



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri
64106
(816)881-3242

Legislation Text

File #: 3081, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting chapter 36, Jackson County Code, 1984, relating to stormwater management, consisting of fourteen new sections.

ORDINANCE # 3081, October 16, 2000

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, stormwater management has become an increasingly more important issue, with countywide implications; and,

WHEREAS, the Legislature believes it appropriate that the Legislature develop a countywide plan for dealing with stormwater issues; and,

WHEREAS, the Legislature also believes it appropriate to create a countywide advisory panel to advise the Legislature and County Executive on stormwater issues; and,

WHEREAS, the adoption of this ordinance is in the best interest of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Chapter 36, Jackson County Code, 1984, is hereby enacted, consisted of fourteen new sections, to be known as sections 3600., 3601., 3602., 3603., 3604., 3605., 3606., 3607, 3608., 3609., 3610., 3611., 3612., and 3613., to read as follows:

Chapter 36 **Stormwater Management**

3600. General Provisions.

This chapter, adopted by the Jackson County Legislature, for the county stormwater management program, is intended to promote cooperation between the county government, local governmental entities, and other agencies and jurisdictions in stormwater management activities. This chapter establishes a program structure through which the county government may provide financial and other assistance to the cities for planning, design, and construction activities to assure an adequate, safe, and integrated storm drainage network throughout the county and with neighboring communities.

3601. Applicability of Chapter.

This chapter shall be effective and shall apply from the date of its adoption to all actions of the legislature which relate to the county stormwater management, flood control, stormwater management planning, and/or the design and construction of storm drainage facilities. Nothing contained within this chapter shall affect any interlocal agreement or expenditure authorization, which was approved and effective prior to the adoption of this chapter.

3602. Program Administration.

The stormwater management program shall be overseen by the public works director or his designee (s), and shall be administered in accordance with all applicable policies, procedures, and directives of the legislature. The public works director shall provide an annual report to the legislature and the Jackson County Stormwater Commission concerning the status of any ongoing projects and the projected revenues and expenditures under the program. The public works director or his designee shall attend all meetings of the commission to receive that body's recommendations for the project priority list.

3603. Project Criteria and Requirements.

At a minimum, the standards developed by the Kansas City Metropolitan Chapter of the American Public Works Association (APWA standards) shall be used for design and construction of county-sponsored projects. The public works director or his designee shall have the authority to issue variances to the APWA standards for those elements that do not meet the intent of a regional approach to stormwater planning and design. As new standards are approved by the public works director or his designee that relate to regional stormwater planning and design, they shall take precedence over the APWA standards.

At a minimum, the following requirements for detailed watershed studies shall be followed. Additionally, flow rate information at mapped nodes is to be geographically referenced to the appropriate location.

Final Engineering Report:

- Flow rates at all mapped stream branches and at all roadway crossing. Flow rates must be developed from methods acceptable for the FEMA flood insurance program. At a minimum the 100-year return interval flow rate must be provided.
- Identify existing and ultimate development system inadequacies.
- Identify areas of significant discrepancy between existing FEMA flood insurance study flow rates and flow rates calculated as part of this report.
- Identify potential regional detention locations and provide cost estimates for design and construction.
- Develop a watershed priority system to prioritize watershed needs.

Mapping Requirements

- Provide stream mapping of all drainage areas 160 acres or greater.
- Provide present 100-year return interval flood plain mapping for all drainage areas in excess of 160 acres.
- Provide ultimate development 100-year return interval flood plain mapping for all drainage areas in excess of 160 acres.
- Provide current land use mapping for the watershed under study.

- Provide ultimate development land use mapping for the watershed under study.

3604. Interlocal Agreements.

Interlocal agreements shall be required and executed for all stormwater management projects with the general form and content to be established by the county counselor. The county shall not participate in the cost of any project for which an appropriate agreement is not executed. All executed interlocal agreements shall be filed with the clerk of the legislature.

3605. Indemnification and Hold Harmless.

The city administering any project approved and authorized under the stormwater management program shall be designated the project administrator and shall agree to indemnify and hold the county, its officials, and agents, harmless for and from any cost, expense, or liability not expressly agreed to by the county, or which result from acts or omissions of the city, its contractors, or agents or which result from compliance with this chapter.

3606. Stormwater Commission.

There is hereby created the Jackson County Stormwater Commission.

3606.1 Purpose.

The purpose of this commission shall be to develop recommendations, provide advice to the county executive and legislature, and coordinate efforts on stormwater management issues and projects throughout the county. The effort can be viewed as addressing a comprehensive stormwater management plan for Jackson County, Missouri. Specific areas of emphasis will include:

- a. Watershed management and erosion/sediment control - 5 year plan;
- b. Development of regional stormwater management regulations;
- c. Standardization of regional ordinances and regulations;
- d. Coordination of stormwater grant processes;
- e. Development of methods of administering revenue sources for regional stormwater management and flood control;
- f. Conducting surveys of regional needs;
- g. Promotion of community educational and awareness programs;
- h. Maintenance of awareness of all national, states and regional initiatives; and
- i. Preparation of a comprehensive stormwater plan.

3606.2 Membership.

The commission shall consist of participating members and ex officio members as specified below:

a. Participating Members.

There shall be nine participating members of the commission, to be appointed by the county executive subject to the disapproval of the legislature. The county executive shall designate one member as the chair. Of the initial appointees, three shall be appointed to terms of one year, three shall be appointed to terms of two years, and three shall be appointed to terms of three years. Thereafter, all members shall serve terms of three years. In making these

appointments, the county executive shall seek out and give due consideration to nominees suggested by the governing bodies of the cities within the county.

b. Ex Officio Members.

In order to ensure coordination of stormwater management throughout the county and the metropolitan area, the governing bodies of Wyandotte and Johnson Counties in Kansas, and Cass, Clay, and Lafayette Counties in Missouri, the Missouri Department of Natural Resources, the Missouri Department of Conservation, the Missouri Department of Transportation and the Mid America Regional Council shall be entitled to appoint a representative from their jurisdictions to serve as ex officio members on the commission without vote.

c. Technical Assistance Committee.

The county executive shall also have the authority to appoint a technical assistance committee. The technical assistance committee shall be composed of those persons the county executive deems necessary for any technical advice to the commission.

3606.3 Responsibilities.

It shall be the duty and responsibility of the commission to:

- a. Review and monitor, as necessary, the comprehensive stormwater plan for Jackson County;
- b. Review and/or recommend such studies as it deems advisable to evaluate stormwater management needs and erosion/sediment control through the county and within any watershed of the county;
- c. Determine and recommend to the county executive and legislature criteria for the reimbursement of costs for engineering plans and studies conducted by the cities after January 1, 2000;
- d. Develop and recommend to the county executive and legislature funding participation policies and guidelines for the sharing of the costs between the cities and the county for engineering and construction of stormwater improvements;
- e. Provide reports to the county executive and legislature advising on the status of stormwater management needs and practices in the county, and recommending strategies and activities needed to improve stormwater management throughout the county;
- f. Develop and recommend to the county executive and legislature criteria for prioritizing stormwater management projects and improvements and for the coordination of projects in varying jurisdictions;
- g. Provide suggestions and recommendations to the county executive and legislature advising on infrastructure improvements and land use planning guidelines that are needed or may be advisable to protect the citizens of the county from injury or damage due to stormwater flooding;
- h. Consider, review, and submit recommendations to the Missouri Department of Natural Resources (MDNR);
- i. Prepare and submit to the county executive and legislature for consideration a proposed five-year capital improvement plan for stormwater management projects;
- j. Provide coordination between the county and the cities and other governmental

- entities on proposed or planned stormwater management projects and/or the implementation of regulations and development of standards;
- k. Review, prioritize, and make recommendations to the county executive and legislature concerning implementation and funding for proposed or planned stormwater projects or studies.
- l. Provide such other reports, recommendations and advice as may be requested by the county executive or legislature.
- m. Appear before government bodies at State and Federal levels.

3606.4 Power and Authority.

The commission shall be an advisory body only and shall not have any power or authority to bind any city, the county, or any other governmental entity, and shall not have any power to contract, to sue or be sued, to incur debt or other obligations, nor to hire or retain employees or services. All authority and power for decisions and actions shall vest and remain with the county executive and legislature for administration of the stormwater management program and for the expenditure of funds from any stormwater managements funds.

3606.5 Meetings.

- a. The commission shall meet as a whole no less often than bi-monthly unless there is no business to be conducted as determined by the chair, and shall meet at any reasonable time upon request of the county executive or legislature. Special meetings may be called by the chair, or upon petition of a majority of the participating members of the commission upon two days' prior written notice.
- b. A majority of participating members of the commission shall constitute a quorum, and minutes shall be kept for each meeting of the commission.
- c. Any participating member of the commission who shall have unexcused absences from three (3) consecutive meetings of the commission shall be deemed to have resigned from the commission. The offending member will be so advised, and the county executive will be notified of the vacancy.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3081 of October 16, 2000 was duly passed on _____ December 11 _____, 2000 by the Jackson County Legislature. In the votes thereon were as follows:

Yeas _____ 9 _____ Nays _____ 0 _____

Abstaining _____ 0 _____ Absents _____ 0 _____

This Ordinance is hereby transmitted to the County Executive for her signature.

Date

Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance # 3081.

Date

Katheryn J. Shields, County Executive