

**RESOLUTION NO. 089-2017**

**PUBLISHED ON:** \_\_\_\_\_

**EFFECTIVE DATE:** \_\_\_\_\_

**A RESOLUTION AMENDING SECTION 2-352 AND ADDING SECTION 2-355, BOTH  
WITHIN CHAPTER 2 OF THE SEDGWICK COUNTY CODE**

WHEREAS, pursuant to K.S.A. 19-101, *et seq*, the Sedgwick County Board of County Commissioners may exercise the powers of home rule to determine its local affairs and government;

WHEREAS, County Resolution 203-2010 (codified at Sedg. County Code Sec. 2-351, *et seq*) created the Stormwater Appeals Board (“SWAB”) to hear appeals from any decision or determination made by the Director of the Sedgwick County Environmental Resources Department in the enforcement or administration of the Sedgwick County Stormwater Management Code;

WHEREAS, it has come to the attention of the Board of County Commissioners that appointees to the SWAB need knowledge and experience similar to the knowledge and experience required of appointees to the Stormwater Management Advisory Board;

WHEREAS, the Board of County Commissioners wishes to amend certain provisions of said resolution (as codified) in order to provide that SWAB appointees will be the same persons as those appointed by the Board of County Commissioners to the Stormwater Management Advisory Board; and

WHEREAS, the Board of County Commissioners wishes to serve as the body to hear any appeals from decisions rendered by the SWAB.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THAT:**

SECTION I: Sedgwick County Code, Section 2-352 shall be read as follows:

Sec. 2-352. Membership and term of office.

The stormwater appeals board (the board) shall consist of the same five (5) persons appointed by the Board of County Commissioners pursuant to Sedgwick County Code Section 2-324. The terms of the stormwater appeals board members are the same as those of appointees identified within Sedgwick County Code Section 2-326.

SECTION II: Repeal.

Section 2-352 of the Sedgwick County Code, as established by Resolution No. 203-2010, is hereby repealed and replaced with the text from Section I of this Resolution.

SECTION III: Sedgwick County Code, Section 2-355 is added and reads as follows:

Sec. 2-355. Appeal of decision of the stormwater appeals board.

Either the director of the Sedgwick County Environmental Resources Department or the party who originally appealed the decision of the director to the stormwater appeals board may then appeal the decision of the stormwater appeals board to the Board of County Commissioners by filing a notice of appeal with the Sedgwick County Clerk's Office within five (5) business days after the decision of the stormwater appeals board. Failure to file a notice of appeal in a timely fashion will be considered a waiver of the ability to appeal the decision to the Board of County Commissioners.

The party appealing the matter to the Board of County Commissioners shall serve the other party in the matter by mailing a copy of the notice of appeal within two (2) business days to the other party. Also, if any other interested parties have been identified during the hearing before the stormwater appeals board, those interested parties shall similarly be mailed a copy of the notice of appeal.

When the appeal is filed with the Sedgwick County Clerk's Office, a copy of the appeal will be provided to the County Counselor's Office. Once the appeal has been scheduled for a specific meeting of the Board of County Commissioners, the County Counselor's Office shall mail all parties and (if applicable) interested parties a notice indicating when and where the appeal will be held.

SECTION IV: Upon approval of this Resolution by Board of County Commissioners, the Sedgwick County Clerk is directed to publish this Resolution once in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
MICHAEL B. O'DONNELL, II	<u>Aye</u>
DAVID T. DENNIS	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

Dated this 17 day of May, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
KELLY B. ARNOLD, County Clerk

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DAVID M. UNRUH, Chairman  
Commissioner, First District

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MICHAEL B. O'DONNELL, II, Chair Pro Tem  
Commissioner, Second District

APPROVED AS TO FORM:

\_\_\_\_\_  
JUSTIN M. WAGGONER  
Assistant County Counselor

\_\_\_\_\_  
DAVID T. DENNIS  
Commissioner, Third District

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RICHARD RANZAU  
Commissioner, Fourth District

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JAMES M. HOWELL  
Commissioner, Fifth District