

RESOLUTION NO. 73072

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT FOR THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM AND CONTINUING THE AUTHORITY OF 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 (“NPDES”) permit for the discharge of stormwater to surface waters via the City’s storm sewer collection system (“stormwater permit”); and

**WHEREAS**, San Jose is included in the current stormwater permit issued to 15 agencies in Santa Clara County whose land area drains to South San Francisco Bay; and

**WHEREAS**, the City’s co-permittees are 12 other municipalities, the County of Santa Clara and the Santa Clara Valley Water District (“Water District”); and

**WHEREAS**, since 1990, these agencies have collectively implemented stormwater permit requirements through an association now called the Santa Clara Valley Urban Runoff Pollution Prevention Program (“Countywide Program”); and

**WHEREAS**, A Memorandum of Agreement (“MOA”) providing for Countywide Program implementation to comply with NPDES permit requirements imposed on the City under

the federal Clean Water Act was approved by the City Council on November 29, 1999;  
and

**WHEREAS**, on March 1, 2005, the City Council adopted resolution 72557, authorizing the City Manager to execute a First Amendment to the MOA to extend the term to March 10, 2006 and to provide for independent review by the Countywide Program of the MOA cost allocation formula and the term, scope and cost of the Countywide Program; and

**WHEREAS**, on December 15, 2005, the Program Management Committee (“Committee”) of the Countywide Program unanimously recommended approval of a Second Amendment to the MOA to extend the term of the MOA through the term of the next permit plus one fiscal year, maintain the current cost sharing allocations amongst the co-permittees, provide additional information on how the Water District proposes to fund their allocation, and identify the City of Sunnyvale as the Contracting/Fiscal Agent for the Countywide Program;

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

1. The City Manager is hereby authorized to execute a Second Amendment to the Memorandum of Agreement for the Santa Clara Valley Urban Runoff Pollution Prevention Program to extend the term for one fiscal year beyond the termination date of the next National Pollutant Discharge Elimination System stormwater permit, including any administrative extensions of the next NPDES Permit’s term, with no change in the cost allocation formula for participation in the Countywide Program.

2. The Director of Environmental Services' authority to designate a City representative to serve on the Program Management Committee is continued.

ADOPTED this 28<sup>th</sup> day of February, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,  
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk