

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE AGREEMENT PROVIDING FOR IMPLEMENTATION OF THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (COUNTYWIDE PROGRAM) THAT WILL EXTEND THE TERM OF THE MEMORANDUM OF AGREEMENT FOR ONE FISCAL YEAR BEYOND THE FIVE-YEAR TERM OF THE CURRENT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMIT, INCLUDING ANY ADMINISTRATIVE EXTENSIONS, WITH NO CHANGE IN THE COST ALLOCATION FORMULA FOR PARTICIPATION IN THE COUNTYWIDE PROGRAM AND AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL SERVICES TO DESIGNATE A CITY REPRESENTATIVE TO SERVE ON THE PROGRAM MANAGEMENT COMMITTEE

WHEREAS, the Federal Clean Water Act requires the City of San Jose (“City”) to have a National Pollutant Discharge Elimination System Permit (“Stormwater Permit”) to discharge stormwater to surface waters via the City’s storm sewer collection system; and

WHEREAS, on November 29, 1999, the City Council approved a Memorandum of Agreement (“MOA”) which established the Santa Clara Valley Urban Runoff Pollution Prevention Program (“Countywide Program”) for the purposes of continuing to collaboratively manage urban runoff in the South Bay and complying with Stormwater Permit requirements in a mutually beneficial manner; and

WHEREAS, since 1999, the MOA has been amended three times, extending and modifying the agreement to match current needs each time; and

WHEREAS, the termination date of the MOA is June 30, 2023; and

WHEREAS, the City desires to extend the term of the MOA for one fiscal year beyond the termination date of the current National Pollutant Discharge Elimination System stormwater permit; and

WHEREAS, under the MOA, Countywide Program activities are directed by the Program Management Committee and the City wishes to continue the authority of the Director of Environmental Services to designate the City's representative;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager is hereby authorized to negotiate and execute a Fourth Amendment to the Agreement providing for implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Countywide Program) that will extend the term of the memorandum of agreement for one fiscal year beyond the termination date of the current National Pollutant Discharge Elimination System stormwater permit, including any administrative extensions, with no change in the cost allocation formula for participation in the Countywide Program.
2. The Director of Environmental Services is hereby authorized to designate a City representative to serve on the Program Management Committee of the Countywide Program.

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ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk