

# LUZERNE COUNTY FLOOD PROTECTION AUTHORITY

Luzerne County Courthouse  
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October 22, 2009

Dear Property Owner;

**RE: 2009 Levee Fee**

Recently you received an invoice from the Luzerne County Flood Protection Authority for the 2009 Levee Fee. Since this is the first year of the fee, it created some confusion. As a result, the Authority's office was overwhelmed with telephone calls seeking information on the fee.

In an effort to address your questions and concerns in the most efficient manner possible, since it is impossible for the Authority to return all messages in a timely fashion, this letter will provide information regarding the most frequently asked questions.

**Why was the fee enacted?**

The Luzerne County Board of Commissioners, in an effort to balance the 2009 General Fund budget, removed the levee maintenance from the budget. This action required the Authority to develop a funding mechanism for providing levee maintenance and operations.

**Can the Authority charge a fee?**

The Municipal Authorities Act provides the ability "to fix, alter, charge and collect rates and other charges in the area served by its facilities at reasonable and uniform rates to be determined exclusively by it for the purpose of providing payment of the expenses of the authority, the construction, improvement, repair, maintenance and operation of its facilities and properties."

**Who pays the fee?**

The fee is on all residential, commercial, industrial and tax-exempt properties that are located within the Susquehanna River floodplain as defined by the 1972 Agnes flood event. The properties were determined using a map prepared in 1972 which delineated properties flooded by the Agnes event. Vacant land is not subject to the fee.

**Why isn't the fee spread across the entire county?**

Based on the Authority solicitor's opinion, the Authority does not have the legal ability to impose the fee on the entire county. In accordance with the Municipal Authorities Act, the fee can only be imposed on those properties that receive a direct benefit from the flood protection system. This is defined as those properties that were flooded as a result of the 1972 Agnes flood event.

**What do the fees pay for?**

The fees cover the operating expenses for the operation and maintenance (salaries and benefits, taxes, insurance, utilities, grant match funds and supplies) of the Wyoming Valley Levee System, costs of the Authority, capital equipment, fee collection costs and a sinking fund for equipment replacement. The fees will be kept in a separate account and only be used for levee purposes. Costs for the recreational amenities provided by the flood protection system will be paid through a separate funding mechanism.

### How much are the fees?

The annual fees are based on five categories. The 2009 fees are:

Category	Description	Amount
R1	Residential properties with improvement assessments less than \$100,000	\$46.85
R2	Residential properties with improvement assessments equal to or greater than \$100,000	\$93.70
CIT1	Properties with improvement assessments less than \$250,000	\$225.48
CIT2	Properties with improvement assessments equal to or greater than \$250,000 but less than \$750,000	\$450.96
CIT3	Properties with improvement assessments equal to or greater than \$750,000	\$676.44

### How were the fees determined?

A statistical analysis of the 2009 assessment data was completed to determine the categories. Additional information regarding the fees can be viewed on the county's website [www.luzerencounty.org](http://www.luzerencounty.org) and click on Levee Fee.

### I am not required to have flood insurance so why am I subject to the levee fee.

Federal Emergency Management Agency (FEMA) flood insurance requirements are based on a flood event with a 1% (100 Year Flood) chance of occurrence in any year. The Agnes flood plain was a larger flood event (approximately 300 Year Flood) that impacted a larger area than the FEMA flood plain

### I was not in the 1972 flood but I still received a bill.

The 1972 flood map indicates all properties that were impacted by the Agnes flood event; therefore, your property received a bill.

### I received a bill with a CIT1 category and I own a residential apartment building (2-4 units).

Approximately 1200 bills were coded incorrectly and new bills are being issued that will have either a R1 or R2 designation. If you have already paid the bill, you will receive a refund.

### I no longer own the property, the property is vacant, have errors on the bill, other issues.

Please notify the Authority in writing of the condition and the records will be updated.

If you contacted the Authority and spoke to a representative regarding issues with your bill, you do not need to contact the Authority again. Your claim is being investigated and you will receive a written response.

If you have not been contacted by the Authority, please submit your claim in writing to the Authority, at the above address, and you will receive a written response.

The Authority apologizes for any confusion the billing has created. We thank you for your patience as we work to make the database as accurate as possible.

Sincerely;



James J. Brezema, P.E.  
Executive Director