

AGENDA
HIGHLAND SANITARY DISTRICT
BOARD OF SANITARY COMMISSIONERS
TUESDAY, APRIL 5, 2022
7:00 P.M
SPECIAL MEETING

Pledge of Allegiance

Roll Call:

Commissioner Rex Burton
Commissioner Greg Cieslak
Commissioner Laura Corpus
Commissioner David Jones
Commissioner Richard Garcia

Special Orders:

1. **SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2022-05**

A RESOLUTION APPROVING AND AUTHORIZING A CONSENT DECREE BETWEEN THE TOWN OF HIGHLAND SANITARY DISTRICT AND THE UNITED STATES OF AMERICA ON BEHALF OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF INDIANA ON BEHALF OF THE COMMISSIONER OF THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT RELATING TO IMPLEMENTATION OF A REMEDIAL MEASURES PLAN FOR HIGHLAND TO FULFILL ITS ENVIRONMENTAL COMPLIANCE OBLIGATIONS RELATING TO SANITARY SEWER OVERFLOWS UNDER THE CLEAN WATER ACT.

2. **SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
CAPITAL BUDGET RESOLUTION NO. 2022-06**

A RESOLUTION AMENDING THE 2022 CAPITAL PROJECT BUDGET OF THE SANITARY DISTRICT TO BE PAID FROM ITS SEWAGE WORKS IMPROVEMENT FUND

3. **SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2022-07**

A RESOLUTION RELEASING AND SATISFYING CERTAIN LIENS AGAINST REAL ESTATE FOR UNPAID SEWER FEES.

Communications:

New Business:

Reports:

Business from the Floor:

Next Meeting: The next meeting is a regular meeting held Tuesday April 19, 2022 at 7:00 pm following a study session at 6:30 p.m.

Adjournment:

**SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION No. 2022-05**

A RESOLUTION APPROVING AND AUTHORIZING A CONSENT DECREE BETWEEN THE TOWN OF HIGHLAND SANITARY DISTRICT AND THE UNITED STATES OF AMERICA ON BEHALF OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF INDIANA ON BEHALF OF THE COMMISSIONER OF THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT RELATING TO IMPLEMENTATION OF A REMEDIAL MEASURES PLAN FOR HIGHLAND TO FULFILL ITS ENVIRONMENTAL COMPLIANCE OBLIGATIONS RELATING TO SANITARY SEWER OVERFLOWS UNDER THE CLEAN WATER ACT.

Whereas, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq.; and

Whereas, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

Whereas, The Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing or amending them consistent with the Sanitary District Law; and

Whereas, On August 10, 2011, the United States Environmental Protection Agency, Region 5 (USEPA), issued its amended Administrative Order pursuant to Sections 308 and 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) under Docket No. V-W-11-AO-07 alleging that the Sanitary District of Highland has violated the Clean Water Act;

Whereas, Since the issuance of the USEPA Administrative Order, the Board of Sanitary Commissioners has negotiated in good faith with USEPA and the Indiana Department of Environmental Management (IDEM) to address, settle and resolve any and all issues pertaining to said alleged violation;

Whereas, The Board of Sanitary Commissioners has determined it is in the interest of operational and administrative economy as well as in the best interest of the Sanitary District of Highland to resolve pending and potential litigation associated with said alleged violation by entering into a Consent Decree with USEPA and IDEM;

Whereas, The Board of Sanitary Commissioners, in performing its duties, now desires to approve and authorize the Consent Decree with USEPA and IDEM.

Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Sanitary District of Highland, Lake County, Indiana, as follows:

Section 1. That the Board of Sanitary Commissioners as the governing body of the Sanitary District of Highland hereby finds and determines that the terms and provisions of the Consent Decree are reasonable and approved in each and every respect (Consent Decree affixed as an exhibit to this Resolution);

Section 2. That the proper officials, agents and employees of the Town of Highland are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Town of Highland and the Sanitary District of Highland in accordance with the provisions of the Consent Decree;

Section 3. That the Board of Sanitary Commissioners authorizes the Sanitary District Superintendent to retain a copy of this Resolution and exhibit for the files of the utility, and to transmit a copy of this Resolution as information to the Town Council, the Town Clerk-Treasurer, The United States Environmental Protection Agency and the Indiana Department of Environmental Management to evidence its approval and adoption;

Duly Adopted, Resolved and Ordered by the Board of Sanitary Commissioners of Highland, Lake County, Indiana, this 5th day of April 2022. Having been passed by a vote of ____ for and ____ opposed.

**THE SANITARY DISTRICT OF HIGHLAND
BY ITS BOARD OF COMMISSIONERS:**

Richard Garcia, President

Attest:

David Jones, Secretary of the Board of Sanitary Commissioners

EXHIBIT

CONSENT DECREE

**SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
CAPITAL BUDGET RESOLUTION NO. 2022-06**

A RESOLUTION AMENDING THE 2022 CAPITAL PROJECT BUDGET OF THE SANITARY DISTRICT TO BE PAID FROM ITS SEWAGE WORKS IMPROVEMENT FUND

Whereas, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq.; and

Whereas, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

Whereas, The Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing or amending them consistent with the Sanitary District Law; and

Whereas, The Board of Sanitary Commissioners in performing its duties, now determines that passage and adoption of a Capital Budget Resolution establishing a Capital Budget to be paid from funds of the Sanitary District to be necessary for the sound management and control of the sewage works and performing its duty to construct, reconstruct, operate, repair, and maintain all sewage works.

Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Sanitary District of Highland, Lake County, Indiana, as follows:

Section 1. That for the Capital expenses as hereinafter identified of said District, the following allowances for the identified sums of money are hereby fixed and ordered set apart for the purposes herein specified to be paid from Sanitary District Sewage Works Improvement Fund:

<u>072 - SSO Remedial Projects – Collection System Improvements</u>	<u>\$1,472,589.00</u>
Total Allowances as fixed for this Fund	\$1,472,589.00

Section 2. That the Municipal Fiscal Officer is instructed and authorized to assign such accounts and establish such financial reporting methodology as to permit the regular review of the Capital expenses herein identified as compared to the budgeted amounts and to otherwise carry out the objects and purposes of this resolution;

Section 3. That the Superintendent of the Sanitary District is instructed and authorized to prepare accounts payable for projects identified herein in such a manner as to support and permit the regular review of the Capital expenses herein identified as compared to the budgeted amounts and to otherwise carry out the objects and purposes of this resolution;

**SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION No. 2022-07**

**A RESOLUTION RELEASING AND SATISFYING CERTAIN LIENS AGAINST REAL
ESTATE FOR UNPAID SEWER FEES.**

Whereas, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq.; and

Whereas, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

Whereas, The Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing or amending them consistent with the Sanitary District Law; and

Whereas, The Town of Highland by and through its Redevelopment Commission acquired title to and ownership of certain real property located within the Sanitary District and commonly known as 8610-8620 Kennedy Avenue (Property) and further described as follows:

HIGHLAND N. 25 FT. OF S. 125FT. OF E. 125 FT. OF BL. 12

Whereas, the Property is subject to liens in favor of the Highland Sanitary District in the amount of One Hundred Twenty Three and 00/100 Dollars (\$123.00) which were recorded in the office of Lake County, Indiana as Document Numbers 2016 025731 and 2016 025732.

Whereas, The Highland Redevelopment Commission entered into an agreement to sell the Property to a third party purchaser in order to promote economic development within the Town of Highland;

Whereas, In order to provide incentive to the third party purchaser to proceed with the purchase of the Property, the Redevelopment Commission has requested that the Board of Sanitary Commissioners waive the outstanding unpaid sewer fees and release the liens against the Property.

Whereas, The Board of Sanitary Commissioners in performing its duties, now determines that it is beneficial to the Town of Highland and consistent with the sound management and control of the sewage works to waive the outstanding unpaid sewer fees and release the liens against the Property.

Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Sanitary District of Highland, Lake County, Indiana, as follows:

Section 1. That the Board of Sanitary Commissioners hereby finds and determines that the outstanding unpaid sewer fees associated with the Property are hereby waived and satisfied and that the liens currently place of record against the Property should be released.

Section 2. That the Superintendent of the Sanitary District is instructed and authorized to prepare a release and satisfaction of each lien and cause same to be recorded in the Office of the Recorder of Lake County, Indiana;

Duly Adopted, Resolved and Ordered by the Board of Sanitary Commissioners of Highland, Lake County, Indiana, this 5th day of April 2022. Having been passed by a vote of ____ for and ____ opposed.

**THE SANITARY DISTRICT OF HIGHLAND
BY ITS BOARD OF COMMISSIONERS:**

Richard Garcia, President

Attest:

David Jones, Secretary of the Board of Sanitary Commissioners