

**EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE ISSUED: December 1, 2010 REPORT NO:

ATTENTION: Natural Resources & Culture Committee

ORIGINATING DEPARTMENT: Storm Water Department, Pollution Prevention Division

SUBJECT: FY11 Regional Storm Water Copermittees Memorandum of Understanding Cost Share

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Kris McFadden, (858) 541-4320, MS 1900

**REQUESTED ACTION:** The Storm Water Department is requesting Council to 1) adopt a resolution authorizing the Mayor, or designee, to allocate and expend funds per the Memorandum of Understanding (R-19699) with the County of San Diego, San Diego Unified Port District, San Diego County Regional Airport Authority, and the cities in the San Diego Region (Copermittees) necessary to comply with the requirements of the regional portion of the 2007 Municipal Storm Water Permit (NPDES No. CAS0108758, Order No. R9-2007-0001); 2) authorize the Storm Water Department, Pollution Prevention Division to expend Fiscal Year 2011 fund costs under the MOU not to exceed \$745,760; and 3) require the Department to obtain Council approval for future fiscal year costs under the MOU.

**STAFF RECOMMENDATION:** Adopt the resolution.

**EXECUTIVE SUMMARY:** In January 2007, the RWQCB issued NPDES Order No. 2007-0001 (2007 Municipal Permit) which permits and places conditions on the City's discharge of storm water from its storm water conveyance system. As required by the Municipal Permit, the City entered into an MOU with the other Copermittees on January 18, 2008 via ordinance as required per Charter Section 99 because the term is greater than five years, and because City expenditures are involved. This MOU serves to ensure cooperation, allows for economies of scale, and reduces duplication of efforts thus providing savings to all Copermittees, including the City of San Diego.

The general MOU cost share formula is as follows: 45% based on a jurisdiction's population relative to the regional total, 45% based on a jurisdiction's relative land area, and a 10% flat fee. As a result, the City and County each pay approximately 33% of the total costs. The MOU also includes more specific arrangements for coordinating work amongst Copermittees, allowing for special formulas for cost sharing on tasks as appropriate, enabling Copermittees to be reimbursed for program management support costs, and establishing new rules for approving shared costs. Most notably, all shared costs and special cost-sharing formulas must be voted on and approved by all Copermittees. Under the current cost sharing formula, the resulting voting rules and weights, the City receives a voting weight commensurate with its share of the costs (33%), either the City or the County must vote "yes" for an item to pass, and the Copermittees cannot vote on an item unless both the City and County are present.

**FISCAL CONSIDERATIONS:** The 2007 MOU provides for the Copermittees to propose annual budgets which will require each jurisdiction, including the City, to annually appropriate funds to pay its share. For FY 2011, the City's entire share of program costs shall be no greater than the FY10 MOU agreed proportional cost share of \$745,760, which was approved by Council for Fiscal Year 2010. Staff is requesting authorization to spend budgeted FY 2011 funds in the amount not to exceed \$745,760 for the City's entire share of FY 2011 program costs. The source of these funds is the Storm Water Department, Pollution Prevention Division Operating Fund (211400).

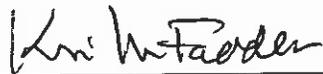
The City's budgetary process is structured so that staff must obtain City Council approval prior to spending funds in each fiscal year beyond FY 2008 (FY 2009 through FY 2014). If the requested funds are not appropriated in any fiscal year, the City will be excluded from participation in the Copermittee program, which would violate the requirements of the Municipal Permit, and could result in enforcement action from the Regional Water Quality Control Board.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):**

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** On January 18, 2008, City Council adopted Ordinance Number O-19699 authorizing the Mayor to enter into the 2007 MOU.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** Formal public review was conducted by the RWQCB prior to the adoption of the 2007 Municipal Permit. The proposed MOU was discussed in publicly noticed meetings prior to adoption in January 2008.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** Key stakeholders are the 21 Copermittees who will be sharing the financial and administrative requirements of adopting local programs and regulations to conform to the Municipal Permit.



Kris McFadden, Interim Director  
Storm Water Department



David Jarrell, Deputy Chief Operating Officer  
Public Works

<b>Cost Share MOU Fiscal Year 11                      Division of Costs Subject to 45% 45% 10% Formula</b>									
Copermitttee	Share of Expenditures Credited for FY 2009-10	Amount remaining after rollovers applied	Total Credit Applied for FY 2009-10	Percent of Credit Applied for FY 2009-10	Share of Approved FY 2010-11 Budget	Percent of FY 2010-12 Budget	Amount to Invoice for FY 2010-11	Percent of Invoice for FY 2010-12	
City of Carlsbad	\$3,752	\$8,222	\$11,974	0.3%	\$98,005	3.2%	\$86,031	5%	
City of Chula Vista	\$0	\$14,191	\$14,191	0.4%	\$169,164	5.5%	\$154,973	10%	
City of Coronado	\$0	\$2,683	\$2,683	0.1%	\$31,981	1.0%	\$29,298	2%	
City of Del Mar	\$765	\$1,575	\$2,341	0.1%	\$18,777	0.6%	\$16,436	1%	
City of El Cajon	\$12,102	\$6,488	\$18,590	0.5%	\$77,335	2.5%	\$58,745	4%	
City of Encinitas	\$238	\$5,420	\$5,657	0.2%	\$64,602	2.1%	\$58,944	4%	
City of Escondido	\$27,529	\$9,708	\$37,237	1.1%	\$115,718	3.8%	\$78,481	5%	
City of Imperial Beach	\$209	\$2,513	\$2,722	0.1%	\$29,954	1.0%	\$27,233	2%	
City of La Mesa	\$0	\$4,347	\$4,347	0.1%	\$51,819	1.7%	\$47,472	3%	
City of Lemon Grove	\$0	\$2,632	\$2,632	0.1%	\$31,373	1.0%	\$28,741	2%	
City of National City	\$0	\$4,399	\$4,399	0.1%	\$52,440	1.7%	\$48,041	3%	
City of Oceanside	\$5,036	\$12,174	\$17,210	0.5%	\$145,120	4.7%	\$127,910	8%	
City of Poway	\$686	\$6,626	\$7,312	0.2%	\$78,982	2.6%	\$71,671	4%	
City of San Diego	\$258,868	\$75,942	\$334,810	9.7%	\$905,242	29.4%	\$570,432	35%	
City of San Marcos	\$1,593	\$6,400	\$7,993	0.2%	\$76,288	2.5%	\$68,295	4%	
City of Santee	\$637	\$5,053	\$5,690	0.2%	\$60,229	2.0%	\$54,539	3%	
City of Solana Beach	\$0	\$2,110	\$2,110	0.1%	\$25,148	0.8%	\$23,039	1%	
City of Vista	\$0	\$6,751	\$6,751	0.2%	\$80,472	2.6%	\$73,721	5%	
County of San Diego	\$2,838,515	\$76,734	\$2,915,249	84.6%	\$914,684	29.7%		0%	
Regional Airport Authority	\$0	\$1,926	\$1,926	0.1%	\$22,961	0.7%	\$21,035	1%	
Port of San Diego	\$37,530	\$2,129	\$39,659	1.2%	\$25,384	0.8%	-\$14,276	-1%	
<b>Totals</b>	<b>\$3,187,461</b>	<b>\$258,022</b>	<b>\$3,445,483</b>	<b>100%</b>	<b>\$3,075,679</b>	<b>100%</b>	<b>\$1,630,761</b>	<b>100%</b>	

