

**Johnson County, Kansas
Administrative Procedures
for the
Stormwater Management Program**

**Adopted: September 18, 2003
Modified December 13, 2004**

Purpose:

The Board of County Commissioners has adopted a policy to govern the purpose, funding level, and project eligibility for the County Stormwater Management Program. In recognition of the fact that non-policy administrative procedures need to be uniformly applied to stormwater management projects, the County Manager has established the following Administrative Procedures for implementation.

Terms:

Board	Johnson County Board of County Commissioners.
ILA	Interlocal Agreement
Manager	Manager of the Stormwater Management Program of Johnson County, Kansas or his/her designee(s).
PEFF List	Projects Eligible for Future Funding List.
PES	Preliminary Engineering Study.
Program	Johnson County Stormwater Management Program.
Project Administrator	The city-assigned staff person.
SMAC	Stormwater Management Advisory Council

Upstream Impact Limits **The point upstream of the proposed project where increased energy grade line, water surface elevation, velocity or other negative impacts due to the construction of the proposed project will not exist.**

Downstream Impact Limits **The point at which the drainage area from the proposed project represents 10% of the total drainage area. The drainage area from the proposed project shall be measured at the most downstream limit of the proposed project.**

Provision 1. Allocation of Program Funds

All Program funds will be allocated as follows:

The financial operations of the Program will be based on a targeted reserve approach to determine the appropriate allocation of sales tax revenues designated for supporting and promoting stormwater mitigation activities and regional cooperation in Johnson County and the metropolitan area. The budgeting process for each upcoming fiscal year will proceed as follows:

- A. The Manager will coordinate with Public Works Financial Management staff to estimate the potential sales tax revenue for the upcoming fiscal year.
- B. The Manager will develop an Administrative Budget for the costs related to Program Administration, such as salaries, benefits, training, office supplies, etc., and will encumber the approved Program Administrative Budget in a separate Administrative Account. The Administrative Budget will include a contingency fund equal to one-half of the anticipated annual administrative expenditures, and will be used to fund Program staff salaries should revenues be less than projected or to fund unforeseen administrative expenses.
- C. The Manager will encumber funds into an Operational Budget for regional cooperation projects in Johnson County and the Kansas City Metropolitan Area, which include, but are not limited to, stream gauge maintenance, flood warning systems, regional studies and efforts, grant projects and other cooperative projects.
- D. The remaining estimated revenue will be used to fund the Annual Capital Project List.

Provision 2. Coordination with the Stormwater Management Advisory Council

Each year the Manager will schedule meetings of the Stormwater Management Advisory Council (SMAC) for the following purposes:

- A. Electing Officers.
- B. Considering the next fiscal year's budget and program (including the annual Capital Project List) for the Board's consideration.
- C. Discussing proposed or planned stormwater management projects and the development and implementation of regulations and standards.
- D. Presenting, discussing, and/or voting on issues pertinent to the Program and SMAC.

Provision 3. Maintaining the Projects Eligible for Future Funding List

The Projects Eligible for Future Funding (PEFF) List consists of projects ranked according to their cost/benefit ratio (the Program-approved most cost-effective solution estimate divided by the total project points) to be considered for future funding. Each year, the PEFF List serves as the basis for selecting the projects that will be recommended to the Board to be funded in the next fiscal year. The Manager will maintain and update the PEFF List throughout the year and will inform SMAC of submission deadlines for projects to be included on the PEFF List. In order to be placed on the PEFF List, the project must have a Preliminary Engineering Study (PES) completed and must meet Program criteria. A project will remain on the PEFF List until it is funded, until the Project Administrator requests that it be removed from the list, or if the PES has not been updated in five years.

Provision 4. Preliminary Engineering Study (PES)

The PES is intended to confirm the extent of flooding; identify and evaluate potential solutions; determine the most cost-effective solution for the Program to fund; and set the maximum funding to be allocated to the project. A PES can be completed at any time throughout the year; however, it must be completed prior to the date identified by the Manager for the project to be considered for the next fiscal year's funding. The PES shall conform to the requirements presented in Exhibit A.

A. The following procedure shall be followed in order for a project to be eligible for completing a PES.

1. The Project Administrator shall complete and submit a Flood Problem Rating Table to estimate the benefit points - the project must have at least 100 total project points on the Flood Problem Rating Table in order for the PES to be considered for funding. In addition to other information required on the Flood Problem Rating Table, the City must submit
 - a. a narrative of the flooding problem
 - b. a map showing the location of the infrastructure and buildings being flooded or threatened by flooding (i.e., the infrastructure receiving the points identified on the Flood Problem Rating Table)
 - c. correspondence to cities within the potential upstream and downstream impact limits of the project notifying potentially impacted cities of proposed project
 - d. the potential upstream and downstream impact limits
 - e. a map illustrating the entire drainage area

The Project Administrator shall keep the cities within the upstream and downstream impact limits of the proposed project informed throughout the entire PES phase of the project.

2. The Manager will review the Flood Problem Rating Table and associated information and make a decision on the appropriateness of the project to receive funding. If the Manager does not agree with the information presented, the Project Administrator will be notified that the project does not meet minimum Program criteria for funding. The Project Administrator can either provide to the Manager

more information to support the validity of the project, can withdraw the project from consideration, or can appeal the Manager's decision.

3. If the Manager determines that the project meets the minimum criteria, the Project Administrator will be notified that the City may begin the process of hiring a consultant or may identify in-house staff to complete the PES.

B. The following procedure shall be followed in order to complete a PES and place a project on the PEFf list.

1. If in-house staff is used, the City must provide the Manager with the estimated cost to complete the PES. If consulting services are used, the City must select a consultant and submit to the Manager a copy of the signed contract.

2. The Manager will prepare a PES ILA for an amount equal to the cost for completing the PES. Once the City and the Board have signed the PES ILA, the City can begin work on the PES and submit payment requests to the Manager for reimbursement of the Program's share of eligible costs for work completed and related to the preparation of the PES.

3. After the PES is completed, but before it is submitted to the Manager for review, the Project Administrator shall provide a copy of the PES to the cities within the upstream and downstream impact limits of the proposed project. The impacted cities shall respond within 30 days to approve or request a modification to the PES. If the impacted city identifies modifications to the PES, the Project Administrator shall meet with impacted city representatives to discuss potential modifications with the impacted city prior to submitting the PES to the Manager for review. Once the cities have worked through project issues to the satisfaction of the involved cities, correspondence from the cities within the upstream and downstream impact limits demonstrating their acceptance shall be included in the PES.

4. If the impacted cities and the Project Administrator cannot reach a mutually agreeable solution, and the Project Administrator demonstrates diligent effort to work through the project issues with the impacted cities, and the Project Administrator believes that the PES includes an alternative that truly does not impact the adjacent cities, the Project Administrator can submit an incomplete PES. However, the Manager cannot approve the PES until documentation indicating project approval is received from the impacted cities or the project is successfully appealed as outlined in Provision 11.

5. The PES shall be sealed by a professional engineer registered in the state of Kansas and shall be submitted to the Manager. The Manager will review the PES to determine if it meets the minimum Program requirements and may provide written

comments to the City. If the Manager has questions or requests additional information, the City shall provide this information before the project is placed on the PEFF List.

6. After the PES has been determined to meet the minimum Program requirements, the project will be placed on the PEFF List. The cost estimate used for the project will be the most cost-effective solution that complies with the current Program-adopted standards and specifications or with more stringent standards. Alternatively, the City can recommend a less costly solution that does not comply with the current Program-adopted standards and specifications; however, the City must submit a waiver request to the Manager. Notwithstanding any assistance, advice, technical consulting, or engineering services provided by Program staff, SMAC, or the Board of County Commissioners, or the failure of them to provide assistance, advice, technical consulting, or engineering services, the City shall bear sole and absolute responsibility for the project's design, construction, maintenance, and repair.
 7. In all cases, the infrastructure or the buildings identified as being flooded or threatened by flooding that receive points on the Flood Problem Rating Table must be protected according to the current Program-adopted standards and specifications or more stringent standards. If a waiver is requested because the infrastructure or the building(s) cannot be reasonably protected, the points assigned to the "unprotected" infrastructure and/or building(s) on the Flood Problem Rating Table will not be credited and the benefit rating points and cost/benefit ratio must be recalculated. If the reduction in total project points results in the total project points being less than 100, the project will no longer be eligible for Program funding. The Program will provide funding for its share of the PES, but it will not provide additional funding for design and construction.
- C. The Project Administrator may update the PES. If the update is necessitated by changes in the Program-adopted standards and specifications, regulations, or permitting requirements, the Program may fund its share of the update; otherwise, the City shall bear the cost of the update. After the update is completed, the Project Administrator shall submit the updated PES to the Manager and the Manager will review and evaluate the PES as described in this provision.

Provision 5. Establishing an Annual Capital Project List

The Annual Capital Project List is the list of projects recommended to the Board to be funded in the next fiscal year. While the Board wishes to encourage construction of projects in the order of priority, this may not be practical because of funding or other limitations of a City's ability to participate. The following procedure will be used for developing the Annual Capital Project List.

- A. In the first quarter of the year, the Manager will estimate how much money will be available to fund projects on the PEFF List.

- B. To identify the projects to be funded during the next fiscal year, the Manager will begin with the highest ranked project on the PEFF List and continue down the list until the Program's share of the estimated cost of the projects (including exceed authority) most closely matches the available funding and will then send an Intent to Proceed form to the Cities where the identified projects are located.
- C. A City that wishes to proceed with its project(s) during the next fiscal year and is ready to match the required local portion of cost for design and construction shall return a signed Intent to Proceed form indicating its desire to complete the project.
- D. A City that elects not to fund a project identified to be eligible for funding shall return a signed Intent to Proceed form indicating its desire to pass on the project.
- E. If one or more Cities elect not to accept funding for the next fiscal year as identified by the Manager, and funds remain available, the Manager will successively contact the Cities with the next lower ranked projects on the PEFF List to determine whether they are interested in participating and will continue down the list until the funds estimated to be available are allocated. Any funds that are not fully allocated in a given year will be used to fund projects in subsequent years.
- F. If a City elects not to accept funding for a project for the next fiscal year, the project retains its relative ranking and remains eligible in subsequent years for funding.
- G. Projects for which the design engineering and construction are expected to take more than one fiscal year may be separated into phases at the City's request, or if recommended by the Manager. If the project is phased, each phase will be considered as separate projects for the purpose of developing the Annual Capital Project List. The first phase of any phased project shall consist of at least the engineering design of all construction phases of the project. An engineering cost estimate shall be developed to estimate the costs for the entire project, subtotaled by phase. Phasing shall minimize the impact, both upstream and downstream, of the construction and the actual sequence of phasing shall follow the designer's recommendations and shall be submitted to the Manager before the work is started. Each construction phase should be completed before the next phase is started. Subsequent phases of a phased project shall be given first consideration for funding in subsequent fiscal years. Before the Program will fund additional eligible projects for a City in subsequent year(s), the City must commit to the ongoing project phase.
- H. The Manager will consider requests from Cities for funding of studies and other stormwater management related projects, and the Manager may recommend that such studies be included in the Annual Capital Project List. If funding for a study or other stormwater management related project is requested, the details of the effort must be coordinated with the Manager prior to the Manager's recommendation for funding.

- I. The Manager will present the Annual Capital Project List (along with the next fiscal year's recommended budget) to SMAC for its consideration and recommendation.
- J. The Manager will take the Annual Capital Project List (along with the next fiscal year's recommended budget) recommended by SMAC to the Board for approval.
- K. Cities with projects identified for funding in the next fiscal year will be notified following the Board's adoption of the Annual Capital Project List (along with the next fiscal year's recommended budget). However, no project on the Annual Capital Project List is deemed funded until the Board's budget authorization for the next fiscal year's Program is formally approved, published, and adopted.
- L. In order to provide flexibility to the Board to fully utilize Program funds, and in the event that Program funds become available through the receipt of additional revenue, the closing of other projects throughout the year, or the use of unencumbered funds for the current fiscal year, the Manager may consider proceeding with the highest ranked project(s) on the PEFF List.

Provision 6. Interlocal Agreements

- A. Interlocal Agreements (ILAs) for each Program project shall be entered into by the City and the Board – one for the PES, one for the Design, and one for the construction. Each ILA must be approved and authorized by the express action of the participating City and shall be executed in triplicate, first by the City and then by the Board.
- B. Interlocal Agreements will include funding for reimbursable expenses only. The City shall fully fund the services and components of a project that are not considered as reimbursable expenses.
- C. Prior to the preparation of a construction ILA, the Manager will review the design drawings and specifications for compliance with Program requirements. If Program requirements have been met, the Manager will determine whether sufficient funds are budgeted and available to construct the project. If sufficient Program funds are available, the Manager will prepare a construction ILA. The amount of the construction ILA will be based on the City's contracts (including the City-approved construction bid) for reimbursable construction related services.
- D. If Program funds are not available or if the Board elects to limit funding participation, the City may either fund any resulting difference or receive reimbursement for eligible costs already incurred and withdraw the project from further funding consideration in that fiscal year. Any project that is withdrawn will be placed back on the PEFF List and will remain eligible for funding in accordance with Program Policies and Administrative Procedures unless the Board specifically requests that the project not receive future funding. If the Board elects to limit participation due to insufficient Program funds, construction of the project may be deferred until the next fiscal year, or

until funds become available for its construction. Additionally, and in this case only, the City has the option to fund the remainder of the project at its expense and be reimbursed when funds become available.

- E. At no time can the sum of the PES, design and construction ILA's exceed the approved estimated project cost (plus change order authority) as defined in the PES. If the estimated project cost as presented in the PES (plus change order authority) is exceeded, the project can be completed with the excess funded by the City, or it can be stopped at a logical point and be placed back onto the PEFF List and re-ranked based on the new estimated cost. If the Project Administrator believes that the cost increase is the result of changes required by a regulatory agency or of new policies/regulations adopted since the completion of the PES, the City can request the Manager to review the factors leading to the increase in cost. The Manager will consider the cost increase, notify the Project Administrator of the decision, and, as necessary, present the request to SMAC and/or the Board for consideration.
- F. Interlocal Agreements for non-PES, design, and construction ILA's will be prepared and executed based on the City's contract for reimbursable expenses.
- G. As ILAs for a project are executed, the Manager will increase the encumbered funds for the project totaling all ILAs for the project plus the change order authority amount. The Program encumbered funds will equal the amount based on the percentage of Program participation as defined in the ILA (plus change order authority).
- H. Multi-year projects and phased projects shall be governed by the terms and provisions of the Program Policies and Administrative Procedures in effect on the date that the ILA was entered into by the Board, unless the Board and the participating City explicitly adopt revised terms in addenda executed for subsequent years.
- I. No City shall begin work on a project that has not been approved for funding by the Board unless specifically approved by the Manager.

Provision 7. Project Administration

- A. Projects located within the incorporated limits of a City or Cities will be administered by representatives of that City or Cities. When more than one City is involved in a project, those cities shall determine who will act as the Project Administrator.
- B. The Board will administer, through the Public Works Department, projects located in the unincorporated area of Johnson County. The Program will administer projects that are regional in nature and any projects specifically requested by SMAC or designated by the Board to be administered by the Program.
- C. For each project for which at least a PES has been completed, the Manager will maintain a file that contains information regarding that project. The Cities shall be

- responsible for sending pertinent information to the Manager to ensure that the files remain current.
- D. The Project Administrator shall contact upstream and downstream Cities that may be impacted by the project. As necessary, the Project Administrator shall notify local, state, or federal agencies that have an interest in the project of the intent to proceed with the project.
 - E. The Project Administrator shall engage professional engineers to perform services related to studies, preliminary planning, design, and/or testing. Cities may use staff professionals to perform such services. The Project Administrator shall negotiate all professional service contracts and provide a copy of each contract to the Manager.
 - F. For identified services to be considered a reimbursable expense by the Program, and to ensure full reimbursement of project costs incurred by the City, the Project Administrator shall contact the Manager before authorizing such professional services to be conducted, whether they are provided by staff personnel or consultants, to verify that the service provider and the scope of services established are reimbursable.
 - G. The Project Administrator shall submit preliminary and final plans, specifications, and engineer's construction cost estimate, conforming to the requirements presented in Exhibits B and C, to the Manager for review before advertising for construction bidding. The Manager will sign the cover sheet of the plans when the plans and specifications meet Program requirements.
 - H. All construction projects shall be constructed under written construction contracts and all contracts shall be let through competitive public bid procedures. A copy of all executed contracts shall be filed with the Manager.
 - I. The Project Administrator shall secure a notice to proceed from the Manager before initiating construction.
 - J. The Project Administrator shall obtain and erect a Program sign with dimensions and content as provided by the Manager before initiating construction.
 - K. The Project Administrator shall assure that work performed by engineers and contractors is in accordance with contract requirements.
 - L. The Project Administrator shall coordinate the financial aspects of the project, which includes verifying pay requests, making payments, complying with grant or other funding requirements, and filing requests for reimbursement with the Manager.

- M. The Project Administrator shall account for all project costs in such a manner that all engineering, construction, and other similar and reimbursable project costs can be identified.
- N. The Project Administrator shall submit a project status report as requested by the Manager. The Manager will review and monitor the projects. At the Manager's recommendation, the Board may elect to discontinue funding or take other action on projects for which there is insufficient progress.
- O. To ensure Program funding of change orders and project scope modifications, the Project Administrator should receive advance approval prior to initiation of the work.
- P. Upon completion of a project, the Project Administrator shall notify the Manager that all project costs have been submitted and that the project account can be closed. All funds remaining in the project account become available for reallocation, on a priority basis, for other projects as approved by the Board.

Provision 8. Project and Cost Participation

- A. In an effort to cap the number of projects to be funded by the Program, the Program will not participate in funding improvements to historic flooding problems for homes/businesses with building permits issued after January 1, 2003 and street/drainage infrastructure with final design plans dated after January 1, 2003 unless the City can demonstrate that the constructed facilities met the Program-adopted standards at the time of issuance of the building permit or signing of the design plans, or the Program-adopted standards and specifications, regulations, or permitting requirements are changed and become more stringent.
- B. It is the Board's intent to pay eligible project costs at a level necessary to construct a functional facility. The following costs generally will be eligible for funding under the Program:
 - 1. Preparation of a PES.
 - 2. Updates to a PES required as a result of more stringent Program-adopted standards and specifications, regulations, or permitting requirements.
 - 3. Costs associated with outsourced or in-house completed design and construction related services, including labor, expenses, testing, and construction inspection. For in-house services, costs associated with staff time shall be limited to direct salary costs only.
 - 4. Environmental or other inspection, testing and mitigation services if required by local, regional, state, or federal agencies.
 - 5. Mobilization and demobilization of work forces.
 - 6. Costs to transport materials such as sand, aggregate, rock, soil and water to and from the project site.
 - 7. Materials used in the construction of the project.

8. Construction labor costs.
 9. Demolition work required to construct a project.
 10. Initial landscaping but not continued maintenance. Funding will cover only replacement of landscaping damaged or removed during construction. Replacement landscaping will be for nominal size plantings rather than for mature or similar sized plantings that are damaged or removed.
 11. Fencing and lighting as required for public safety measures.
 12. Utility relocation and adjustment if required to construct the stormwater portion of the project.
 13. Services associated with detailed watershed studies, including surveying, aerial photography, GIS mapping, hydrologic and hydraulic analysis, and other reasonable services.
 14. Approved stream gauge and rain gauge installation.
 15. Approved floodwarning systems.
 16. Other engineering and construction costs as approved by the Manager.
 17. Property acquisition for the appraised/fair market value only. If the property has been damaged by flooding, the appraisal shall take into account the flood damage. Additionally, the appraisal of the property shall consider all relevant factors in the determination of fair market value such as the fact that a property is in the FEMA floodplain, the current housing market, etc.
- C. It is the Board's intent to pay eligible project costs at a level necessary to construct a functional facility. The following costs generally will not be eligible for funding under the Program:
1. Studies and stormwater management projects which do not meet the minimum requirements of the Program, and for which a waiver has not been approved by the Manager.
 2. Design and/or construction of facilities which do not meet the minimum requirements of the Program, and for which a waiver has not been approved by the Manager.
 3. Cosmetic enhancements to a project such as extensive landscaping, special lighting installations, use of more costly construction materials for aesthetic enhancement and similar enhancements.
 4. Costs of administration of a contract, such as billing, invoicing, and staff review of studies, design, and construction documents.
 5. Legal costs and associated expenses.
 6. Contract negotiation costs.
 7. Costs of acquisition of temporary and permanent easements and rights-of-way.
 8. Publication costs.
 9. Financing costs.
 10. Administrative and overhead costs.
 11. Closing costs, realtor fees, taxes, and other costs for property acquisition.
 12. Moving costs.

13. Flood proofing.
 14. Improvements to alleviate flooding problems to homes/businesses with building permits issued after January 1, 2003 and street/drainage infrastructure with final design plans dated after January 1, 2003 unless the City can demonstrate that the constructed facilities met the Program-adopted standards at the time of issuance of the building permit or signing of the design plans, or the Program-adopted standards and specifications, regulations, or permitting requirements have become more stringent.
 15. PES updates for reasons other than those defined as reimbursable.
- D. The City shall pay all non-reimbursable costs associated with a Program funded project.
 - E. Property acquisition of flood-prone properties (residential, commercial, industrial) is a required alternative that shall be considered in the PES. If property acquisition is determined to be the most cost-effective solution to the flooding, the Program encourages this as a viable option and will limit project funding to an amount equal to the cost of this option, should the City decide to implement a different solution.
 - F. The improvements should incorporate a total solution to the problem, but the Program allows for participation in the most cost-effective solution. This means the design plans can address structural improvements as well as the buyout of homes, but reimbursement can be expected only for the most cost-effective solution.
 - G. For cost identification of property acquisition, the Project Administrator shall select two appraisers – one to complete the appraisal and one to perform an appraisal review.
 - H. Cities are encouraged to seek financial assistance for projects from other governmental agencies. Revenues from such sources will be applied to the project costs first and then the remainder of eligible costs will be paid in accordance with cost sharing provisions contained within the ILA for the project. This provision does not apply to Community Development Block Grants (CDBG) which may be used as a direct City match for Program projects.
 - I. Cities may use any general revenue sources as the local matching funds under the Program.
 - J. When several Cities are involved in the project, the Cities shall determine how the local matching funds will be shared among them.
 - K. The Project Administrator shall submit requests for reimbursement to the Manager not more frequently than monthly. Requests for reimbursement shall include, at a minimum, a copy of the contractor's pay request, verification by the Project

Administrator that the work claimed in the pay request has been completed, and confirmation that the City has paid (or will pay) the amount requested.

- L. Reimbursement requests for a project shall not be less than \$10,000 unless the final request is being made.
- M. Within 10 business days of receipt of a payment request from a City, the Manager will verify the request for reimbursement, ask for further information, or ask that the pay request be adjusted and resubmitted. Once the request has been verified, the Manager will send it to the Johnson County Office of Financial Management for payment. Payment to the City shall be made within 30 days from receipt of a valid reimbursement request; however, no City shall have any claim for damages for the failure to make such payment within the 30 day period.
- N. In cases where funding participation of federal or state agencies in a project requires funding to be made prior to completion of work, the Manager may authorize such payment; provided that upon completion of the project, the City shall provide an accounting of all project funds and return any unused Program funds.

Provision 9. Design Specifications and Waivers

- A. Stormwater Management Projects shall be designed to meet or exceed the Program-adopted standards and specifications adopted at the time of the signing of the design ILA.
- B. If the Project Administrator believes that the Program-adopted standards and specifications cannot reasonably be met, the Project Administrator shall inform the Manager, in writing, of the Program-adopted standards and specifications that are not feasible, are impractical, or cannot be met without an expenditure of funds that significantly exceeds the anticipated benefit. The Manager shall review the City's proposal to deviate from the Program-adopted standards and specifications and may, but shall not be obligated to, provide comments on the City's proposal. If the Manager determines that the City's proposal is reasonable, then the Manager will inform the Project Administrator that the waiver section of the ILA will be in effect. If the Manager determines that the City's proposal to deviate from the Program-adopted standards and specifications is not reasonable and is not in the best interest of the Program, the Manager can recommend that the City revise its proposal.
- C. A City that proposes to deviate from the Program-adopted standards and specifications shall do so at its discretion based upon its own investigation, analysis, and risk assessment and without reliance upon the Program, SMAC, or the Board of County Commissioners, or their respective employees or agents. Any City which proposes to deviate from Program-adopted standards and specifications shall expressly, in writing, hold SMAC and the Board of County Commissioners, and their respective employees and agents, harmless from any property loss, property damage,

personal injury, or death arising out of the construction of the project. The City shall agree, in writing, that notwithstanding any assistance, advice, technical consulting, or engineering services provided by the Program, SMAC or the Board of County Commissioners, or in the failure to provide assistance, advice, technical consulting, or engineering services, the City shall bear sole and absolute responsibility for the project's design, construction, maintenance, and repair.

Provision 10. System Maintenance and Repair

The purpose of maintenance is to reduce flooding potential by allowing the system to operate as designed and to maximize the life of the stormwater management system. Regular maintenance is a critical aspect of the continued proper operation of the stormwater management system. The success of the Program funded improvements depends on regular/continued maintenance. In general, regular maintenance consists of repetitive activities necessary for the proper operation of the conveyance system; e.g., regularly scheduled channel mowing or channel and culvert cleaning. System repair is the effort necessary to return the system to an effectively functional condition if damaged, unmaintained, or deteriorated over time from normal operation.

- A. Cities shall be responsible for regular maintenance of facilities constructed with Program funds within their corporate limits.
- B. At the request of the Manager the Cities shall provide a summary of the maintenance routine and the present condition of Program funded projects in the City.
- C. Inspections may be performed by the Manager. The intent of the inspections will be to review and evaluate the operation and maintenance of the Program funded stormwater management systems. Should a deficiency be attributable to lack of regular maintenance, the City will have 90 days to perform necessary maintenance. Uncorrected deficiencies may be considered grounds to suspend funding of existing Program projects and to prevent future Program participation with the City. Upon correction of deficiencies, suspended project participation will be resumed and future Program participation will be continued. The Cities will be given an opportunity to accompany the Manager during inspections. System deterioration will be checked to evaluate the sufficiency of regular maintenance requirements.
- D. System repair requirements will also be noted. At the recommendation of the Manager and at the discretion of the Board, the costs associated with required system repair on Program funded stormwater management systems may be eligible for Program participation. However, at a minimum, the funding will be conditional on proof that the need for the repair is not caused by inadequate or inappropriate design or lack of regular maintenance.

Provision 11. Appeal Process

- A. If a City does not agree with a decision made by the Manager concerning a specific project issue (e.g., interpretation of project requirements, funding, project eligibility...), the City can appeal the decision in writing to SMAC. The written request shall be directed to the Manager and shall outline the basis for the appeal.
- B. The Manager will notify SMAC of the appeal, and SMAC will consider the appeal at its next scheduled meeting.
- C. SMAC shall consider the Manager's and the City's comments and will vote to recommend approval or denial of the City's appeal.
- D. If SMAC approves the City's appeal, it will request that the Manager present the issue to the Board. If SMAC denies the appeal, it will request that the City drop the issue.

EXHIBIT A - Preliminary Engineering Study (PES) Requirements

The following information and overall format is required for the PES. Please note that the PES must have the Program assigned project number on the cover, must be signed and sealed by a professional engineer registered in the state of Kansas, and must be submitted to the Program in the form of one hard copy and one digital PDF version (as a single file).

I. Project Overview

- A. **Flood Problem Rating Table** – Include the information originally provided to the Manager when the City requested consideration for funding of the PES.
- B. **Background** - Provide a brief description of the location, purpose, and scope of the project. Include the street location and identify the cities that are involved. Describe potential impacts on cities upstream and downstream from the project.
- C. **Existing Conditions** - Describe the watershed, major drainage-way, drainage structures, and flow constrictions. Summarize the flooding problems in the area and identify streets that are affected by the current drainage conditions. Summarize other pertinent information such as soil types, depth to bedrock, utilities, rights-of-way, and easement information applicable to the proposed project.
- D. **Standards** - Identify applicable design and construction standards including current Program-adopted standards and specifications as well as other governing regulations (i.e. city, state, etc.). Note that the minimum standards to be met are the current Program-adopted standards and specifications.
- E. **Utility Contacts** - Identify utility contacts; at a minimum, the following utility companies should be included:
 1. Electric
 2. Gas
 3. Cable TV
 4. Telephone
 5. Water
 6. Sanitary Sewer
- F. **Permits** - Summarize Federal, State, and local permitting requirements, if any, for the proposed project.
- G. **Conformance with Watershed Studies** – Determine whether the project is within the study area of the Johnson County Watershed studies, and if so, explain how the project's hydrologic and hydraulic calculations are consistent with the results of the watershed study.

II. Summary of Findings

- A. **Project Limits** - Describe the location and extent of the proposed improvement project and its impacts both upstream and downstream. Establish whether or not the project is located within the study limits of the Johnson County watershed studies.
- B. **Hydrology and Hydraulics** -
1. Hydrology Analysis – Provide detailed information on the hydrologic analysis methods, explain the basis for the selected approach, and develop existing and proposed runoff flowrates for design return intervals at required and logical locations in the drainage area. Include the hydrologic parameters used for the runoff computations, including but not limited to design storm, runoff coefficients, curve numbers, percent imperviousness, times of concentration, rainfall intensity, and rainfall hyetograph. If the project is located within the study limits of the Johnson County, Kansas, watershed studies, the PES design flowrates shall match or exceed the 1 percent storm future conditions flowrates presented in the watershed study. If it is determined that the flowrates in the watershed study are not reasonable, a written narrative must be included that clearly explains the reasons for revising the flowrates and the methods used in developing the revised flowrates.
 2. Hydraulic Analysis - Provide detailed information on the hydraulic analysis methods, explain the basis for the selected approach, and develop existing and proposed hydraulic grade lines for the controlling return interval at each hydraulic structure, enclosed pipeline, and open channel.
- C. **Field Investigations** - Describe the results of field work performed, including surveying, geotechnical investigations, etc.
- D. **Improvement Alternatives** - The PES shall include at least three improvement alternatives. The first alternative must consider acquisition of all flood-prone buildings and must provide an overall solution that meets or exceeds the current Program-adopted standards and specifications. The remaining two alternatives must provide a level of protection similar to the first alternative. If the City believes that the infrastructure or buildings cannot be reasonably or feasibly protected without an expenditure of funds that would significantly exceed the anticipated benefit, an additional alternative can be presented that does not meet the current Program-adopted standards and specifications. In this case only, the standards that cannot be met must be identified and the extent of “non-compliance” must be clearly explained and discussed.
1. Description of Alternatives (repeat this section for each alternative evaluated) - Summarize the following items for each alternative evaluated. Also include other pertinent information to the alternative.
 - a. Facilities. Describe the existing conveyance facilities included as part of the alternative.
 - b. Road/Traffic. Describe any modifications to existing roads. Also describe traffic control during construction.
 - c. Utilities. Identify potential utility relocations based on discussions with the utility companies.
 - d. Rights-of-Way/Easements. Describe required changes to existing rights-of-way and easements.
 - e. Preliminary Drawings. Develop drawings in adequate detail to estimate opinions of probable cost which can be used for comparison of costs.

- f. Opinion of Probable Costs. Prepare an opinion of probable cost for the proposed improvements. The cost must include all Program reimbursable costs as presented in the Program's Administrative Procedures for the completion of the PES and the design and construction of the project.
- g. Relationship to Other City Stormwater Facilities. Describe how the recommended improvements will interface with existing stormwater facilities.
- h. Effects on Surrounding Cities. Summarize the effects on cities upstream and downstream from the project site.
- i. Conformance with Current Design Standards. Clearly state that the design meets, or exceeds the current Program-adopted standards and specifications. If the design exceeds current Program-adopted standards and specifications, identify the standards that are being used and why. If current design standards are not being met, clearly explain why they are not being met and include a statement acknowledging the need for a waiver for the design and construction of the project.

III. Recommendations

- A. Evaluation of Alternatives - List the advantages and disadvantages of each alternative evaluated.
- B. Recommended Alternative - Describe the recommended alternative, including the types of improvements, project limits, and project benefits. Develop a work schedule for completing the design phase and estimate the duration of the construction phase. If the recommended alternative does not meet the current Program-adopted standards and specifications, clearly explain why they are not being met and include a statement acknowledging the need for a waiver for the design and construction of the project.

IV. Acceptance by cities within upstream and downstream limits of project

- A. Include correspondence from cities within upstream and downstream impact limits accepting the PES recommendations.

EXHIBIT B - Preliminary Plan Submittal Checklist

Preliminary Plans and Specifications shall be clearly identified as preliminary. This submittal shall be accompanied by a transmittal letter that includes all required narrative information. All documents submitted shall have the Program project number prominently displayed. The preliminary plan submittal shall include the following information:

- A. Stormwater Management Program project number on title sheet.
- B. Signature block for the Program Manager with the following statement above the signature line: Funding Approved - Project Conforms to Stormwater Management Program Requirements.
- C. Stormwater Management Program project sign location on title sheet and installation detail in the plans or specifications.
- D. A current cost estimate indicating items in which the Program is participating. Items in which the Program is not participating must be listed and totaled separately.

- E. Preliminary specifications containing minimum insurance requirements and Johnson County indemnification clause.
- F. Correspondence identifying significant changes in scope or design from information submitted as part of the PES.
- G. Design hydraulic grade line or water surface elevation for open channels, plotted on profile view of plans. Multiple design return intervals may be plotted; however, at least the design return interval hydraulic grade lines must be shown.
- H. A drainage area plan (including a map) that includes complete hydrologic calculations and pertinent hydraulic calculations performed as part of the design.
- I. Narrative description of how all design flows shall be routed. No calculations are required for this submittal; however, an indication must be made that the routing of the design flows has been considered in the overall design.
- J. Confirm review of the data and information presented in the Johnson County watershed studies. If the project is within the watershed study limits, explain how the project hydrologic and hydraulic calculations are consistent with the results of the watershed study.

EXHIBIT C - Final Plan Submittal Checklist

Final Plans and Specifications shall be clearly indicated as final. This submittal shall be accompanied by a transmittal letter that includes all required narrative information. All documents submitted shall have the Program project number prominently displayed. In addition to the information required on the preliminary plan submittal, the final plan submittal shall include the following information:

- A. The current cost estimate indicating items in which the Stormwater Management Program is participating. Items in which the Stormwater Management Program is not participating must be listed and totaled separately.
- B. Correspondence indicating significant changes in scope or design from information submitted as part of the Preliminary Plans. If such changes occur, all information required as part of the Preliminary Plans shall be resubmitted for items which have changed and all portions of the project which have been affected by the changes.
- C. Incorporation of all comments from preliminary plan submittal stage. If comments have not been incorporated, a written narrative shall be provided which outlines which comments were not included and why.
- D. Final specifications.
- E. Grading plans and/or cross sections which clearly indicate limits of grading. Overflow channels and swales used to accommodate the design return interval events must be clearly marked and defined. All easements and rights-of-way shall be indicated on grading plan and/or cross sections.
- F. All hydrologic and hydraulic calculations performed to meet the design requirements regarding the design return interval events. If hydraulic calculations are too awkward to submit, a detailed narrative may be submitted describing all design assumptions and considerations. If applicable, the 1 percent storm return event hydraulic grade line and/or water surface elevation profile must be shown in addition to the previously mentioned narrative or hydraulic calculations. In all cases, the design return events hydrologic calculations must be submitted.
- G. A cover sheet, signed and sealed by authorized City staff and the design engineer.