

RESOLUTION NO. 113-13

RESOLUTION APPROVING FIRST AMENDMENT TO STORMWATER UTILITY AREA AGREEMENT BETWEEN THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF RICHMOND

WHEREAS, the County of Contra Costa, the Contra Costa County Flood Control and Water Conservation District (“DISTRICT”) and nineteen (19) cities and towns in Contra Costa County have joined to form the Contra Costa Clean Water Program (the “PROGRAM”); and

WHEREAS, the members of the PROGRAM hold joint National Pollutant Discharge Elimination System (“NPDES”) Stormwater Permits (Nos. CAS612008 and CAS083313) issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards, respectively; and

WHEREAS, the NPDES Permits require the inspection of industrial and commercial facilities and the control of illicit discharge activities; and

WHEREAS, the DISTRICT and the City of Richmond (“CITY”) entered into an agreement entitled “STORMWATER UTILITY AREA AGREEMENT BETWEEN THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF RICHMOND”, dated April 13, 2010 (the “SUAA”), which provides for the imposition, collection, and administration of Stormwater Utility Assessments for the funding of NPDES Permit activities; and

WHEREAS, CITY agrees that the public good is best served by implementing a joint inspection program to encompass inspection activities and illicit discharge control activities, rather than establishing new, separate inspection programs for each municipality; and

WHEREAS, the SUAA authorizes the DISTRICT to enter into the Agreement Among the Contra Costa County Flood Control and Water Conservation District, the Central Contra Costa Sanitary District, the Delta Diablo Sanitation District, and the East Bay Municipal Utility District Regarding the Contra Costa Clean Water Program’s Inspection Activities, dated October 26, 2009 (the “INSPECTION AGREEMENT”) on its behalf, for those agencies to perform joint inspection activities and illicit discharge control activities on behalf of CITY and fourteen other municipalities in Contra Costa County; and

WHEREAS, it is in the interest of CITY to continue participating in the joint inspection program; and

WHEREAS, the INSPECTION AGREEMENT has recently been amended and restated to extend the agreement term, modify the procedure for formal enforcement actions, and to revise the scope of the indemnification provisions; and

WHEREAS, it is necessary to amend the SUAA to provide the DISTRICT with authority to execute the Amended and Restated Contra Costa Clean Water Program Inspection Activities Agreement, dated June 30, 2013, by and among the DISTRICT, Central Contra Costa Sanitary District, Delta Diablo Sanitation District, and West County Wastewater District.

NOW, THEREFORE, the City of Richmond does resolve as follows:

1. Approve and authorize the District to execute the Amended and Restated Contra Costa Clean Water Program Inspection Activities Agreement, dated June 30, 2013, by and among the DISTRICT, Central Contra Costa Sanitary District, Delta Diablo Sanitation District, and West County Wastewater District, a copy of which is attached to the Staff Report as Attachment 1.
2. Approve and authorize the City Manager to execute the First Amendment to the SUAA, a copy of which is attached to the Staff Report as Attachment 2.

3. This Resolution shall become effective immediately upon its passage and adoption.
4. Three (3) certified copy of this Resolution and three (3) signed originals of the First Amendment to the SUAA shall be promptly forwarded to the Contra Costa Clean Water Program.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held December 3, 2013, by the following vote:

AYES: Councilmembers Bates, Beckles, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Butt.

DIANE HOLMES
 CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

GAYLE MCLAUGHLIN
 Mayor

Approved as to form:

BRUCE GOODMILLER
 City Attorney

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

I certify that the foregoing is a true copy of Resolution No. 113-13, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 3, 2013.