:

DuPage County, Illinois, Water and Sewer Utility Rate Study, Year 2009 - DuPage County provides water and sewer services to over 20 municipalities/communities in the area with over 40 different customer service and billing services. This past project consisted of developing at least 3 rate structure alternatives for each utility which was directly driven by the threat of a law suit by the Village of Woodridge. Woodridge claimed fairness and inequity issues with the current rate structure. Several meetings with DuPage Staff and Woodridge legal counsel and staff negotiated a complete revision of the current water and sewer rate structure agreeable to both parties and the newly created rate structure was adopted by the DuPage County Board that alleviated the litigation matter. In addition, total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates were analyzed. All miscellaneous charges, sewer maintenance charges, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ and Access™ was developed to allow non-technical city staff to update on an annual basis and turned over to County staff that will allow for future rate revisions for both the water and sewer funds.

Holmes County, Ohio District, Sewer Utility Rate Study and Financial Forecast, Year 2009 - This project consisted of consolidating 6 different rate structures, for a County under a Federal EPA consent order, determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc are begin evaluated. A flexible rate model developed in Microsoft Excel™ was being developed to allow non-technical city staff to update on an annual basis.

Holmes County, Ohio Sewer District, Stand Alone Billing System Program, Year 2009 & 2010 - As the programmer, this project consisted of developing a complete billing and collection system for the Sewer District Microsoft Access 2007. This is an open system that will replace the current closed vendor program that allows County staff the flexibility to modify the program on an as needed basis in the future. The program is very flexible and allows for expansion in future and provides many useful reports and information that was not provided by the replaced billing system program.

Lucas County, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Years 2006 – 2007 - This project consisted of determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was being developed to allow non-technical city staff to update on an annual basis.

City of Gahanna, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Years 2005 – 2007 - This past project consisted of determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was being developed to allow non-technical city staff to update on an annual basis.

City of Fairborn, Ohio, Updating the Water and Sewer Utility Rate Study and Financial Forecast, Year 2008 - This project consisted of updating the original rate study performed in 2004. The updating included determining total annual revenue requirements, capital revenue requirements, and **cost of service** recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was developed to allow non-technical city staff to update on an annual basis.



City of Greenville, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Year 2005 - This past project included determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was developed to allow non-technical city staff to update on an annual basis.

City of Lancaster, Ohio, Wastewater Utility Rate Study, Year 2004 - As Project Manager, this project consisted of all phases of developing wastewater rates, evaluating the current rate structure, implementing a revised cost of service analysis, revising the level of service analysis, billing system issues and reviewing all fees and charges. The primary purpose of this rate study is to determine the revenue requirements for a large Debenture (Bond) package being offered by the City to meet large capital improvements project requirements.

City of Toledo, Ohio, Wastewater (Combined Sewer Overflow Long Term Control Plan) Utility Rate Study and Financial Forecast, Years 2002 – 2004 - This project was part of a \$400 Million Federal Consent Order over the next 15 years. The financial analysis and forecast included determining total annual revenue requirements, capital revenue requirements, evaluating the overall debt structure and **cost of service** recovery analysis to provide adequate, fair, and equitable rates of the wastewater and storm water rates and rate structure. All miscellaneous charges, tap fees, connection fees, combined sewer overflow grants and loans were evaluated. A flexible computer rate model developed in Microsoft Access™ and Microsoft Excel™ was developed to allow both the consultant team and City non-technical city staff to maintain and update on an annual basis.

City of Fairborn, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Year 2002 - This project consisted of determining total annual revenue requirements, capital revenue requirements, and **cost of service** recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was developed to allow non-technical city staff to update on an annual basis.

Cost Allocation Review and Study, for 40 Ohio Counties, Years 1989 - 1990 - Study objectives included allocating costs based on the Circular A-87 federal guidelines for Cost Allocation Plans. Administrative costs and charges were identified such as the County Managers Office, Accounting Department, Data Processing, Human Resources and Legal, and were allocated back to direct receiving departments such as the utilities enterprise fund, police and fire, and special revenue funds for property allocation.

Publications

1. Damico, Al C., **Editor** - **Who's Going to Pick Up the Tab? A Storm Water Funding Options Training Seminar** – The Training Seminar Was Offered at the “2004 APWA International Public Works Congress and Exposition” Pre-Congress Workshop in Atlanta, Georgia in 2004.
2. Damico, Al C., **Editor** - **APWA Reporter September 2004 Published Article** – Who's Going to Pick Up the Tab? – The Article Discussed the Topics to be Covered at the “2004 APWA International Public Works Congress and Exposition” Pre-Congress Workshop.
3. Damico, Al C., **Editor** - **“A Comprehensive and Affordable Public Involvement Program for an NPDES Phase II Community.** StormCon Palm Desert, California July 28, 2004.
4. Damico, Al C., **Editor** - **“Storm Water Changes In Technology”. A Presentation Discussing the 3 Major Rate Structures Used In Developing A Storm water Program.** StormCon Palm Desert, California July 28, 2004.



5. Damico, Al C., **Editor** - **“Click Listen and Learn” APWA Internet Presentation – Case Studies in Storm water NPDES Phase II Communities**, this CD and documentation can be purchased as the APWA website for \$45.00.
6. Damico, Al C., **Editor** - **Give Credit Where Credit is Due**. Paper was presented at the 2003 Stormcon North American Surface Water Quality Conference and Exposition July 29, 2003 for Storm water Magazine.
7. Damico, Al C., **Editor** - **Financing Storm water Facilities, A Utility Approach**, this document can be purchased as the APWA website for \$15.00. This publication was completed in August 2003.
8. Damico, Al C., **Editor** - **Four Required Ingredients That Will Guarantee a Successful Storm Water Utility Program Implementation**. Paper was presented at the 2003 StormCon North American Surface Water Quality Conference and Exposition 2003 Conference July 29, 2003.
9. Damico, Al C., **Editor** - **Regional Approach in Hamilton County, Ohio to Phase II Permitting Encourages Cooperation and Reduces Cost, for the Center for Watershed Protection**: Paper was presented in Chicago on **February 19th 2003** at the Urban Storm water: Enhancing Programs at the Local level Conference.



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Education

University of Cincinnati - BBA/1981/Bachelor of Business Administration, Finance & Marketing
Xavier University - MBA/1983/ Masters of Business Administration, MIS and Taxation

Key Qualifications

Mr. Damico is the President of Environmental Rate Consultants, Inc. (ERC), with over 27 years of water resource, financial and rate setting and public relations experience assisting over 50 municipal and regional storm water utility programs and performing over 80 water/sewer and storm water rate studies all across the country. Additionally, he has experience in facilitating and consensus building for large and small groups, implementing water resource public involvement campaigns, financing options analysis, strategic planning development, rate structure design and analysis, cost of service analysis, cash flow analysis, organizational analysis, storm water utility billing system design and implementation, and GIS program cost/benefit analysis and implementations.

2011 Project Summary listed below:

- 1. Lorain County, OH, Regional Storm Water 6117 District - Year 2011**
- 2. Lucas County, OH, Regional Storm Water 6117 District - Year 2011**
- 3. City of Cold Springs, KY, Expert Witness and Storm Water Related Services – Year 2011**
- 4. City of Columbia, MO, Storm Water Utility Business Plan Revision - Year 2011**
- 5. Louisville/Jefferson County, KY MSD - Financial Analysis - Year 2011**

Municipal Storm Water Utility Projects (County/District projects listed separately below):

City of Cold Springs, KY, Year 2011 - This current project consists of providing information to the City Legal counsel regarding storm water and sanitary sewer consultation against SD1, the regional storm water district that breached the original services contract.

City of Columbia, MO, Storm Water Utility Program Business Plan Revision, Year 2011 - As Project Manager, this current project includes revising and developing a Business Plan for the existing Storm Water Utility Program that has been in place since 1994. This project includes performing a level of service costs of service analysis, a rate study and cash flow analysis, meeting legal staff, and evaluating the conditions of the storm water GIS and existing utility billing system database for future expansion.

City of Baltimore, Maryland, Storm Water Utility Program Development and Implementation, Year 2010 - As Project Manager for ERC, this project is consisting of all phases of implementing a storm water utility program including developing a Storm Water Utility Business Plan, level of service costs of service, rate study and cash flow analysis, institutional, legal, organizational, engineering, NPDES Phase I permit, public information, GIS development and billing system database merging and analysis.

City of Lima, Ohio, Storm Water Utility Program Development and Implementation, Year 2010 - This current project consists of all phases of implementing a storm water utility program including developing a Storm Water Utility Business Plan, level of service costs of service, rate study and cash flow analysis, institutional, legal, organizational, engineering, NPDES Phase II permit, public information, GIS development,



and billing system database and impervious area development process aspects of a storm water utility implementation project.

City of Lancaster, Ohio, Fact Witness Litigation Project, Year 2010 - This past project consisted of providing information to the City Legal counsel regarding the establishment of the storm water utility program in 2004. A non-residential property owner sued the City and lost arguing their property does not drain into the City's storm water system. The case went to trial and the program ordinance and language was upheld and deemed appropriate language to defend the storm water utility program.

City of Chattanooga, Tennessee, Perform and Develop the Storm Rate Study and Business Plan - Year 2010 - As Project Manager, this past project consisted of revising the current rates and charges, revising the current BMP credits program based on the more fair and equitable and more legally defensible impervious area rate structure method.

City of Chattanooga, Tennessee, Revising the Storm Water Rate Structure - Year 2009 - As Project Manager, this past project consisted of revising the current intensity of development rate structure to the more fair and equitable and more legally defensible impervious area rate structure method.

City of Lancaster, Ohio, Revised and Updated the Storm Water Business Plan and Rate Study, Year 2008 - As Billing System and Database Manager, this past project consisted of updating and revising the storm water rates and developing a business plan originally created by ERC in 2004.

City of Titusville, Florida, Revising an Existing Storm Water Utility Program, Years 2007 - 2008 - As Project Manager, this past project consisted of developing a storm water utility business plan program including **evaluating their current intensity of development rate structure**, facilitating and consensus-building for financial, institutional, legal, organizational, engineering, policies and procedures manual revision and development, and public involvement aspects. The storm water program analysis includes: developing a "Storm Water Business Plan" through a strategic planning process to identify all issues to be resolved and identify a program mission and goals; rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for the revised storm water utility service charge rates.

City of Greenville, Ohio, Storm Water Utility Program Development and Implementation, Years 2007 – 2008 - As Project Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, **evaluating the intensity of development versus impervious area rate structures**, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Chattanooga, Tennessee, Revision of the Rate Structure Analysis, Year 2009 - As Rate Structure Manager, this past project consisted of modifying the current intensity of development rate structure to a revised, legally defensible impervious area rate structure method.



City of Chattanooga, Tennessee, Funding Options Analysis, Year 2007 - As Project Manager, this past project consisted of developing revenue requirements and evaluating all potential and viable funding sources for the storm water / water quality program. The analysis identified four specific six year scenarios to choose from, and the Technical Advisory Committee selected scenario 2 which includes four rate increases over a four year period, as the committee recommendation that was carried forward to the elected officials for implementation over the next 6 years.

City of Chattanooga, Tennessee, Level of Service and Cost of Service Analysis, Years 2006 - 2007 - As Project Manager, this past project consisted of developing a Level of Service Cost of Service Business Plan in the amount of \$21M for both water quality and water quantity activities, achieving consensus with the SWAC regarding the business plan, meeting with the Storm water Board to achieve consensus, and then meeting individually and face to face with each city council member to present the results of the \$21M business plan and each City Council member to gain their acceptance into the plan that lead to the funding options analysis project.

City of Chattanooga, Tennessee, Performing a Storm Water Utility Program Audit, Years 2002 - 2003 - As Financial Task Manager, this past project consisted of performing an audit of all of the financial aspects of the storm water utility program including financial, accounting, legal, billing and collection and all aspects of the NPDES Phase I permit activities. ERC then created an interactive user-friendly computer model for the City staff to comply with TDEC requests as related to the consent order.

Village of Woodridge, Illinois, Storm water Utility Program Needs Analysis, Years 2005 – 2006 - As Project Manager, this past project consisted of performing a Storm water Program Needs Analysis including developing a Storm water Utility Business Plan.

City of Newark, Ohio, Storm Water Utility Program Development and Implementation, Years 2005 – 2006 - As Project Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Suffolk, Virginia, Storm Water Utility Program Development and Implementation, Years 2004 – 2006 - This past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Davenport, Iowa, Storm Water Utility Program Development and Implementation, Years 2004 – 2005 - As Project Manager, this past project consisted of all phases of implementing a storm water utility



program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision-making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Lancaster, Ohio Storm Water Utility Program Development and Implementation, Years 2002 – 2004 - As Project Manager, this past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan, financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

City of Milford, Ohio Storm Water Utility Development, Years 2003 - 2004 - As Project Manager, this past project consisted of all facets of creating a storm water utility program including developing a Storm water Utility Business Plan and a storm water credits program.

City of Toledo, Ohio, Storm Water Utility Implementation, Year 2000 - As Prime Consultant and Project Manager, this past project consisted of all phases of implementing a storm water management utility program including developing a Storm water Utility Business Plan, facilitating, consensus building through a stakeholder group, financial, institutional, legal, organizational, engineering, policies and procedures and public information aspects. The storm water program analysis includes: a strategic planning process to identify all issues to be resolved and identify goals and objectives; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system. Also responsible for coordinating with the billing system upgrade CIS billing system and incorporating the Lucas County Auditors GIS into the City CIS database for billing purposes.

City of Hudson, Ohio, Storm Water Utility Program, Expert Witness, Year 2002 - As a Financial Expert Witness in this past project, the City of Hudson, the Plaintiff in the lawsuit, was suing a national storm water utility engineering firm for NEGLIGENT acts with regard to developing and implementing the City of Hudson's storm water utility program. ERC provided a "Report of Findings" that found many discrepancies in the financial approach, billing system, and creating the ERU (equivalent residential unit) and building block used to create the storm water utility program. This case was settled without a trial.

City of Columbus, Ohio, Storm Water Management Utility Development, Year 1995 - As Project Manager, this past project consisted of all phases of implementing a storm water management utility program including developing a Storm water Utility Business Plan, financial, institutional and engineering aspects. The storm water program analysis included a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system. Also responsible for coordinating with the billing system upgrade to the SCT Banner System administered by the Division of Water, a separate billing agent for the storm water program.



City of Fort Wayne, Indiana, Storm Water Management Utility Development, Year 1995 - As Project Manager, this past project consisted of all phases of implementing a storm water management utility program including developing a Storm water Utility Business Plan financial, institutional and engineering aspects. The storm water program analysis included a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system. Also responsible for coordinating with the billing system upgrade to the CUBIS administered by the Division of Water.

City of Norman, Oklahoma, Storm Water Management Utility Development, Year 1997 - As Financial Manager, the past project included performing a comprehensive Cost of Service Analysis, a Revenue Study, a Rate Study and a Financing Alternative Analysis. The analysis was performed to identify and determine any deficiency in the current procedure of providing storm water service to the customers.

City of Tulsa, Oklahoma, Storm Water Management Program, Year 1996 - Billing System Manager for this past project, which included development of the billing system, and master account file for the City of Tulsa, Department of Storm water Management. The service area included over 250,000 customer accounts. Also responsible for coordinating with the water and sewer customer service and billing department, the billing agent for the storm water utility.

City of Tulsa, Oklahoma, Storm Water Management Program, Year 1996 - This project was a separate contract to the Storm water Utility Department. Serving as Project Manager, the study objectives included managing all telephone customer service and complaints immediately following the bills being sent for the storm water utility.

City of Bloomington, Indiana, Storm Water Management Utility Development, Year 1990 - As Financial Manager, this past project consisted of development of all financial, institutional and engineering aspects of a storm water management utility. Phases of the project included a financing alternative study; rate base and rate structure analysis; cost of service analysis; designing, testing and implementing new storm water utility service charge rates; and a storm water management utility billing system.

City of Beavercreek, Ohio, Storm Water Needs Analysis, Year 1990 - Financial Manager for a storm water utility feasibility analysis. Analysis included Mayor and Council education, complaint and problem area evaluation, institutional review, cost of service analyses and rate study, revenue analyses and financial alternative analysis.

South Carolina Land Resources Conservation Commission, Storm water Utility Implementation Manual, March 1993 - Program Manager for the development of the Implementation Manual that is "How to" document on the startup and implementation of a storm water utility. The state of South Carolina has developed legislation for the implementation of a Storm water Utility through the Storm water Management and Sediment Reduction Act of 1991. This manual is being used throughout the state of South Carolina by communities to develop and implement storm water programs.

City of Greenwood, Indiana, Storm Water Management Utility Development, Year 1990 - As Financial Manager, this past project consisted of development of all financial, institutional and engineering aspects of a storm water management utility. Phases of the project included a financing alternative study; rate base and



rate structure analysis, gross revenue requirement analysis; cost of service analysis; designing, testing and implementing new storm water utility service charge rates; and a storm water management utility billing system.

City of Delaware, Ohio, Storm Sewer Utility Implementation, Year 1988 - This past project consisted of development of all financial and institutional aspects including: financing alternative study; rate base and rate structure analysis; gross revenue requirement analysis; **cost of service**; allocation to customer class analysis; and designing, testing, and implementing new storm water utility service charge.

County (District) Storm Water Utility Projects:

Lucas County, Ohio Regional Storm Water 6117 District, Years 2008 – 2011 - As Project Manager, this current project consists of creating a regional multi-jurisdictional storm water utility program that includes developing a Storm water Utility Business Plan and developing a financial strategy and plan, facilitating a key stakeholder and steering committee, creating a set of regional standards, developing regional master planning guidelines, assisting the County in submitting a single NPDES Phase II permit and many public workshops, and public involvement aspects for the newly created Ohio Revised Code (ORC) 6117 Storm water District.

Lorain County, Ohio Regional Storm Water 6117 District, Years 2011 - This past project consisted of creating a County-wide storm water utility District program that includes developing a Storm water Utility Business Plan and developing a financial strategy and plan, assisting the County in reviewing the NPDES Phase II permit plan, and public involvement aspects for the newly created Ohio Revised Code (ORC) 6117 Storm water District.

Louisville/Jefferson County, KY MSD, Year 2011 - As Project Manager, this current project consists of analyzing assisting in writing a simple financial opinion to evaluate the financial feasibility of utilizing the Kentucky Clean Water State Revolving Fund (SRF) program to finance the costs for some or all of the capital improvements projects (CIP) considered by the MSD.

Oldham County, Kentucky, Storm Water Utility Program Implementation, Year 2009 - This past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

Delaware County, Pennsylvania Watershed Project, Year 2008 - As Project Manager, this past project consisted of a regional multi-jurisdictional program that includes developing a Storm water Utility Business Plan and facilitating a key stakeholder and steering committee, creating a set of regional standards, developing a single NPDES Phase II permit for the multi-jurisdictional organization and many public workshops, and public involvement aspects the Watershed group.



Gwinnett County, Georgia, Storm Water Utility Program Development and Implementation, Years 2003 – 2006 - This past project consisted of all phases of implementing a storm water utility program including developing a Storm water Utility Business Plan financial, institutional, legal, organizational, engineering and public information aspects. The storm water program analysis includes the facilitation and consensus building of a key stakeholder Technical Advisory Committee (TAC) through creating a strategic plan and decision making process to identify all issues to be resolved and identify a program mission and goals; a financing alternative study, rate structure analysis, gross revenue requirement analysis, comprehensive cost of service analysis, an organizational review, recommendations for new storm water utility service charge rates and a storm water management utility billing system.

Lucas County, Ohio, Year, Storm Water Utility Program Needs Analysis, Years 2006 – 2007 - As Project Manager, this past project consisted of performing a Storm water Program Needs Analysis including developing a Storm water Utility Business Plan and performing a Telephone Survey to identify the public perception on all aspects of storm water management problems throughout the County.

Clermont County, Ohio Regional Storm Water 6117 District, Years 2005 – 2007 - As Project Manager, this past project consisted of performing a regional multi-jurisdictional storm water utility feasibility study. The project consisted of developing a Storm water Utility Business Plan, performing a Rate Structure Analysis and Rate Study Analysis and action plan.

Butler County, Ohio Regional Storm Water 6117 District, Year 2002 - As Financial Advisor, this past project consisted of creating a regional multi-jurisdictional storm water utility program that included developing a Storm water Utility Business Plan developing a financial strategy and plan, facilitating a key stakeholder and steering committee, creating a set of regional standards, developing regional master planning guidelines, assisting the County in submitting a single NPDES Phase II permit and many public workshops, and public involvement aspects for the newly created Ohio Revised Code (ORC) 6117 Storm water District. This was the first District program in the State Of Ohio implemented to manage storm water on a watershed basis.

Butler County, Ohio Storm Sewer Billing System Implementation, Years 2003 - 2004 - As Project Manager, this project consisted of creating a regional storm water billing system for all communities and county properties located within the newly created District. A public relations program and credits program are also included.

Butler County, Ohio Storm Sewer Billing System Implementation, Year 2004 - As Project Manager, this project consisted of creating a non-residential credits program.

Hamilton County, Ohio Regional Storm Water 6117 District, Year 2002 - As Financial Task Manager, this project consisted of creating a regional multi-jurisdictional storm water utility program that includes developing a financial strategy and plan, facilitating and achieving consensus through a key stakeholder steering committee, creating a set of regional standards, developing policies and procedures for this newly created 6117 organization, developing regional master planning guidelines, assisting the region in submitting a single NPDES Phase II permit and many public workshops, and public involvement aspects of the regional project. This was one of the first District programs in the State Of Ohio implemented to manage storm water on a watershed basis.



Hamilton County, Ohio Regional Storm Water 6117 District Year 2004 - As Project Manager, this project consisted of Verification of Existing Data Base Information for the potential of a storm water billing system for the Hamilton County Storm water District.

Lucas and Wood Counties, Ohio - Toledo Metropolitan Area Council of Governments (TMACOG) Year 2002 - As Prime Consultant and Project Manager, this is a past project that consisted creating a regional multi-jurisdictional storm water utility program that includes developing a financial strategy and plan, creating a set of regional standards, developing regional master planning guidelines, assisting the region in submitting 1 NPDES Phase II permit and many public workshops, telephone opinion survey and public involvement aspects of the regional project. The regional plan includes creating a legal framework and district under Ohio Revised Code 6119.

Jefferson County/City of Louisville Storm water Drainage Master Plan, Jefferson County/City of Louisville, Kentucky, Year 1987 - Served as Billing System Manager for this project, which included development of the master account file for the Metropolitan Sewer District (MSD) utility billing system. The MSD service area includes over 250,000 customer accounts that were modified and updated in the process. During this engagement, interviewed, hired, trained, and supervised 20 temporary project staff technicians; managed work flow and productivity; and verified quality of final product. Also responsible for coordinating with the Louisville Water Company, the billing system agent for MSD.

Collier County, Florida, Storm Water Management Utility Program and Rate Study Year 1990 - As Project Manager, the project included updating a cost of service analysis, a rate study and rate structure design by determining total annual revenue and capital revenue requirements. An analysis was performed to identify and determine any deficiencies in the current practices of providing storm water service to the customers of Collier County.

Polk County, Florida, Storm Water Management Utility Program and Rate Study Year 1989 - Study objectives included determining total annual revenue and capital revenue requirements. Allocations of cost components were made to basic storm water functions and to the various customer classes to result in a fair and equitable rate structure for recovering cost of service. An institutional and management review study was also performed.

Water & Sewer Rate Study Projects:

DuPage County, Illinois, Water and Sewer Utility Rate Study, Year 2009 - DuPage County provides water and sewer services to over 20 municipalities/communities in the area with over 40 different customer service and billing services. This past project consisted of developing at least 3 rate structure alternatives for each utility which was directly driven by the threat of a law suit by the Village of Woodridge. Woodridge claimed fairness and inequity issues with the current rate structure. Several meetings with DuPage Staff and Woodridge legal counsel and staff negotiated a complete revision of the current water and sewer rate structure agreeable to both parties and the newly created rate structure was adopted by the DuPage County Board that alleviated the litigation matter. In addition, total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates were analyzed. All miscellaneous charges, sewer maintenance charges, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ and Access™ was developed to allow non-technical city staff to update on an annual basis and turned over to County staff that will allow for future rate revisions for both the water and sewer funds.



Holmes County, Ohio Sewer District, Stand Alone Billing System Programming, Year 2009 - This project consisted of developing a complete billing and collection system for the Sewer District Microsoft Access 2003. This is an open system that will replace the current closed vendor program that allows County staff the flexibility to modify the program on an as needed basis in the future. The program is very flexible allows for expansion in future and provides many useful reports and information that was not provided by the replaced billing system program.

Holmes County, Ohio District, Sewer Utility Rate Study and Financial Forecast, Year 2009 - This project consisted of consolidating 6 different rate structures, for a County under a Federal EPA consent order, determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc are being evaluated. A flexible rate model developed in Microsoft Excel™ was being developed to allow non-technical city staff to update on an annual basis.

City of Fairborn, Ohio, Updating the Water and Sewer Utility Rate Study and Financial Forecast, Year 2008 - This project consisted of updating the original rate study performed in 2004. The updating included determining total annual revenue requirements, capital revenue requirements, and **cost of service** recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was developed to allow non-technical city staff to update on an annual basis.

Lucas County, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Years 2006 – 2007 - This project consisted of determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was being developed to allow non-technical city staff to update on an annual basis.

City of Gahanna, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Years 2005 – 2007 - This past project consisted of determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was being developed to allow non-technical city staff to update on an annual basis.

City of Greenville, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Year 2005 - This past project included determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was developed to allow non-technical city staff to update on an annual basis.

City of Lancaster, Ohio, Wastewater Utility Rate Study, Year 2004 - As Project Manager, this project consisted of all phases of developing wastewater rates, evaluating the current rate structure, implementing a revised cost of service analysis, revising the level of service analysis, billing system issues and reviewing all fees and charges. The primary purpose of this rate study is to determine the revenue requirements for a large Debenture (Bond) package being offered by the City to meet large capital improvements project requirements.

City of Toledo, Ohio, Wastewater (Combined Sewer Overflow Long Term Control Plan) Utility Rate Study and Financial Forecast, Years 2002 – 2004 - This project was part of a \$400 Million Federal Consent Order over the next 15 years. The financial analysis and forecast included determining total annual revenue



requirements, capital revenue requirements, evaluating the overall debt structure and **cost of service** recovery analysis to provide adequate, fair, and equitable rates of the wastewater and storm water rates and rate structure. All miscellaneous charges, tap fees, connection fees, combined sewer overflow grants and loans were evaluated. A flexible computer rate model developed in Microsoft Access™ and Microsoft Excel™ was developed to allow both the consultant team and City non-technical city staff to maintain and update on an annual basis.

City of Fairborn, Ohio, Water and Sewer Utility Rate Study and Financial Forecast, Year 2002 - This project consisted of determining total annual revenue requirements, capital revenue requirements, and **cost of service** recovery analysis to provide adequate, fair, and equitable rates. All miscellaneous charges, tap fees, connection fees etc were evaluated. A flexible rate model developed in Microsoft Excel™ was developed to allow non-technical city staff to update on an annual basis.

Hopkinsville, Kentucky, Water and Waste Water Rate Study, Year 2000 - This project included ERC assisting the Hopkinsville Water Environment Authority (HWEA) through a local engineering firm, requiring the development of a cost of service analysis for both the water and sewer rate structures to result in a more fair and equitable series of rates for inside the city and out-side the city customers and several large communities/users in the service area. The overall study included a total annual revenue requirement analysis, cost of service analysis, rate structure modification, and billing and administrative recommendations for improvement.

City of Dayton, Ohio, Waste Water Rate Study, Year 1997 - This project's scope required development of a cost of service analysis for the wastewater treatment system to result in fair and equitable rates for city customers and those of four adjacent communities, including Montgomery County, Ohio. The overall study included a total annual revenue requirement analysis, allocation of cost of service to functional cost components, distribution of costs to each cost component, and design and testing of a new rate structure. In addition, a sewer rate sur-charge of fees was established according to the Ohio EPA accepted guidelines.

City of Euclid, Ohio, Waste Water Rate Study, Years 1989 - 1992 - This project's scope required development of a cost of service analysis for the wastewater treatment and collection system to result in fair and equitable rates for city customers and those of six adjacent communities that the city provides sewer service to including two master meter agreements. The overall study included a total annual revenue requirement analysis, allocation of cost of service to functional cost components, distribution of costs to each cost component, and design and testing of a new rate structure. In addition, an impact fee schedule was developed for each of the four communities receiving sewer service from the city. This project included working with Ohio EPA to resolve the Consent Decree Order that was levied on the City to Comply with the Wastewater regulations.

City of Boynton, Florida, Water and Wastewater Utility Rate Study, Capital Improvements Charge, Impact Fee Program, and Rate Study, Year 1989 - Study objectives included determining total annual revenue requirements, capital revenue requirements, allocation of cost components to basic functional water and wastewater cost components, and distribution of each cost component to various customer classes to result in a fair and equitable rate structure for recovering cost of service. A management review study was performed to identify any deficiencies in the current practices of providing water and wastewater.

City of Roanoke, Virginia, Water and Wastewater Utility Rate Study, Year 1989 - Study objectives included determining total annual revenue requirements, capital revenue requirements, and **cost of service** recovery analysis to provide adequate, fair, and equitable rates. Additional scope of services performed included evaluating and updating eleven utility service user fees.



City of Odessa, Texas, Water and Wastewater Surcharge Utility Rate Study, Year 1989 - Study objectives included determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair, and equitable rates. Additional scope of services performed included developing a departmental **cost allocation plan**.

Victor Valley Water District - Victorsville, California, Water and Wastewater Utility Rate Study, 1988 - Study objectives included determining total annual revenue requirements, capital revenue requirements, and cost of service recovery analysis to provide adequate, fair and equitable rates.

Township of Royal Oak, Michigan, Water and Sewer Rate Study, Year 1987 - This project consisted of data collection and field observation involving a statistical sample of customer billing information to identify water consumption and sewer flow patterns; development of and programming a computer model for rate analysis.

Villages of Rushville and West Rushville, Ohio, Water and Sewer Utility Rate Study, Year 1987 - The scope of service included a cost of service and total annual revenue requirement analysis with allocation and distribution to existing customer class and outside-the-service-area customers. A life cycle cost analysis was performed for new water storage and system expansion.

Village of Peebles - Peebles, Ohio, Sanitary Sewer Utility Rate Study, Year 1987 - Technical analysis was performed on a study involving determination of total annual revenue requirements, three different cost of service alternatives, and a rate structure design and analysis. Impacts upon the capital improvements program were analyzed and incorporated into the study.

City of Springfield, Ohio, Cost Allocation Review and Study, Years 1989 - 1990 - Study Objectives included allocating costs based on the Circular A-87 federal guidelines for Cost Allocation Plans. Administrative costs and charges were identified such as the City Manager's Office, Accounting Department, Data Processing, Human Resources and Legal, and were allocated back to direct receiving departments such as the utilities enterprise fund, police and fire, and special revenue funds for property allocation.

Cost Allocation Review and Study, Hamilton County, Lucas County, Montgomery County, and Franklin County, Ohio, Year 1990 - Study Objectives included allocating costs based on the Circular A-87 federal guidelines for Cost Allocation Plans.

Geographic Information System (GIS) Projects:

GIS Cost/Benefit Analysis, Hamilton County, Tennessee, Year 1997 - Study Objectives include allocating costs and benefits based on the GIS accepted standards.

FEMA Community Rating System (CRS) Program Projects:

CRS Program Annual Certification and Application, Metropolitan Sewer District, Louisville, Jefferson County, Kentucky, Year 1998 - Project Manager for annual application (re-certification).

Publications and Training Seminars

1. Damico, John F., and Denise Crews, City of Lancaster, Ohio, **“The City of Lancaster Ohio Storm Water utility withstands a legal challenge and trial”**. A Presentation discussing how to prepare



- from day 1 for a legal challenge and how the storm water program ordinance is key to a successful storm water utility program. The 2011 Ohio Storm Water Association Conference held in Columbus, Ohio May 13, 2011.
2. Damico, John F., **“A Storm Water Utility - The Five Year Payoff”**. A Presentation Discussing Developing a Business Plan for an existing storm water utility program for the City of Lancaster, Ohio. APWA 2009 International Public Works Congress & Exposition Conference Columbus, Ohio September 13, 2009.
 3. Damico, John F., **“Impervious Area versus Intensity of Development Rate Structure”**. A Presentation Discussing the 2 Major Rate Structures Used In Developing A Storm water Program. StormCon Orlando, Florida July 19, 2005.
 4. Damico, John F., **“Funding Techniques For Implementing Municipal Storm water Utility Programs”**. A Presentation at the 16th Annual Environment Virginia – “Environmental Strategies For ONE Virginia. Virginia Military Institute, Lexington, Virginia, April 12, 2005.
 5. Damico, John F., **“What Type of Rate Study Does My Community Need?”** An Article Published in the February 2005 APWA Monthly Reporter.
 6. Damico, John F., **Who’s Going to Pick Up the Tab? A Storm Water Funding Options Training Seminar**. The Training Seminar Was Offered at the “2004 APWA International Public Works Congress and Exposition” Pre-Congress Workshop in Atlanta, Georgia in 2004.
 7. Damico, John F., **APWA Reporter September 2004 Published Article – Who’s Going to Pick Up the Tab?** The Article Discussed the Topics to be Covered at the “2004 APWA International Public Works Congress and Exposition” Pre-Congress Workshop.
 8. Damico, John F., **“A Comprehensive and Affordable Public Involvement Program for an NPDES Phase II Community”**. StormCon Palm Desert, California July 28, 2004.
 9. Damico, John F., **“Storm Water Changes In Technology”**. A Presentation Discussing the 3 Major Rate Structures Used In Developing A Storm water Program. StormCon Palm Desert, California July 28, 2004.
 10. Damico, John F., **“Click Listen and Learn APWA Internet Presentation” – Case Studies in Storm water NPDES Phase II Communities. This CD and documentation can be purchased as the APWA website for \$45.00.**
 11. Damico, John F., **Financing Storm water Facilities, A Utility Approach. This document can be purchased as the APWA website for \$15.00.** Publication completed August 2003.
 12. Damico, John F., **Give Credit Where Credit is Due.** Paper was presented at the 2003 Stormcon North American Surface Water Quality Conference and Exposition July 29, 2003 for Storm water Magazine.
 13. Damico, John F., **Four Required Ingredients That Will Guarantee a Successful Storm Water Utility Program Implementation.** Paper was presented at the 2003 StormCon North American Surface Water Quality Conference and Exposition 2003 Conference July 29, 2003.
 14. Damico, John F., **Regional Approach in Hamilton County, Ohio to Phase II Permitting Encourages Cooperation and Reduces Cost, for the Center for Watershed Protection.** Paper was presented in Chicago on **February 19th 2003** at the Urban Storm water: Enhancing Programs at the Local level Conference.
 15. Damico, John F., **“Storm water Management Programs: An Accountant's Perspective”**, Cities and Villages, The Journal of the Ohio Municipal League, December 1990.
 16. Damico, John F., **Louisville Jefferson County Storm water Program Billing System Implementation Process, 1988.**

Council Bill # _____, 2011

Ordinance # _____, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING SECTION 13.04.120 OF THE DELTA
MUNICIPAL CODE TO ESTABLISH NEW ELECTRIC RATES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLO-
RADO, as follows:

Section 1. Section 13.04.120 of the Delta Municipal Code is amended to read as follows:

13.04.120 Monthly electric rates.

A. Monthly charges for residential customers (including single family homes, parsonages, duplexes, apartments, condominiums, apartment houses, rooming houses, mobile homes, and other multiple unit dwelling facilities providing permanent residences) shall be charged on the basis of the following rates for each meter serving the customer.

Monthly Base Rate
\$14.00

Energy Charge
\$.0895/KWH

B. Security lights and yard lights shall be charged at the rate of \$10.00 per light per month. Street lighting, electricity for traffic lights, and other electricity used by the City shall be charged at the rate of \$.0835/KWH. KWH for nonmetered street lights shall be determined as follows:

- 100 Watt High Pressures Sodium Light - 40 KWH per month.
- 250 Watt High Pressures Sodium Light - 115 KWH per month.
- 400 Watt High Pressures Sodium Light - 192 KWH per month.

C. All other customers, other than those provided for in Subsections A and B above, shall be charged for electric service at the following monthly rates:

1. Customers with less than 50 KVA of installed transformer capacity:

Monthly Base Rate
Single phase - \$23.50
Three phase - \$41.00

Energy Charge
\$.0893/KWH
\$.0893/KWH

2. Customers with 50 KVA or more of installed transformer capacity shall pay a \$130.00 monthly base charge, a demand charge, and an energy charge. The demand charge shall be equal to \$10.61 x the customer's monthly demand. The customer's

energy charge shall be \$.0575/KWH. Provided, however, those customers whose meter is on the line side of the transformer shall receive a 2% discount on the energy charge.

3. Wholesale customers shall be charged at the rate of \$.0835/KWH.

Section 2. The newly established rates provided for herein shall be effective with respect to all bills mailed following January 1, 2012.

ADOPTED on first reading and ordered published this ____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

ADOPTED on second and final reading and ordered published this ____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

COUNCIL BILL NO. 3

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, VACATING SEGMENTS OF SIXTH AND SEVENTH STREETS, AND ALSO CONNECTING ALLEYWAYS, ALL OF WHICH TRAVEL AREAS LIE BETWEEN THE WEST LINE OF SILVER STREET AND THE EAST LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN THE CITY LIMITS.

WHEREAS, under Article I, Section 3 of Delta's Municipal Charter and under C.R.S. 31-15-702(1)(a), the City has general municipal power to vacate streets and alleyways, particularly those that are determined not to be needed for public purposes; and

WHEREAS, the City Council has determined that there is no need to maintain present or future rights of general public access across or upon any of the following street segments and alleyways located between the west line of Silver Street and the east line of the Union Pacific Railroad right of way in the territorial limits of the City of Delta: (1) the segment of Sixth Street which separates Block 42 from Block 41 as shown by Plat "C" of the City of Delta, (2) the segment of Seventh Street which separates Block 14 from Block 42 as shown by Plat "B" of the City of Delta, and (3) the alleyways located in said Blocks 14 and 42 which either connect or originate from the aforementioned segments of Sixth and Seventh Streets; and

WHEREAS the aforementioned street segments and alleyways are depicted on the partial boundary survey map prepared by E. Schaaf and Associates and deposited into the surveyor records of Delta County, Colorado on August 21, 2003 under Deposit No. 2003658, a copy of which map is attached hereto as Exhibit A, and

WHEREAS, the City Council has determined that vacating the aforementioned street segments and alleyways will not result in the isolation of any private land from public access, and is especially warranted by circumstances surrounding a new City project for development of a roadway to be known as Confluence Drive, and

WHEREAS, the City Council has determined that its actions contemplated under this ordinance will otherwise comply with applicable provisions of law set forth in C.R.S. 43-2-101 *et seq.*

NOW, THEREFORE, be it ordained by the City Council of Delta, Colorado as follows:

1. The platted segments of Sixth and Seventh Streets, as well as the platted alleyways originating from those segments, as more specifically described hereinabove, are hereby permanently vacated; provided, however, that the areas of said vacated street segments and alleyways are nevertheless hereby continuously reserved for the construction, maintenance, repair and use of all public utility lines and related facilities deemed necessary by the Delta City Council. (Note: the street and alleyway areas vacated hereby shall not be deemed to include any property conveyed to the City of Delta by deed dated November 23, 1992 and recorded August 18, 1998 under Reception No. 517062 of the Delta County, Colorado records.)

2. Title to each vacated street segment and alleyway, subject to the aforementioned reservation regarding public utility lines and related facilities, shall vest in the owners of adjoining lands according to

the provisions of C.R.S. 43-2-302(1)(c).

3. The City's Mayor and Clerk, in consultation with the City Attorney, are hereby authorized to make, execute, obtain and record any and all documentation that they may deem necessary or prudent for the proper implementation of this ordinance and for the revision of official maps of the City.

ADOPTED ON FIRST READING THIS _____ DAY OF _____, 2011.

CITY OF DELTA, COLORADO

ATTEST:

City Clerk

By: _____
Mayor

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED THIS _____
DAY OF _____, 2011.

CITY OF DELTA, COLORADO

ATTEST:

City Clerk

Mayor

COUNCIL BILL # 4, 2011

ORDINANCE NO. _____, 2011

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
DELETING AND AMENDING VARIOUS PROVISIONS OF
TITLES 17 AND 8 OF THE DELTA MUNICIPAL CODE IN
ORDER TO ELIMINATE THE B-4, I-1 AND I-2 ZONING
DISTRICTS AND RE-CLASSIFY THE AFFECTED AREAS
WITHIN NEW OR OTHER EXISTING ZONING DISTRICTS.**

WHEREAS, City staff members have recommended the modification of provisions of Title 17 and 8 of the Delta Municipal Code concerning business, commercial and industrial zoning in order to eliminate certain unnecessary duplications, generally simplify the pertinent zoning district scheme and bring it into better conformity with the City's current master plan; and

WHEREAS, the City Council finds that staff's recommendations will promote public health, safety and welfare and are therefore appropriate for implementation by this ordinance; and

WHEREAS, the Council finds that the changes in legislation recommended by City staff will not adversely affect vested property rights.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO, AS FOLLOWS:

Section 1. Subsection D.1. of Section 17.04.150 of the Delta Municipal Code is hereby amended to read as follows:

"D. The following uses are not to be construed as a "use by right" or "conditional use" in the B-2 District:

1. Bulk feed and storage and sales establishments."

All other provisions of said Section 17.04.150 shall remain as presently written.

Section 2. Section 17.04.170 of the Delta Municipal Code, creating and defining a B-4 zoning district, is hereby deleted in its entirety.

Section 3. Section 17.04.150A. is hereby amended to read as follows:

"A. INTENT: The B-2 District is intended for a large variety of uses to conveniently serve customers. (It shall include all areas previously classified before November of 2011 as being within the B-4 District.)"

All other provisions of said Section 17.04.150 shall remain unaltered and as presently written.

Section 4. Section 17.04.190 is hereby amended to read as follows:

"17.04.190 I District.

- A. INTENT: The purpose of the I District is to accommodate manufacturing, commercial, and most industrial uses which need adequate space, light, and air, and whose operations are quiet and clean provided that they do not create a nuisance to other property by reasons of dust, odor, noise, light, smoke, vibration or other adverse effects which cannot be effectively confined on the premises. This promotes the creation and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial area.
- B. USES BY RIGHT:
1. Uses which meet the intent of Subsection (A) and the performance standards of Subsection (C) of this Section, not including residential uses, are uses by right. Typical examples of such manufacturing and non-manufacturing uses include warehouses, wholesalers, and manufacturing contained within buildings and accessory retail sales.
 2. Industrial uses, including those with accessory retail sales operations such as:
 - a. Manufacturing of any product.
 - b. Wholesaling of any product.
 - c. Warehousing and storage.
 - d. Bulk Storage
 - e. Processing of any manufactured product.
 - f. General service and repair of automobiles, trucks, farm implements and construction equipment.
 - g. Parking lots.
 - h. Fabrication of any product.
 - i. Agricultural products processing.
 - j. Offices
 - k. Freight hauling facilities.
 - l. Sawmills or planing mills.
 - m. Aboveground fuel storage facilities for hazardous fuels.
 3. Parks and open spaces.
 4. Government buildings and facilities.
 5. Public utility service facilities.
 6. Electronic and telecommunications antennas, receivers and transmitters.
 7. Accessory uses.
 8. Sexually oriented business complying with the provisions of Chapter 8.32.

C. PERFORMANCE STANDARDS:

1. No use shall be established, maintained or conducted in any I District that will result in any public or private nuisance.
2. No industrial structure shall be constructed within one hundred feet (100') of any existing Residential District, unless effectively buffered by landscaping, berms, fencing, or screening.
3. No use shall be established in the I District which results in an unreasonable hazard to the community or creates a public or private nuisance.
4. No noise, dirt, smoke, or odor shall be observable off of the premises.
5. Automobile wrecking and salvage yards and junk yards shall have screening.
6. Additionally, all outdoor storage may require screening to prevent industrial blight.

D. CONDITIONAL USES:

1. Any commercial or industrial use other than the uses by right which complies with the performance standards of Subsection C and is consistent with the intent of Subsection A above. Ord. 4, §1, 1999; Ord. 8, §4, 2004.
2. Automobile wrecking and salvage yards.
3. Junk yards.
4. Animal sales yards.
5. Mineral extraction and processing.
6. Trash disposal and recycling facilities.
7. Quarries and gravel operations.

Section 5. Section 17.04.200 of the Delta Municipal Code is hereby deleted in its entirety.

Section 6. The table of standards appearing in Section 17.04.220 of the Delta Municipal Code is hereby amended to (1) eliminate all standards for the former B-4 zoning district being eliminated pursuant to Section 2 of this ordinance and (2) to consolidate the duplicated standards for the former I-1 and I-2 zoning districts into one set of standards for the new I District being created pursuant to Section 4 of this ordinance.

Section 7. Subsection B.1. of Section 17.04.210 of the Delta Municipal Code is hereby amended to read as follows:

“B. USES BY RIGHT:

1. Those uses that are uses by right in the I zoning District; excluding however any and all sexually oriented businesses defined and regulated under Chapter 8.32 of this Code.”

All other provisions of said Section 17.04.210 shall remain unaltered and as presently written.

Section 8. Subsection A. Of Section 8.32.020 of the Delta Municipal Code is hereby amended to read as follows:

"A. It shall be unlawful for any person to own, operate or establish any sexually oriented business outside of the "I" Zoning District or on any premises abutting the premises of:

1. Any church;
2. Any public or private school;
3. Any residentially owned property;
4. Any public park;
5. Any licensed childcare facility or daycare business;
6. Any property, public or private; that is used for and equipped with facilities for recreation, especially by children. Any area dedicated for use by children, whether or not incidental to school use, is included within the scope of this subsection."

All other provisions of said Section 8.32.020 shall remain unaltered and as presently written.

Section 9. The City's official zoning map shall be modified as soon as practicable by City staff to reflect (1) the elimination of the B-4 District and the reclassification of all areas affected by such elimination so as to be included within the B-2 District, and (2) the consolidation of the former I-1 and I-2 Districts into the new I District.

Section 10. This ordinance shall become effective on the thirty-first day following publication pursuant to provisions of the Delta Municipal Charter.

Section 11. The repeal and amendment by this ordinance of various provisions of the Delta Municipal Code shall not affect any offense or act committed, any penalty incurred, or any contract, right or duty established or accruing, before the effective date of this ordinance.

Section 12. The provisions of this ordinance are expressly declared to be severable. Therefore, if any provision of this ordinance, or the application of such provision to any person or circumstance, is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given proper effect without the invalid provisions or applications.

ADOPTED ON FIRST READING THIS _____ DAY OF _____, 2011.

Mayor

ATTEST:

City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED THIS
____ DAY OF _____, 2011.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 7, 2011

A RESOLUTION OF THE CITY OF DELTA AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FROM HI-QUALITY PACKING, INC. FOR THE CITY'S CONFLUENCE DRIVE PROJECT.

Whereas, the City Council of Delta, Colorado has determined the need to acquire part of certain real property located at 215 Silver Street in the City limits of Delta, Colorado for the public purpose of constructing and maintaining a new roadway or thoroughfare to be known as Confluence Drive; and

Whereas, said real property is presently titled to Hi-Quality Packing, Inc. the address of which is 215 Silver Street Delta, Colorado 81416; and

Whereas, offers by the City to purchase the subject real property at greater than its appraised fair market value have been presented to and declined by Hi-Quality Packing, Inc.; and

Whereas, the City has power under the constitution and statutes of Colorado to acquire title to the subject real property by the exercise of its municipal power of eminent domain; and

Whereas, under the circumstances recited above, the Delta City Council has decided to invoke its aforementioned eminent domain power for the acquisition of the subject piece of real property owned by Hi-Quality Packing, Inc.

NOW, THEREFORE, it is resolved by the Delta City Council that City staff, including the City attorney, shall be and are hereby authorized to commence and pursue with diligence, for the public purposes stated above, the acquisition by eminent domain proceedings of title to, and possession of, the real property of High Quality Packing, Inc. in Delta County, Colorado more particularly described on Exhibit A attached hereto.

The foregoing resolution was adopted by the City Council of Delta, Colorado this _____ day of _____, 2011.

The City of Delta, Colorado

By: _____
Mayor

Attest:

City Clerk

EXHIBIT "A"
SHEET 1 OF 2

RIGHT OF WAY DESCRIPTION PARCEL 8

A PORTION OF LOTS 17 THRU 32 INCLUSIVE, BLOCK 35, PLAT C DELTA TOWNSITE TOGETHER WITH VACATED SILVER STREET ADJACENT, CITY OF DELTA, COUNTY OF DELTA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN DT-1, MONUMENTED BY A STONE WITH A CUT CROSS IN CONCRETE, AND DT-20, MONUMENTED BY A 2-1/2 INCH DIAMETER ALUMINUM CAP STAMPED LSJ6067, BEARS S 06°32'17" E, A DISTANCE OF 2700.09 FEET, BEARINGS ARE BASED ON THE MESA COUNTY LOCAL COORDINATE SYSTEM KNOWN AS DCLC02 (2009);

COMMENCING AT CORNER NUMBER 1, DELTA TOWNSITE; THENCE S 83°15'43" E A DISTANCE OF 694.96 FEET TO THE INTERSECTION OF THE SOUTHERLY-RIGHT OF WAY LINE OF WEST 2ND STREET AND THE WESTERLY LINE OF PARCEL 111, AS SHOWN ON THAT PLAT RECORDED AT RECEPTION NUMBER 615523 DELTA COUNTY RECORDS, BEING THE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 111 THE FOLLOWING THREE (3) COURSES:

1. S 00°29'50" E, A DISTANCE OF 41.14 FEET;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 972.45 FEET, A CENTRAL ANGLE OF 08°59'12" AND AN ARC LENGTH OF 152.53 FEET, THE CHORD OF WHICH BEARS S 24°02'29" W, A DISTANCE OF 152.37 FEET;
3. S 19°32'53" W, A DISTANCE OF 236.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF WEST 3RD STREET;

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF WEST 3RD STREET AND THE WESTERLY EXTENSION THEREOF, S 89°37'09" W, A DISTANCE OF 54.76 FEET;

THENCE N 19°25'57" E, A DISTANCE OF 254.60 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,126.50 FEET, A CENTRAL ANGLE OF 05°02'26" AND AN ARC LENGTH OF 99.10 FEET, THE CHORD OF WHICH BEARS N 21°57'10" E, A DISTANCE OF 99.07 FEET;

THENCE ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 54.50 FEET, A CENTRAL ANGLE OF 85°35'34" AND AN ARC LENGTH OF 81.42 FEET, THE CHORD OF WHICH BEARS N 18°19'24" W, A DISTANCE OF 74.05 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST 2ND STREET;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, N 89°26'32" E, A DISTANCE OF 97.04 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 23,474 SQUARE FEET OR 0.539 ACRES, MORE OR LESS.

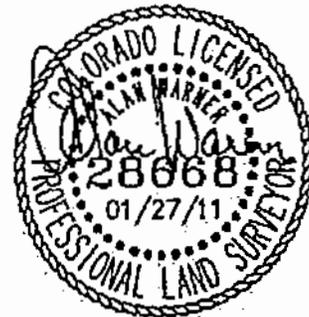
SURVEYOR'S STATEMENT

I HEREBY STATE THAT THE ATTACHED PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

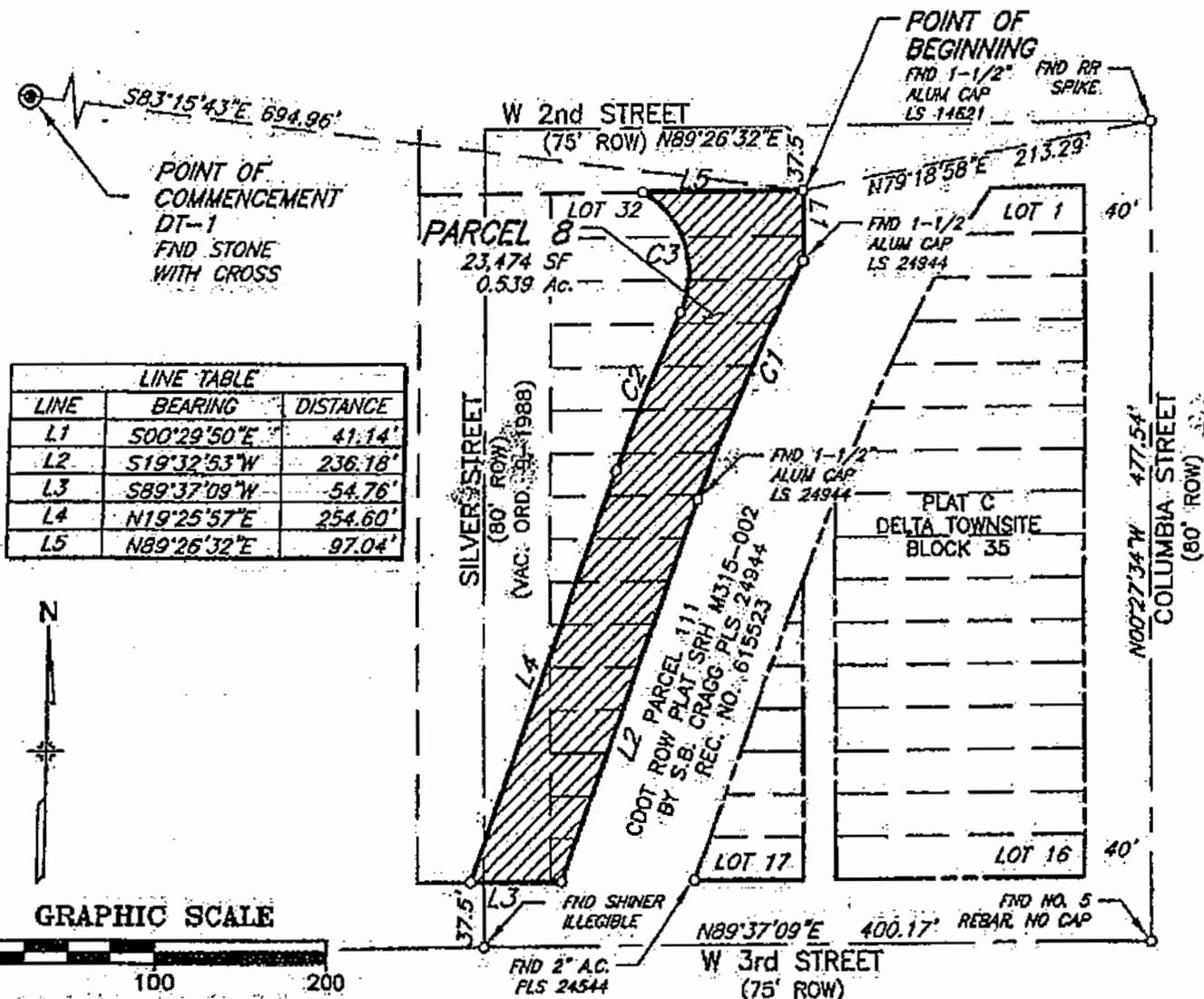
ALAN WARNER, PLS 28668
FOR AND ON BEHALF OF
STANTEC CONSULTING INC.



EXHIBIT "A-1"
SHEET 2 OF 2



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	
				BEARING	DISTANCE
C1	08°59'12"	972.45'	152.53'	S24°02'29"W	152.37'
C2	05°02'26"	1126.50'	99.10'	N21°57'10"E	99.07'
C3	85°35'34"	54.50'	81.42'	N18°19'24"W	74.05'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°29'50"E	41.14'
L2	S19°32'53"W	236.18'
L3	S89°37'09"W	54.76'
L4	N19°25'57"E	254.60'
L5	N89°26'32"E	97.04'

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.



Stantec

Stantec Consulting Inc.
2000 S Colorado Blvd
Suite 2-300
Denver, CO 80222
Tel. 303.758.4058
Fax. 303.758.4828
www.stantec.com

PROPERTY DESCRIPTION
RIGHT OF WAY PARCEL 8
ALTERNATE TRUCK ROUTE
HI-QUALITY PACKING
DELTA TOWNSITE
CITY OF DELTA
DELTA COUNTY, STATE OF COLORADO

PROJECT NO.:		1876 07735
DATE:		01/27/11
CAD OPR.:	SHEET:	
AGW		2 OF 2



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: October 28, 2011
Subject: Hotel/Restaurant Liquor License Renewal for Fiesta Vallarta

Recommendation

Staff recommends approval of the Hotel/Restaurant License Renewal for Fiesta Vallarta located at 447 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires November 28, 2011.

Cost

There is no cost to the City to renew this license. The applicant has paid the \$500 renewal fee to the State, the City renewal fee of \$150 and the City liquor occupation tax of \$300.00.

Action to be Taken if Approved

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

Suggested Motion

I move to approve the hotel/restaurant liquor license renewal for Fiesta Vallarta.

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <u>Fiesta Vallarta Delta, Inc.</u>		State License Number <u>01268413</u>
1. Operating Manager <u>Alfredo Gomez</u>	Home Address <u>604 Ray Ct Delta, CO 81416</u>	
2. Do you have legal possession of the premises for which this application for license is made? <u>Yes</u> Are the premises owned or rented: <u>Rented</u> If rented, expiration date of lease: <u>12-31-16</u>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application: (a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license? (b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license? (c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships: <div style="text-align: center;">EVIDENCE OF LAWFUL PRESENCE</div> Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card. In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one): <input type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.		
Signature	Printed name	Date



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Fiesta Vallarta Delta, Inc.

DBA: Fiesta Vallarta Delta

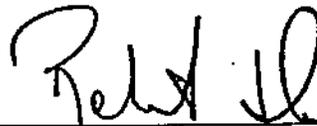
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

P R O C L A M A T I O N

Whereas, the sacrifices of those who have lost their lives, their health, or their livelihood as a result of their military service are rightly the concern of all citizens; and

Whereas, the annual sale of **Buddy Poppies** by the **Veterans of Foreign Wars** offers an opportunity for the people of this community to express their solicitude for those unfortunate persons who have paid more than their share of the cost of freedom; and

Whereas, **VFW Buddy Poppies** are assembled by disabled Veterans, and the proceeds of this worthy fund raising campaign are used exclusively for the benefit of disabled and needy Veterans, and the widows and orphans of deceased Veterans, in the desire to "Honor the Dead by Helping the Living;"

Now, Therefore, I, Mary Cooper, Mayor of the City of Delta, do hereby urge the citizens of this community to recognize the merits of this cause by contributing to its support through the purchase of **Buddy Poppies** on the 11th and 12th of November, 2011, the days set aside for distribution of these symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a **Buddy Poppy** as mute evidence of our gratitude to the men and women of this Country who have risked or lost their lives in fulfilling their obligations as American Citizens.

Dated this _____ day of November, 2011.

Mayor

ATTEST:

City Clerk