

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU), DATED NOVEMBER 16, 2007, AMONG THE COPERMITTEES OF SAN DIEGO COUNTY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL PERMIT, AND AUTHORIZING THE MAYOR TO SIGN THE SECOND AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the United States Environmental Protection Agency (USEPA) proposed regulations (published December 8, 1988 in the Federal Register) for the issuance of National Pollutant Discharge Elimination System (NPDES) Municipal Permits (Municipal Permit) to regulate storm water discharges into the waters of the United States; and

WHEREAS, the USEPA regulations require NPDES permits for discharges from municipal storm drains on a system-wide or jurisdiction-wide basis; and

WHEREAS, pursuant to the Federal Clean Water Act and the California Porter-Cologne Water Quality Act, the Regional Board issued permits to the San Diego County Copermittees in 1990, 1999 (Tentative Order), 2001, 2007, and 2013; and

WHEREAS, the San Diego Municipal Permit is system-wide, covering all jurisdictions of San Diego County; and

WHEREAS, the Municipal Permit requires all parties (named as Copermittees) – the County of San Diego, the San Diego Unified Port District, the San Diego County Regional Airport Authority, and the incorporated Cities of San Diego County – to collaborate in the development and implementation of regional and watershed urban runoff management plans, including the execution of an agreement; and

WHEREAS, since 1990, when the Regional Water Quality Control Board (Regional Board) first adopted the NPDES Municipal Permit for San Diego County, the City of Chula Vista has been cooperating with other Copermittees in the implementation of regional programs; and

WHEREAS, this cooperation has necessitated entering into several agreements (or MOUs) throughout the years for shared program responsibilities and costs; and

WHEREAS, the MOUs are modified approximately every five years, concurrent with the re-issuance of the NPDES Municipal Permit, to address specific permit requirements, and to define associated Copermittees' shared regional responsibilities and financial obligations; and

WHEREAS, the MOU establishes the shared program responsibilities of each party with respect to compliance with the Municipal Permit regulations, which are administered by the Regional Board; and

WHEREAS, it is necessary for the Copermittees to continue current regional program activities at least to June 27, 2015, at which time many regional activities will be replaced by similar watershed activities under separate watershed agreements; and

WHEREAS, the current regional MOU will expire on May 8, 2014; and

WHEREAS, the proposed Second Amendment to the MOU will extend the term of the MOU to August 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the Second Amendment to the Memorandum of Understanding (MOU) Among the Copermittees of San Diego County, Dated November 16, 2007, for the National Pollutant Discharge Elimination System Municipal Permit.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the Mayor of the City of Chula Vista is hereby authorized to execute said MOU for and on behalf of the City of Chula Vista. Further, the City Council delegates to the City Manager the option to enter into additional amendments so long as an amendment does not require an expenditure of greater than \$50,000.

Presented by

Approved as to form by

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Richard A. Hopkins  
Director of Public Works

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Glen R. Googins  
City Attorney