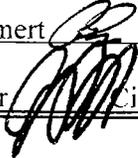
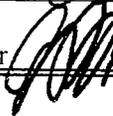




Meeting Date: 01/15/08

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Anthony Emmert  Agenda Item No. 12-12
 Reviewed By: City Manager  Gillig City Attorney  Finance SW Ortega Public Works 

DATE: January 7, 2008

TO: City Council

FROM: Mark S. Norris, Assistant Public Works Director
Public Works Department, Utilities Services Branch 

SUBJECT: Amendment to Implementation Agreement for Countywide Stormwater Program

RECOMMENDATION

That City Council:

- 1) Approve and authorize the Mayor to execute an amendment to the existing National Pollutant Discharge Elimination System Implementation Agreement Stormwater Regulation Program (Agreement) with the Ventura County Watershed Protection District (VCWPD), which identifies the responsibilities of the City, VCWPD, nine other Ventura County cities, and Ventura County under the Ventura County Municipal Stormwater Permit, and creates a mechanism for the distribution of revenues and the funding for the Principal Permittee activities.
- 2) Approve an appropriation of \$94,000 from the Wastewater Collection Operating Fund to the Stormwater Quality Management Program budget to partially fund Principal Permittee costs under the Ventura County Municipal Stormwater Permit for Fiscal Year 2007/2008.

DISCUSSION

The Water Quality Act of 1987 added Section 402(p) to the Federal Water Pollution Control Act, establishing a framework for regulating municipal and industrial storm water discharges under the NPDES program. The regulations required municipalities to develop and implement stormwater quality programs for discharges from their municipal separate stormwater sewer systems to waters of the United States, and to reduce the pollutants contained in those discharges to the maximum extent practicable. The California Regional Water Quality Control Board, Los Angeles Region, is responsible for overseeing the discharges from the municipalities of Ventura County and for issuing NPDES permits.

On June 23, 1992, the City Council approved and authorized an agreement with the District (formerly the Ventura County Flood Control District) to develop a single Countywide Stormwater Quality Management Program, which would be regulated by one NPDES permit. In order to benefit from economies of scale, the Program included the VCWPD, as the Principal Permittee, the County of Ventura, and the ten cities within the County, including the City of Oxnard. The Countywide Program also benefited from the District's ability to generate revenue through its Benefit Assessment Authority. The 1992 Agreement identified the City's responsibilities for complying with the requirements of the Permit within its jurisdictional boundaries and set forth the methodology for the use of the benefit assessment financing by the VCWPD and the City. The current amendment to the Agreement updates the formula for the distribution of revenues, and further identifies the need for additional funding for the required activities of the VCWPD, as the Principal Permittee. The City's share of the cost of these activities is \$93,589. In addition, the amendment clearly conveys the City's desire to continue to cooperate with the VCWPD, the County of Ventura, and the other nine cities of the County to mutually fund and manage an integrated Stormwater Management Program, with the objective of protecting and improving water quality in Ventura County.

FINANCIAL IMPACT

The City's share of the funding of the Principal Permittee costs to implement the Countywide Stormwater Quality Program is \$93,589. Sufficient funds exist in the Wastewater Collection Operating Fund to cover the anticipated costs, to be appropriated to account number 611-6102-842-8209.

AAE:

- Attachment #1 Special Budget Appropriation
- Attachment #2 National Pollutant Discharge Elimination System Implementation Agreement
Stormwater Regulation Program
- Attachment #3 Amendment to National Pollutant Discharge Elimination System Implementation
Agreement Stormwater Regulation Program

Note: The National Pollutant Discharge Elimination System Implementation Agreement Stormwater Regulation Program has been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Monday, January 14, 2008.

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CITY OF OXNARD

REQUEST FOR SPECIAL BUDGET APPROPRIATION

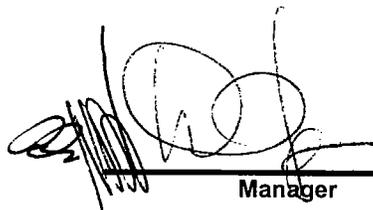
To the City Manager:

January 15, 2008

Request is hereby made for an appropriation of total \$ 94,000

Reason for appropriation: Appropriate funds from the Wastewater Collection Operating Fund balance to the Stormwater Quality Management Program budget for the amendment for Countywide Stormwater Program.

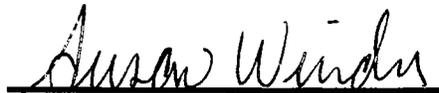
<u>FUND</u>	<u>DESCRIPTION/ACCOUNT</u>	<u>AMOUNT</u>
Wastewater Collection (611)	Stormwater Quality Mangement Program 611-6102- 842-8209 - Prof/Contract Other	<u>94,000</u>
	Net Estimated Change to Wastewater Collection Fund Balance	<u>(94,000)</u>



Manager

REQUIRES CITY COUNCIL APPROVAL

DIRECTOR OF FINANCE



Susan Windsor

Disposition

Approved _____

Rejected _____

Transfer by Journal Voucher _____

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ATTACHMENT NO. 1
PAGE 1 OF 1

**AMENDMENT TO NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM IMPLEMENTATION AGREEMENT FOR
VENTURA COUNTYWIDE
STORMWATER QUALITY MANAGEMENT PROGRAM**

This Amendment to National Pollutant Discharge Elimination System (NPDES) Implementation Agreement (a copy of which is attached as Attachment 1) is entered into by and among the County of Ventura hereinafter referred to as COUNTY, the Ventura County Watershed Protection District hereinafter referred to as DISTRICT and the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks, hereinafter collectively referred to as CITIES, with respect to the following matters:

RECITALS

Whereas, the CITIES, the COUNTY and the DISTRICT desire to continue funding and implementing an integrated Stormwater Discharge Management Program with the objective of protecting and improving water quality in Ventura County; and

Whereas, the DISTRICT has been designated as the Principal Permittee in the PERMIT, and

Whereas, the CITIES, the COUNTY and the DISTRICT currently operate the Ventura Countywide Stormwater Quality Management Program pursuant to four separate 1992 Implementation Agreements divided by watershed zone and approved by the CITIES, the COUNTY and the DISTRICT; and

Whereas, the CITIES, the COUNTY and the DISTRICT desire to modify the 1992 Agreements as relates to cost sharing of Principal Permittee activities.

NOW, THEREFORE, the parties do mutually agree the Amendment be, and hereby is, as follows:

1. TERM

This Amendment shall be in effect for fiscal year 2007/2008, commencing on July 1, 2007 and terminating on June 30, 2008.

2. PRINCIPAL PERMITTEE BUDGET

The principal permittee budget for FY2007/2008 is attached as Exhibit A. The total principal permittee costs shall not exceed \$1,425,197 and is a not-to-exceed amount representing the maximum amount that will be used for determining distribution of costs in accordance with Section 3, Funding. The budget line items may be modified with approval of the Management Committee, as long as the overall total budget is not exceeded.

3. EXPENDITURES

Section IV, Subsection C is amended as follows:

- 1) 50% of the DISTRICT's NPDES Benefit Assessment share is to be used for funding Principal Permittee costs.
- 2) Principal Permittee costs not funded through Section 3.A. shall be distributed among co-permittees as follows: 15% by DISTRICT and the balance by the CITIES and COUNTY based on current Benefit Assessment Unit (BAU) ratios.
- 3) Exhibit B attached shows an example distribution of costs based on BAUs, using the revenues for FY 2006/2007. Actual revenue amounts shall be used in computing the final cost distribution.
- 4) The Principal Permittee shall implement accounting tracking mechanisms in order to report and describe contributions and expenditures. Any unexpended funds not used for Principal Permittee activities shall be returned to the Co-permittees.

4. PAYMENT

The Co-permittees' share of the Principal Permittee budget can either be deducted from the proceeds of the Benefit Assessment Program levied on its behalf or by payment to the DISTRICT. Co-permittees shall notify DISTRICT by February 1, 2008 of its preferred method of payment.

5. FINANCIAL IMPLEMENTATION DATE

The financial aspects of this Amendment shall take effect on July 1, 2007.

6. AGREEMENT IN EFFECT

Except as otherwise specifically provided herein, all other provisions of the Agreements shall remain in full force and effect.

7. AUTHORITY TO EXECUTE AGREEMENT

Each party covenants that each individual executing this Amendment on behalf of each party is a person duly authorized and empowered to execute agreements for such party.

8. EXECUTION IN COUNTERPARTS

This Amendment may be executed and delivered in any number of counterparts or copies by the parties hereto. When each party has signed and delivered at least one counterpart to the other parties hereto, each counterpart shall be deemed an original

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Attachment #3

Page 2 of 6

and, taken together, shall constitute one and the same Amendment, which shall be binding and effective as to the parties hereto.

The parties to this Amendment are as follows:

Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009
Attn: Director of Watershed Protection District
Phone: (805) 654-2040; Fax (805) 654-3350

County of Ventura
800 South Victoria Avenue
Ventura, CA 93009
Attn: Director of Public Works
Phone: (805) 654-2073; Fax (805) 654-3952

City of Camarillo
601 Carmen Drive
Camarillo, CA 93010
Attn: Director of Public Works
Phone: (805) 388-5307; Fax (805) 388-5318

City of Fillmore
250 Central Avenue
Fillmore, CA 93015
Attn: Director of Public Works
Phone: (805) 524-3701; Fax (805) 524-5707

City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021
Attn: Director of Public Works
Phone: (805) 529-6864; Fax (805) 529-8270

City of Ojai
401 South Ventura Street
Ojai, CA 93023
Attn: Director of Public Works
Phone: (805) 646-5581; Fax (805) 646-1980

City of Oxnard
305 West Third Street
Oxnard, CA 93030
Attn: Director of Public Works
Phone: (805) 385-8280; Fax (805) 385-7907

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City of Port Hueneme
250 North Ventura Road
Port Hueneme, CA 93041
Attn: Director of Utility Services
Phone: (805) 986-5000; Fax (805) 986-6660

City San Buenaventura
501 Poli Street
Ventura, CA 93001
Attn: Director of Public Works
Phone: (805) 654-7800; Fax: (805) 652-0865

City of Santa Paula
P.O. Box 569
Santa Paula, CA 93061-0569
Attn: Director of Public Works
Phone: (805) 933-4298; Fax (805) 525-3742

City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063
Attn: Director of Public Works
Phone: (805) 583-6786; Fax (805) 583-6300

City of Thousand Oaks
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362
Attn: Public Works Director
Phone: (805) 449-2457; Fax (805) 449-2475

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
IMPLEMENTATION AGREEMENT
VENTURA COUNTYWIDE
STORMWATER QUALITY MANAGEMENT PROGRAM

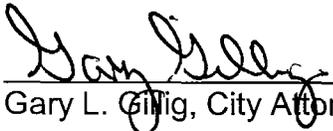
City of Oxnard Signature Page

Dr. Thomas E. Holden, Mayor
City of Oxnard, California

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 01-07-08

Gary L. Gillig, City Attorney

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