

ASSEMBLY OF ROUGE COMMUNITIES VISION AND GOALS

RECOMMENDATIONS OF THE ORGANIZATION COMMITTEE

JULY 27, 2004

VISION AND GOALS FOR ASSEMBLY OF ROUGE COMMUNITIES

REPORT AND RECOMMENDATIONS ORGANIZATION COMMITTEE

COMMITTEE CHARGE

Under the August 2003 Memorandum of Agreement that established the Rouge River Watershed Local Management Assembly (i.e., now known as the Assembly of Rouge Communities and hereinafter referred to as the Assembly), an Organization Committee was established to make recommendations concerning future changes in the organizational structure and operation of the Assembly. The full Assembly approved the membership of the Organization Committee and the committee was charged to develop a vision for the future of the Assembly to support its recommendations for change.

BACKGROUND

The Organization Committee reviewed the following Guiding Principles established by Rouge Drafting Committee that provided the foundation for the August 2003 Memorandum of Agreement.

1. *A new watershed-wide organization was needed and it should be given a new name*
2. *Its voting membership should be limited to local communities and agencies with water permits within the Rouge River watershed*
3. *Membership would come with an obligation to provide monetary support for the organization and/or investment of dollars in restoration/protection efforts*
4. *There should be a role for other stakeholders including state agencies, regional organizations, citizens groups, businesses, and others to encourage participation and input*
5. *The organization needs its own staff paid for by the organization (size and type determined by functions and responsibilities of organization)*
6. *The organizational structure would be a “general assembly” of all voting members with operations under the control of a “executive committee” or “managers group”*
7. *The functions of the organization would include*
 - a. *Planning for water quality and water quantity issues in the watershed*
 - b. *Establishing priorities for projects that relate to goals, targets and schedules*
 - c. *Providing advocacy for the members at the federal/state/regional and local level*
 - d. *Coordinating the activities and management plans of the SWAGs*

- e. *Coordinating and perhaps managing watershed-wide sampling/monitoring*
- f. *Addressing regional concerns including providing a forum for DWSD coordination issues*

In addition, the Organization Committee reviewed the following Drafting Committee Underlying Assumptions that were used to help draft the 2003 Memorandum of Agreement:

1. *While the process and actions needed to restore the river and meet regulatory requirements continue to evolve, specific areas of intergovernmental cooperation identified as critical over the next 5-7 years by the communities and agencies must be the focus*
2. *The federal funds available for services through the Rouge Project are expected to be exhausted over the next 2-3 years, and new sources of local funding will be required to maintain those services at levels deemed essential by the permitted communities and agencies*
3. *The principles of “home rule” must be maintained to achieve the needed broad support and endorsement of elected officials*
4. *The resources of communities and agencies are limited and that the net result must demonstrate increased efficiency, effectiveness and/or that there will be less duplication of effort.*
5. *Any new intergovernmental agreements must be voluntarily entered into by cooperating communities and agencies and that the benefits of any such agreements will be targeted to the entities participating*
6. *While it is important to solicit input and encourage comment from all stakeholders, the communities and agencies legally accountable for meeting the requirements or taking actions must make the ultimate decisions and control the commitment of resources*

The Organization Committee also reevaluated the analysis of alternative state and national watershed organizations prepared by the original Rouge Drafting Committee and concluded that new state legislation was needed to establish a local public entity that would conform to the elements agreed upon in the 2003 Memorandum of Agreement. The Committee recommended and the Assembly approved an effort to have state legislation introduced that would allow for the recognition of local government Watershed Alliances modeled after the Assembly Agreement.

ACCOMPLISHMENTS

The Organizational Committee noted the accomplishments of the Rouge River watershed communities working collectively under the Rouge River National Wet Weather Demonstration Project (Rouge Project) over the last decade including, but not limited to the following:

- Successfully implemented sewer separation and CSO design and construction at a much lower cost to communities through a phased approach proposed by the Federal District Court and accepted by MDEQ

- Designed the first watershed-based storm water permitting system in the state (if not the nation), pursuing its adoption by MDEQ, implementing its requirements before federal and state Phase II storm water mandates were promulgated, and satisfying the Federal District Court that the Rouge River watershed communities could work together without the need to create a new, independent watershed-wide authority
- Developed seven, detailed subwatershed management plans with involvement of local stakeholders establishing goals and action plans subsequently incorporated into individual community storm water pollution prevention initiatives
- Satisfied the U.S. District Court that the Rouge River watershed communities and the three counties had established a process and organizational structure precluding the need for a court imposed new inter-county drain authority under the Michigan Drain Code
- Created the Rouge River Watershed Local Management Assembly Memorandum of Agreement that was adopted by 39 communities and 3 counties who have collectively contributed or pledged to contribute nearly 600 thousand dollars of local funds to match an equal amount of federal dollars in its first two years of operation to help communities meet state storm water permit requirements
- Successfully implemented hundreds of storm water best management practices, public information/involvement activities, staff training programs and illicit discharge detection/elimination programs with assistance of Rouge Project grants as recommended in the subwatershed plans
- Implemented one of the most, if not the most comprehensive watershed-wide, water quality monitoring programs in the state to measure success in management of CSOs, SSOs, illicit connections and other storm water and non-point pollution sources identified in the subwatershed management plans
- Proposed Watershed Alliance legislation that is now pending in the legislature which will formally recognize the Assembly and similar statewide local watershed alliances as local public entities under state law
- Significantly improved water quality in the Rouge River in support of efforts to restore and protect beneficial uses

WHAT'S LEFT TO BE ACCOMPLISHED -- GOALS

The Assembly of Rouge Communities (Assembly) and the Subwatershed Advisory Groups (SWAGs) developed under the Rouge Project have successfully adopted a watershed approach to restoration of the Rouge River that has, to date, satisfied the Federal District Court's concerns related to coordination of restoration efforts, and met federal/state storm water permit requirements. In its first year and a half, the Assembly has begun the process of transitioning the activities from the federally funded Rouge River Wet Weather Demonstration Project (Rouge Project) to various Assembly committees, and has taken steps to advocate on behalf of its members on storm water management regulatory

requirements and other issues related to state water pollution control policies. The Assembly has not yet attempted to integrate the seven separate subwatershed management plans so that Rouge River watershed-wide restoration goals, targets, and schedules can be agreed upon.

The goals of the Assembly as recommended by the Committee include the following:

- 1. Demonstrating the cost savings, and efficiencies achieved by working together to meet mandated water quality permit requirements and locally determined river restoration goals.**
 - Essential to maintain the current participation of the 39 communities and 3 counties, and to expand the membership to include other local and regional public agencies with water management responsibilities within the Rouge River watershed.
- 2. Integrating subwatershed goals, objectives and action plans into watershed-wide priorities and targets.**
 - Needed to protect and enhance beneficial uses of surface water resources, support high quality groundwater resources, and complement state, regional and international efforts to restore the sustainable benefits of the Great Lakes
- 3. Becoming a model for an integrated, holistic approach to state and federal water quality regulatory programs that focus on cost-effective improvements to the river developed through locally developed plans and initiatives**
 - First effort will be to obtain one watershed-based storm water discharge permit for all members of the Assembly
- 4. Establishing a stable, equitable funding mechanism to support activities of the Assembly**
 - Required for transition of responsibilities from the Rouge Project to the Assembly including staffing, river monitoring, public involvement/education, and support of projects that meet watershed-wide goals and objectives
- 5. Advocating collectively on behalf of member local governmental units and their residents before regional, state, and federal entities for innovative/flexible regulatory approaches and funding assistance to achieve locally established water management goals**
 - a. Critical to assure that the interests of 2.2 million residents of the watershed that shoulder the ultimate financial burden and receive the primary benefits, are adequately represented in policy and regulatory decisions that affect them

VISION FOR THE ASSEMBLY OF ROUGE COMMUNITIES

The Organization recommends the adoption of the following Assembly Vision:

By 2010, the Assembly of Rouge Communities will have a stable source of funding and its membership will include all essential local governmental units in the Rouge River watershed with water management responsibilities. The Assembly will have provided

leadership in the restoration of the Rouge River through collective efforts to achieve cost effective enhancement and protection actions needed to sustain the long-term public benefits associated with the areas surface water, groundwater, and Great Lakes resources. The Assembly will have assumed responsibility for monitoring the progress made in restoring the beneficial uses of the river, protecting areas of existing high water quality, providing public education and involvement activities, and supporting other basic projects needed to successfully meet water pollution control requirements contained in watershed-based discharge permit issued by the state to the Assembly on behalf of its members.

The residents of the region, regional organizations, state agencies and the federal government will recognize the Assembly as a strong alliance of local governmental agencies that is a leader in advocating innovative, cost effective approaches to enhance water quality in the Rouge River and contribute to the restoration of the Great Lakes. The Federal District Court, based upon the performance of the Assembly members in their collective efforts to achieve and maintain beneficial water uses protected under federal law, will have ended its oversight role.

Finally, the residents of the watershed will acknowledge the value of their investments through the Assembly to restore and protect the water resources of the region and point with pride and a renewed sense of stewardship based upon the enhanced quality of life provided by a cleaner river, the increased value associated with the uses of public and private riparian lands along the river, and the Rouge River watershed's contribution to Great Lakes restoration.

ACTIONS NEEDED TO ACHIEVE VISION AND GOALS

Beginning in January of 2005, the Assembly will be at a major crossroad in its efforts to transition from reliance on federal funding through the Rouge Project to a self-sustaining, permanent organization that is capable of cost effectively helping members meet water discharge permit requirements, expectations of watershed residents, and obligations imposed by the federal court. Federal funding to support the Assembly efforts, as anticipated, will be substantially reduced during 2005. Contributions through member assessments will likely represent most, if not all, of the funding needed in 2005 to support the operation of the Assembly, Subwatershed Advisory Groups, and essential monitoring and public involvement activities.

The Assembly needs to

1. Initiate activities to secure outside sources of funding through federal and state grants, and private sources

Legislation now pending in Lansing would establish the legal basis for the Assembly to formalize its current Memorandum of Agreement into bylaws of a Watershed Alliance. It would authorize the Assembly to function as a legal inter-governmental entity capable of seeking grants and other sources of outside funding needed for its operation, and to perform other functions such as hiring staff, contracting for services and carrying out related activities now provided through Wayne County as part of the Rouge Project. Passage of this legislation in 2004 or early 2005 is critical to the future of the Assembly. This new

legislation is essential to authorize the Assembly to seek state or federal grants or other sources of private funding for its operations for 2006 and beyond.

- Support adoption of authorizing legislation in and implement necessary steps to form Assembly under new statute during late 2004 and early 2005
- Initiate proposals for federal grant funding during 2005 with a focus on demonstrating the applicability of a single watershed-based permit for multiple communities in an urban watershed

2. Maintain its current members, expand opportunity for participation

To maintain and strengthen its voice as an advocate for local governmental units and broaden its base for coordinated actions and funding, current members must have documentation on the benefits and cost savings provided through participation, and amend its Memorandum of Agreement (or Bylaws) to accommodate the addition of new governmental units.

- Prepare written documents, and provide visual presentations on the value received from Assembly membership for use with local governing bodies during 2004 and early 2005.
- Promote the connection between actions to improve water quality and restore more normal flow regimes to the Rouge River with management of regional groundwater resources and restoration for the Great Lakes during 2005
- Amend MOA (Bylaws) to provide for new memberships by the end of 2004

3. Integrate Individual Subwatershed Plans into Watershed-Wide Plan

A significant element in the formation of the Assembly was the opportunity it provided to develop a consensus on watershed-wide goals and priorities that could be used to guide collective efforts to restore the river. The individual subwatershed water management plans and the Rouge River Remedial Action Plan Update provide the detailed technical support needed to create a concise, easily understood document outlining consensus, watershed wide priorities and target schedules for completing actions to restore the river.

- Assign Assembly Technical Committee, with the assistance of representatives of the subwatershed groups and appropriate appointees of RRAC, to prepare a concise Rouge River Watershed Priorities for Action report for presentation and adoption by the Assembly before the end of 2005

4. Initiate Efforts to Secure One Watershed-Based Permit for All Assembly Members

The provisions of the federal Clean Water Act storm water management regulations authorize the use of a single watershed-based permit to cover multiple communities and also provides for individual accountability of governmental units for non-compliance issues. While the state storm water regulations do not specifically provide for a single permit, the proposed legislation to allow for the formation of watershed alliances does authorize an alliance established under the proposed statute to apply for and receive state/federal permits on behalf of its members. A single permit would have advantages to both the local units and the state. The fee associated with one permit would be

substantially less than the combined general storm water permit fees now assessed each member of the Assembly. The documents needed to meet the permit requirements could be combined and duplicative sections now in individual subwatershed plans and pollution prevention initiatives eliminated. While the fees received by MDEQ would be less, the MDEQ work required to review, approve and monitor individual permits and plans would be reduced from 43 to 1.

- Once the proposed watershed alliance legislation is adopted and the a watershed-wide plan is approved by the full Assembly, the Assembly Technical Committee should prepared a draft application for a single watershed-based storm water discharge permit that would provide coverage for all members. A target date for operation under a single Assembly storm water permit should be no later than mid-2006.

5. Initiative For Long Term Stable Funding

While the addition of grants and reduction in storm water permit fees may provide some financial relief to Assembly members to help reduce the cost of annual assessments, in the long-term, a new stable source of funding will be needed both to support the operation of the Assembly and to provide funds to implement projects intended to restore or protect the river. Under the financial constraints faced by local units of government for the foreseeable future, the Assembly will be severely constrained in what it can accomplish without a new source of funding. There are models in other parts of the country where equitable funding mechanisms have been established for addressing regional urban water management issues on a watershed basis. The Assembly needs to explore these options and advocate for a new source of funds to address common needs determined to be a priority for the watershed.

- Assign the Assembly Organization and Finance committees to review long-term funding options and make recommendations to the full Assembly by January 1, 2006 with a target date for initiating appropriate actions by July 1, 2006.

6. Retain The Services Of An Executive Director And Administrative Support For The Assembly

The volunteer elected officers and committee chairs of the Assembly can not be expected to provide the coordination and direction needed to implement actions needed to achieve the vision and goals outlined above. The Rouge Project has provided administrative support and facilitation in the past, but this source of support may not be available at all beyond January 1, 2005. The Assembly needs to begin a process now to select an individual or firm that can provide executive director services to support the Assembly itself, its officers and committee chairs in their work. In addition, a member community, unless a management firm is retained, may have to provide office space and related communication support services for a selected contractor. The complexities of organizing and coordinating 40 plus local units of government, several committees, a several hundred thousand dollar budget, and grant applications will require full time attention.

- The Assembly Executive Committee should select a small group from its members to draft a position description for an Executive Director position and/or an RFP to solicit proposals from individuals or firms. The position description/RFP should be finalized by December of 2004 with an anticipated full function of the needed services by no later than March 1, 2005.

SCHEDULE FOR PROPOSED ACTIONS

Actions	2004	2005	2006	2010
Grant Funding				
New Statute→			
Grant Application	→		
Maintain/Increase Members				
Benefits Presentation	→			
Promote G.W./G.L.Connection	→			
Amend MOA	→			
Integrate Subwatershed Plans				
Prepare Watershed-Wide Plan		→		
Watershed Based Permit				
Application/Operational			→	
Long Term Stable Funding Source				
Options and Recommendations			→	
Support Services				
Position Description/RFP	→			
Achieving Vision/Goals→			

