TO:        HONORABLE CITY COUNCIL
FROM:      CITY MANAGER    DEPARTMENT: PUBLIC WORKS
DATE:      DECEMBER 6, 2004        CMR:491:04
SUBJECT:   APPROVAL OF AMENDMENT NO. ONE TO THE MEMORANDUM OF
AGREEMENT PROVIDING FOR IMPLEMENTATION OF THE SANTA
CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION
PROGRAM

RECOMMENDATION
Staff recommends that Council approve and authorize the mayor to execute the attached
Amendment No. One to the Memorandum of Agreement for the Santa Clara Valley Urban
Runoff Pollution Prevention Program.

BACKGROUND
On April 16, 1990, Council approved a memorandum of agreement (MOA) between 13 Santa
Clara County (County) cities, the County, and the Santa Clara Valley Water District (District) for
the implementation of the Santa Clara Valley Nonpoint Source Pollution Control Program
(Program) (CMR:255:90). The agreement allowed the signatory agencies to apply for and obtain
a joint National Pollutant Discharge Elimination System (NPDES) permit for the discharge of
municipal storm water to local creeks and San Francisco Bay. The name of the Program was
changed from “Nonpoint Source Pollution Control Program” to “Urban Runoff Pollution
Prevention Program” in 1999 to reflect the Program’s emphasis on urban runoff pollutant
sources and to create a clearer image with the general public. On December 6, 1999, Council
approved a revised MOA that contained an updated description of the purpose of the Program, its
tasks and responsibilities, membership, decision-making procedures, and ground rules for
participation (CMR:435:99). The revised MOA will terminate on March 10, 2005 unless
renewed by the participating agencies.

DISCUSSION
There is an ongoing need to continue the cooperative relationship between the agencies that
make up the Program. A copy of the Program’s 2003-04 Annual Report Executive Summary,
describing the urban runoff pollution prevention activities of the Program and its member
agencies, will be provided to Council members at the Council meeting on December 6, 2004.
The joint NPDES permit that allows the Program’s member agencies to discharge their
municipal storm water to local creeks is reviewed, modified as appropriate, and reissued by the
Regional Water Quality Control Board (Board) every five years. The current permit is due to
expire in early 2005. The Program is required to submit an application for the next generation
permit to the Board no later than February 26, 2005. In order to facilitate the inter-agency
cooperation required during the reapplication process and to allow ongoing joint storm water
pollution prevention efforts to continue without interruption, the MOA must be renewed. The
attached Amendment No. One to the MOA will extend the term of the agreement indefinitely. Per the terms of the original agreement, any party to the MOA can terminate its participation by giving 30 days written notice. In the absence of any such termination action by one of the Program’s member agencies, the MOA will continue in full force and effect on an ongoing basis.

**RESOURCE IMPACT**
Approval of Amendment No. One to the MOA commits the City to continued participation in the Santa Clara Valley Urban Runoff Pollution Prevention Program. This includes payment of the City’s proportionate share of Program costs, funding for and performance of the storm water pollution prevention activities contained in the City’s Urban Runoff Management Plan, and any other NPDES permit requirements. Staff will request continued funding for these activities from the Storm Drainage Fund as part of future budget approval processes.

**POLICY IMPLICATIONS**
Extension of the MOA is consistent with Comprehensive Plan Program N-29: Actively participate in programs such as the Santa Clara Valley Urban Runoff Pollution Prevention Program to improve the quality of storm water runoff.

**ENVIRONMENTAL REVIEW**
There is no environmental assessment required in conjunction with this report. The NPDES Program is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15308 of the CEQA guidelines.

**ATTACHMENT**
Attachment A: Amendment No. One to the Memorandum of Agreement for the Santa Clara Valley Urban Runoff Pollution Prevention Program.

PREPARED BY:  
JOE TERESI  
Senior Engineer

DEPARTMENT HEAD:  
GLENN S. ROBERTS  
Director of Public Works

CITY MANAGER APPROVAL:  
EMILY HARRISON  
Assistant City Manager

cc:  Adam Olivieri, Urban Runoff Program Manager