

**IN THE COURT OF COMMON PLEAS OF LORAIN COUNTY
PROBATE DIVISION**

IN THE MATTER OF: :
: **CASE NO.**
: **JUDGE**
CENTRAL LAKE ERIE REGIONAL :
WATER RECLAMATION DISTRICT :
: **PETITION FOR FORMATION**
: **UNDER R.C. 6119.02**
:

The Lorain County Board of County Commissioners and the Avon Lake Board of Municipal Utilities, by and through the City of Avon Lake (collectively, “Petitioners”), with support from Lorain County Rural Wastewater District (“LORCO”), of Lorain County, Ohio, jointly petition this Court as follows:

Whereas, the Lorain County Board of County Commissioners is the general governing body for Lorain County;

Whereas, the City of Avon Lake is a chartered municipal corporation in Lorain County, Ohio;

Whereas, the Avon Lake Board of Municipal Utilities is an elected governing body, created by the City of Avon Lake City Council and established in the municipal charter to set policy and oversee utility operations in Avon Lake;

Whereas, LORCO is a R.C. Chapter 6119 regional wastewater district which manages wastewater collection and conveyance across portions of Lorain County, and a portion of Wayne County;

Whereas, discussions for regionalizing wastewater treatment and conveyance in Lorain County has been ongoing, starting in 2012, with renewed efforts starting in 2023, with an open public meeting for all potentially interested entities and stakeholders;

Whereas, the proposed regional sanitary sewer district may provide treatment and regional conveyance services while local entities retain all authority for local collection services, including billing, and maintenance;

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FOR PUBLIC COMMENT

Whereas, construction and connection of regional sewer lines, interceptors, force mains, facilities, and other regional conveyance and treatment infrastructure is feasible and beneficial to the customers of the proposed territory;

Whereas, Petitioners have agreements in principle for the lease, purchase, and operation of existing assets by the proposed regional sanitary sewer district;

Whereas, benefits to public health and safety of the residents of the proposed Territory and Service Area necessitate regional sewer treatment;

Whereas, regionalization of sewer treatment facilities will benefit the environment, and help meet the challenges of current and expected regulatory requirements;

Whereas, the proposed regional sanitary sewer district may provide support for regional master planning services but local governments retain all economic decisions and local planning;

Whereas, the proposed sewer district commits to uniform treatment rates for all wholesale customers within a district. The proposed Service Area is a single district;

Whereas, the Territory and Service Area are currently served, or are able to be served, by the Avon Lake Water Reclamation Facility;

Whereas, Petitioners of the proposed regional sanitary sewer district held a public meeting to receive comments on this Petition, the Plan of Operation, and other relevant documents, and addressed the public comments;

Now, therefore, Petitioners hereby request the establishment and organization of a regional sanitary sewer district as authorized under R.C. Chapter 6119 and more fully described as to its governmental function and purposes as follows:

1. The proposed name of the district shall be “Central Lake Erie Regional Water Reclamation District” (“CLERWTR”), which may also formally be known as “CLERWTR” (hereinafter, the “District”);
2. The principal office of the District shall be located at 201 Miller Rd., Avon Lake, OH 44012, with other such principal or branch offices as established by the Board of Trustees of CLERWTR (hereinafter, the “Board”) (defined *infra* in Section 6.A.);

3. The creation of the District is necessary in order to provide a regionalized approach to sewer conveyance and treatment for efficient, convenient, and economical means to treat wastewater within the proposed Territory and Service Area, to address the potential danger to the public health, safety and welfare posed by the lack of a regionalized system. The establishment of the District will be conducive to public health, safety, convenience, and welfare.

CLERWTR, as a regional wastewater authority, is necessary in order to achieve the following:

- Optimize use of existing wastewater conveyance and treatment infrastructure to regionalize water reclamation services, which will:
 - eliminate redundant or inefficient infrastructure;
 - improve water quality by maximizing high quality treatment; and
 - institute uniform treatment rates for all customers in a district or subdistrict;
 - Create a broad rate base to minimize costs of current water reclamation-related expenditures;
 - Leverage economies of scale to meet costs of current and ever-more stringent environmental regulations as cost-effectively as possible; and
 - Support regional economic development through regional infrastructure master planning while preserving local development decision authority.
4. It is the purpose of the proposed District to construct, as needed, manage, and maintain regional sewer conveyance and treatment facilities, regional lines and other appurtenances for the customers of the proposed District in an efficient and convenient manner to provide regional treatment and conveyance services.
 5. Territory:
 - A. The Territory of the District shall be comprised of the City of Avon Lake and the Avon Lake/LORCO Phase I FPA, which includes the Eaton Estate Wastewater Treatment Plant operated by Lorain County, as depicted and defined in Attachment 1.
 - B. The Territory, which may or may not be contiguous, may be expanded or amended by the Board as established in R.C. Chapter 6119.
 - C. As provided for in R.C. Chapter 6119, the District may provide services outside of its Territory, by agreement. The proposed Service Area is depicted and defined in Attachment 2.
 - D. The Service Area may be expanded or amended by the Board as established in R.C. Chapter 6119 and the District's Bylaws (the "Bylaws").

6. The organizational structure of the District shall be as follows:
- A. The governing board of the District shall be known as the “Board of Trustees of the Central Lake Erie Regional Water Reclamation District” and also known as the “Board of Trustees of CLERWTR”.
 - B. For a seamless formation of the District and transition into a regional service, an initial board (“Initial Board”) shall serve as follows:
 - a. The Lorain County Administrator shall serve ex officio for a two-year term;
 - b. The LORCO Executive Director shall serve ex officio for a three-year term; and
 - c. The Avon Lake Chief Utilities Executive shall serve ex officio for a four-year term.Each of these terms shall end on December 31.
 - C. Subsequent to the Initial Board outlined in Paragraph B of this Section, the Board shall be comprised of three Trustees, all of whom shall be selected and appointed by the following appointing entities:
 - a. One appointee by Lorain County Board of County Commissioners;
 - b. One appointee by the LORCO Board of Trustees; and
 - c. One appointee by Avon Lake Board of Municipal Utilities.
 - D. Appointees to the Board shall adhere to the minimum criteria required by the Bylaws to serve as a Trustee.
 - E. Each Trustee, during the regular term subsequent to the Initial Board terms outlined in Paragraph B of this Section, shall serve a four-year term, notwithstanding Paragraph G of this Section.
 - F. The Board may remove a Trustee for cause as the Board sets in the Bylaws. The Appointing Entity may remove the Trustee it appointed as authorized by R.C. 6119.071.
 - G. Upon the expiration of a term of office of any Trustee, or in the event of a resignation, removal, or the otherwise vacancy of a Trustee’s seat on the Board at any time prior to the expiration of Trustee’s term, the Appointing Entity identified in Paragraph C of this Section shall have the duty and responsibility of selecting and appointing or reappointing a replacement Trustee that adheres to all criteria for appointment as outlined in Paragraph D of this Section and any additional criteria adopted in its Bylaws, within 60 days of the time of vacancy. If the Appointing Entity fails to appoint a Trustee within 60 days from the time of vacancy, the duty and responsibility to appoint a Trustee reverts to the Board. The Board must adhere to all criteria for appointments as outlined in Paragraph D of this

Section and any additional criteria adopted in its Bylaws. If the Board fails to appoint a Trustee after 30 days, this Court shall appoint a Trustee. If there is not a quorum for the Board to appoint a Trustee to the vacant seat, the CLERWTR Chief Executive Officer shall petition this Court to appoint the Trustee promptly.

- H. The Board shall organize by selecting one of its Trustees as President/Chairman, one of its Trustees as Clerk/Secretary, and one of its Trustees as Treasurer, in the manner authorized in the Bylaws, each to serve a one-year term. The Board may elect such other officers as it may deem necessary or appropriate to serve a one-year term.
 - I. The Initial Board shall not be compensated for their service to the District. Compensation for future Trustees may be established only by unanimous vote of the Board and in conjunction with the Bylaws and the Plan of Operations. The District may provide for Trustee expenses for District activities, as authorized by the Bylaws.
 - J. The Board shall have the authority to expand the Board as the Territory or Service Area of the District expands, only by unanimous vote of the Board and in conjunction with the Bylaws.
 - K. The Board shall meet at least quarterly, and as otherwise deemed necessary and appropriate to perform its duties. The Board shall meet the required attendance conditions as established in the Bylaws. Failure to meet the attendance requirements may be cause for removal by the Board, as detailed in Paragraph F of this Section.
 - L. The Board shall draft and adhere to the Bylaws in compliance with this Petition and the Plan of Operation. The Board shall ensure the District is operated in a manner that is required by the Plan of Operation, as approved by the Court, and in compliance with all applicable laws and regulations, including Ohio Revised Code Chapter 6119.
7. The costs of operation of the District prior to receipt of revenues from its operation shall be obtained through grants, loans, and/or advances, including, but not limited to:
- A. Grant and/or loan funds from the United States Environmental Protection Agency, and/or any other applicable federal funding;
 - B. Grants and/or loan funds from the Ohio Water Development Authority (“OWDA”), the Ohio Environmental Protection Agency; and/or any other applicable state funding;
 - C. The issuance of a promissory note or notes in anticipation of the issuance of bonds, as provided in Chapter 6119 of the Ohio Revised Code;
 - D. Prepaid fees and deposits as the Board shall deem necessary and appropriate;
 - E. Advances from the Petitioners pursuant to R.C. 6119.04 and R.C. 505.705; and/or
 - F. Any other funding obtained by the Petitioners allowable by law.

Wherefore, Petitioners pray that the Court approves the organization of Central Lake Erie Regional Water Reclamation District according to the law after a final hearing with proper notice to the public.

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