



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager Execute an Agreement Among the Cities of Lathrop, Lodi, Manteca, Tracy, Ripon and San Joaquin County Providing for Voluntary Cost Sharing for Programs Required in the National Pollutant Discharge Elimination System Phase II Permit

MEETING DATE: May 21, 2003

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to execute the attached agreement among the Cities of Lathrop, Lodi, Manteca, Tracy, Ripon and San Joaquin County providing for voluntary cost sharing for programs required in the National Pollutant Discharge Elimination System (NPDES) Phase II Permit required by the Regional Water Quality Control Board (RWQCB).

BACKGROUND INFORMATION: The City of Lodi has five years to implement a Stormwater Management Program (SMP) and meet NPDES Phase II Permit requirements. In the SMP, there are six minimum control measures (MCM) that must be met. These measures are:

1. Public Outreach and Education
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

The RWQCB recommends that municipalities within designated urbanized areas show collaborative efforts in meeting these measures to minimize time and costs associated with developing and implementing the various aspects of the program. By collaborating, the City will save time and money and will be able to steer away from having to "reinvent the wheel".

The above-mentioned cities within the County have formed the San Joaquin Stormwater Tech Committee to assist one another in tackling the six minimum control measures. The Committee meets monthly to share resources and information. The City of Lodi's Stormwater Team has found this committee to be a great resource and of assistance with its own SMP with regard to development and training and recommends continued support and participation.

The agreement does not bind the City to any specific dollar amount. Rather, it sets a framework for voluntary cost sharing on programs or activities as described in Section C of the agreement. Expenditures would be made under normal budget and purchasing procedures.


 Richard C. Prima, Jr.
 Public Works Director

Prepared by Marilinda C. Devera, Management Analyst
RCP/MD/dsq
Attachment

cc: Fran E. Forkas, Water/Wastewater Superintendent
George M. Bradley, Street Superintendent

F. Waily Sandelin, City Engineer

APPROVED: _____


H. Dixon Flynn -- City Manager

AN AGREEMENT
FOR COST SHARING FOR THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT PROGRAM PHASE II

THIS AGREEMENT, is made and entered this _____ day of _____, 2003, by and between the following undersigned public agencies, all which are referred to collectively as the Parties.

San Joaquin County, a political subdivision of the State of California;
City of Lathrop, a municipal corporation of the State of California;
City of Lodi, a municipal corporation of the State of California;
City of Manteca, a municipal corporation of the State of California;
City of Tracy, a municipal corporation of the State of California;
City of Ripon, a municipal corporation of the State of California.

RECITALS

1. In accordance with regulations promulgated under the Federal Clean Water Act for Phase II of the U.S. Environmental Protection Agency's Storm Water Program, it is required that small communities obtain National Pollutant Discharge Elimination System (NPDES) permits to regulate discharges to surface waters from small municipal separate storm sewer systems (MS4s).
2. These regulations were published in the Federal Register on December 8, 1999, and the State of California and State Regional Water Quality Control Boards have been delegated the authority to develop these small municipal NPDES permits.
3. The Parties wish to enter into an Agreement, so that the parties will share programs and costs to implement their respective NPDES permits where practical so collectively all parties can reduce program costs and increase service levels through cost sharing.
4. It is the intent of the parties to define the procedures for cost sharing

NOW THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS

- A. Term; Termination: This agreement shall have a term of five (5) years beginning on the above date. Any party may terminate their participation by giving sixty (60) days written notice to all Parties. Each party shall be responsible for its share of cost through the final termination date.
- B. Population Determination: The population of the Parties NPDES permit areas, to establish a basis for cost sharing by proportionate population, will be determined using the 2000 Local Census Data for the Phase II Permit Areas.

City	Population	% of Total
Lathrop	9,910	4.9%
Lodi	56,985	28.0%
Manteca	48,745	24.0%
Ripon	10,048	5.0%
Tracy	56,399	27.8%
Unincorporated	<u>20,872</u>	<u>10.3%</u>
Total Population	202,959	100.0%

C. Cost Sharing

- i. All shared cost items related to work required for compliance with the NPDES Permits shall benefit all parties, and be agreed to by the parties prior to expenditures. It is acknowledged that not all parties will have to share costs for all activities because same activities will not benefit all parties.
- ii. All costs shall be shared based on the proportional population of the parties' NPDES permit areas; as determined by Section B of this Agreement, unless otherwise agreed by the parties,
- iii. Typical items related to implementation of the parties' respective stormwater management program that may be eligible for cost sharing may include, but are not limited to
 1. Consultant Services
 2. Water testing for permit compliance
 3. Shared equipment
 4. Special Programs or Events
 5. Advertising
 6. Printing,
- iv. Each shared cost item shall be presented in a written proposal including the following:
 1. A not-to-exceed or per-item cost estimate
 2. Who will be the lead agency
 3. The cost share method (i.e. population based, or per item based)
 4. A signature page for acceptance.

Each party's Director of Public Works shall be the authorized signatory for each proposal. Each party reserves the right to accept or reject each proposal.

- v. The party expending funds will bill the other parties for the shared cost and provide the following information:
 - 1. original invoice for the shared costs
 - 2. copies of all relevant invoices from vendors or consultants
 - 3. copy of contracts, proposals, agreements or other documents setting forth the conditions or specifications for the item of work, or product delivered.
 - vi. All bills will be paid within 90 days of receipt unless a notice of dispute is filed with the billing party.
 - vii. Disputed bills will be resolved between Parties by the respective Director in charge of the NPDES Permit Program.
- D. Indemnification: It is understood and agreed that, each Party shall, to the extent permitted by law, defend and hold harmless and save harmless every other Party, and its officers and employees in connection with any claims, imposition of penalties, or any enforcement or other actions whatsoever, including, but not limited to, those brought by Federal, State, or local agencies having regulatory jurisdiction over the subject matter of this agreement, which arises as a result of any Parties' failure to comply with the provisions set forth herein.
- E. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

(REMAINDER OF PAGE IS INTENTIONALLY LEFT BLANK)

SIGNATURE PAGE FOLLOWS:

CITY OF TRACY

By: _____
Its: city Manager

APPROVED AS TO FORM:

By: _____
Its: Attorney

CITY OF RIPON

By: _____
Its: Mayor

APPROVED AS TO FORM:

By: _____
its: Attorney

CITY OF LODI

By: _____
Susan Hitchcock
Its: Mayor

APPROVED AS TO FORM:

By: _____
Randall A. Hays
City Attorney
Its: Attorney

COUNTY OF SAN JOAQUIN

By: _____
Jack A. Sieglock

APPROVED AS TO FORM:

By: _____
Its: Attorney

CITY OF MANTECA

By: _____
Its: Mayor

APPROVED AS TO FORM:

By: _____
Its: Attorney

CITY OF LATHRO?

By: _____
Its: Mayor

APPROVED AS TO FORM:

By: _____
Its: Attorney

RESOLUTION NO. 2003-95

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITIES OF LATHROP, LODI, MANTECA, TRACY, RIPON, AND SAN JOAQUIN COUNTY PROVIDING FOR VOLUNTARY COST SHARING FOR PROGRAMS REQUIRED IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE II PERMIT

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute an agreement between the cities of Lathrop, Lodi, Manteca, Tracy, Ripon, and San Joaquin County providing for Voluntary Cost Sharing for Programs required in the National Pollutant Discharge Elimination System Phase II Permit.

Dated: May 21, 2003

I hereby certify that Resolution No. 2003-95 was passed and adopted by the Lodi City Council in a regular meeting held May 21, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, and Land
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Mayor Hitchcock
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk