



Staff Reports

File #: 1410-2018, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Jacques R. LaRoche, Public Works Director

Prepared By: Stephanie Proft, Acting Engineering Assistant

TITLE:

Amendment to Cooperative Joint Powers Agreement to Fund the Napa Countywide Stormwater Pollution Prevention Program

RECOMMENDED ACTION:

Approve the First Amendment to the Cooperative Joint Powers Agreement with the Napa County Flood Control and Water Conservation District, the City of American Canyon, the City of St. Helena, the City of Calistoga, the Town of Yountville, and Napa County to extend the term of the agreement to June 30, 2021; authorize the Mayor to execute the amendment on behalf of the City; and determine that the actions authorized by this item are exempt from CEQA.

DISCUSSION:

In 2003, the Cities of Napa, St. Helena, Calistoga, the Town of Yountville, and the County of Napa jointly entered into a Joint Powers Agreement (JPA), now known as the Cooperative Joint Powers Agreement, with the Napa County Flood Control and Water Conservation District (District) to facilitate implementation of the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP). The City of American Canyon subsequently joined the JPA in 2005. Napa's participation in the NCSPPP helps to ensure compliance with the municipal stormwater permitting requirements of the Federal Clean Water Act's National Pollution Discharge Elimination System Program (NPDES) and the State's Porter-Cologne Act. Compliance with the requirements of the current NPDES Phase II General Permit for Small Municipal Separate Storm Sewer Systems (MS4 Permit), which was adopted by the State Water Resources Control Board on July 1, 2013, is a challenge facing all NCSPPP municipalities. The City through the participation of the JPA has successfully implemented the current MS4 Permit.

The cost of the NCSPPP is shared amongst the member agencies and remains the most cost-effective model for local agencies to pool their respective resources to meet the ever-increasing requirements of these federal and state regulatory mandates. The collaboration of NCSPPP municipalities allows for the realization of economies of scale by performing certain requirements on behalf of all participating entities.

The JPA agreement has been updated to better serve each agency's roles and cost distributions based on the permit requirements. The term of the agreement has been amended to cover the next three years with the anticipation that the Water Board will issue the next permit prior to June 30, 2021. After 15 years of positive and productive collaboration with our NCSPPP partner agencies,

staff feels it is most efficient to extend the existing agreement which will cover the City through the issuance of the next permit. The State Water Resources Control Board is expected to re-issue the next generation of the Phase II permit by 2021. However, if they are delayed in this endeavor, this agreement can be amended to extend the term for as long as the participating municipalities wish.

FINANCIAL IMPACTS:

There are no additional financial impacts anticipated resulting from the proposed extension of the JPA agreement. The existing Development Engineering Division budget appropriation (GL 43017-55002) is sufficient to cover the cost of the City's contribution, and no additional funds are necessary. The source of funding for the existing appropriation is the General Fund.

CEQA:

City staff recommends that the City Council determine that the Recommended Action is exempt from CEQA pursuant to CEQA Guidelines Sections 15307 and 15308, which exempt actions by regulatory agencies for the protection of natural resources and the environment, respectively.

DOCUMENTS ATTACHED:

ATCH 1 - First Amendment to Cooperative Joint Powers Agreement

NOTIFICATION:

Rick Thomasser, Napa County Flood Control and Water Conservation District