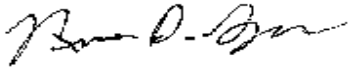


City of Calistoga

Staff Report

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4 **TO:** Honorable Mayor and City Council
5 **FROM:** Derek Rayner, Senior Civil Engineer
6 **VIA:** Michael Kirn, Public Works Director/City Engineer
7 **DATE:** August 18, 2015
8 **SUBJECT:** Consideration of a Resolution Approving a Cooperative Joint Powers
9 Agreement to Fund and Administer the “Napa Countywide Storm Water
10 Pollution Prevention Program (NCSPPP)”

11 **APPROVAL FOR FORWARDING:**

12 

13
14 **RICHARD D. SPITLER, CITY MANAGER**

15 **ISSUE:** Consideration of a Resolution Approving a Cooperative Joint Powers
16 Agreement to Fund and Administer the “Napa Countywide Storm Water Pollution
17 Prevention Program (NCSPPP)”

18
19 **RECOMMENDATION:** Adopt the Resolution.
20

21 **BACKGROUND / DISCUSSION:** The State of California recently revised the mandated
22 requirements for municipalities that discharge storm water under the General Permit
23 administered by the State Water Resources Control Board. This permit is known as the
24 Phase II NPDES permit, or the City’s Phase II MS4 storm water permit.
25

26 The storm water permit requirements have increased significantly over the last two
27 years. To ease the burden of compliance with the increased regulations, Calistoga has
28 entered into a partnership for a countywide storm water program entitled “Napa
29 Countywide Storm Water Pollution Prevention Program” (NCSPPP), formally the Storm
30 Water JPA.
31

32 The NCSPPP group consists of Napa County and all of the incorporated cities in Napa
33 County. The partnering program allows us to keep current with the increased permit

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Consideration of a Resolution Approving a Cooperative Joint Powers Agreement to Fund and Administer the Napa County Stormwater Management Program

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34 requirements and stay in compliance. Many of our permit compliance requirements are
35 accomplished through the NCSPPP program which makes management of our citywide
36 program more efficient, and less expensive.

37
38 NCSPPP has modified this year's agreement to run for a three year period instead of
39 annually. This agreement for FY 15/16 would end in FY17/18. The longer term
40 agreement reduces the administrative effort in preparing annual agreements.

41
42 Although the agreement is for a longer period, actual approval of funding will continue to
43 be part of the annual budget process. During budget deliberations, if it is decided we do
44 not to participate for any reason, the agreement can be terminated and the City would
45 be financially obligated for services rendered through the end of the previous fiscal year.

46
47 City staff, along with the City attorney have reviewed the terms of the agreement and
48 modified the language to ensure the longer term doesn't financially obligate the City
49 beyond its fair share and is recommending approval of the new agreement.

50
51 **CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:** The
52 recommended action supports the FY 2015/16 City Council Goal No. 3, Objective 1 by
53 providing a funding mechanism to "...maintain the high level of service and reliability of
54 the City's infrastructure systems and facilities."

55
56 **FISCAL IMPACT:** Calistoga's share of the NCSPPP for FY15/16 is \$27,816 and was
57 included in the approved FY 2015/16 budget. For reference FY14/15 was \$27,576. The
58 FY 15/16 estimated total budget for managing our storm water program is \$106,100,
59 which includes the following:

- 60
- 61 • State General Permit Fee \$5,834
 - 62 • City staff costs \$72,450 to manage/implement permit compliance
 - 63 • NCSPPP/JPA costs \$27,816
- 64

65 **ATTACHMENTS**

- 66 1. NCSPPP Resolution
67 2. NCSPPP Agreement

RESOLUTION NO. 2014 - XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AUTHORIZING A COOPERATIVE JOINT POWERS AGREEMENT WITH THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO FUND AND ADMINISTER THE NAPA COUNTY STORMWATER MANAGEMENT PROGRAM

AGREEMENT NO. _____

WHEREAS, on April 30, 2003, the State Board adopted Water Quality Order No. 2003-005-DWQ, NPDES General Permit CAS000004 Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems ("Phase II Permit") to comply with Clean Water Act; and

WHEREAS, in 2003, the City of Calistoga applied for and obtained coverage for City of Calistoga under the State Board's Phase II Permit; and

WHEREAS, on February 5, 2013, the State Board adopted a revised Phase II Permit, which went into effect on July 1, 2013; and

WHEREAS, on June 24, 2013 the City of Calistoga applied for coverage under the new Phase II Permit as required by the State Board; and

WHEREAS, to prevent the necessity of each city in the County having to acquire a separate NPDES permit, the Napa County Flood Control and Water Conservation District (NCFWC) has developed the Napa County Stormwater Management Program encompassing the City of Calistoga, City of Napa, City of St. Helena, City of American Canyon, Town of Yountville, and the County of Napa; and

WHEREAS, in addition to staff time and the annual State permit, the City of Calistoga's share of the costs for program administration are \$27,816 for fiscal year 2015/16; and

WHEREAS, funds are budgeted in Fiscal Year 2015/16 for these costs; and

WHEREAS, the City of Calistoga is authorized under State law to delegate to a designated representative its authority to bind the City under contract; and

WHEREAS, the City Council wishes to grant authority to the Mayor of the City of Calistoga to execute the Cooperative Joint Powers Agreement to Fund and Administer the Napa County Stormwater Management Program on behalf of the City of Calistoga.

NOW, THEREFORE, BE IT RESOLVED that the Joint Powers Agreement with the Napa County Flood Control and Water Conservation District (attached) is hereby approved.

47 **BE IT FURTHER RESOLVED** that the City Council of the City of Calistoga
48 hereby authorizes the Mayor of the City of Calistoga to execute, on behalf of the City,
49 the Joint Powers Agreement with the Napa County Flood Control and Water
50 Conservation District to Fund and Administer the Napa County Stormwater
51 Management Program, contingent upon approval of the City Attorney.

52
53 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of
54 Calistoga at a regular meeting held this **18th day of August 2015**, by the following vote:

55
56 **AYES:**
57 **NOES:**
58 **ABSTAIN:**
59 **ABSENT:**

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62

CHRIS CANNING, Mayor

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64 **ATTEST:**
65
66

KATHY FLAMSON, City Clerk
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