

RESOLUTION NO. 82-07

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
ADOPTING SUPPORT FOR STATE CONSTITUTIONAL AMENDMENT 12 (SCA 12)
STORMWATER AND URBAN RUNOFF**

WHEREAS, the federal Clean Water Act, U.S. Environmental Protection Agency (EPA) codified rules, and State Regional Water Quality Control Board Orders require the City of Richmond to adopt and implement a comprehensive Stormwater Management Plan (SWMP) incorporating Best Management Practices (BMPs) to reduce the discharge of pollutants in stormwater runoff; and

WHEREAS, the City of Richmond and other jurisdictions in Contra Costa County applied for a joint permit to the San Francisco Bay Regional Water Quality Control Board and received a Joint Municipal Regional National Pollutant Discharge Elimination System (NPDES) Permit authorizing the City to implement a Storm Water Management Plan (SWMP); and

WHEREAS, the SWMP protects valuable environmental and economic resources of the Richmond community by reducing Polychlorinated biphenyls (PCBs), copper, diazinon, nickel, mercury and other pollutants from entering stormwater runoff and polluting Richmond's natural water courses, creeks, stormwater runoff system and San Francisco Bay; and

WHEREAS, The City's SWMP meets mandated performance standards in five areas: New Development/Construction Controls, Public Education/Industrial Outreach, Municipal Maintenance (street sweeping, storm drain maintenance, and creek maintenance), Business Inspections, and Illicit Discharge Control; and

WHEREAS, The City's current Joint Municipal Regional NPDES Permit increased the number of performance standards from 80 in 1994 to 257 performance standards in 1999, and added stormwater management provisions for new development in 2003. The next Joint Municipal Regional Permit will likely be more stringent and compliance more costly; and

WHEREAS, currently authorized property assessments to support programs under the SWMP is \$32.00 per ERU (Equivalent Runoff Unit) with one single family home representing one ERU; and

WHEREAS, the Stormwater Management Plan assessment rate has not been increased since 1991; and

WHEREAS, under constitutional provisions commonly called, "Proposition 218", the ERU

assessment can be increased only by a two-thirds majority vote of property owners voting in an assessment election; and

WHEREAS, with inflation, increased NPDES permit compliance requirements, and other increased costs, the City's Stormwater Fund has been in a negative balance since FY 2004-2005 the City's Stormwater Fund in the future may require General Fund subsidy; and

WHEREAS, California Senators Tom Torlakson and Leland Yee have introduced a proposed California Constitutional Amendment (SCA 12) that may allow the City of Richmond to increase the ERU assessment without holding an assessment election provided a majority of affected property owners do not protest the increase.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby expresses strong support for Senate Constitutional Amendment 12 (SCA 12) co-sponsored by State Senators Tom Torlakson and Leland Yee that, if approved by the State Legislature, would present a measure before the voters at the next regularly scheduled General Election to redefine storm water and urban runoff fees as not subject to the restrictions of Proposition 218.

Section 2. The City Council confirms that a copy of this resolution will be sent to Senator Tom Torlakson, Senator Leland Yee, Assemblymember Mark DeSaulnier and Governor Arnold Schwarzenegger.

Section 3. This resolution shall become effective immediately upon its passage and adoption.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a meeting thereof held on July 31, 2007, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

APPROVED:

GAYLE McLAUGHLIN
Mayor

APPROVED AS TO FORM:

LOUISE RENNE, Interim
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the following is a true copy of Resolution No. 82-07, finally passed and adopted by the council of the City of Richmond at a meeting held on July 31, 2007.