



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 02/21/2023

ITEM NO: 9

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DATE: February 13, 2023  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Authorize the Town Manager to Execute a Fourth Amendment to Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program and to Appoint the West Valley Clean Water Authority Executive Director as the Program Representative for the Town

**RECOMMENDATION:**

Authorize the Town Manager to execute a Fourth Amendment to Agreement providing for implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program and to appoint the West Valley Clean Water Authority Executive Director as the Program Representative for the Town.

**BACKGROUND:**

In 1999, the Town entered into a Memorandum of Agreement (MOA) to participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). A First Amendment to the Agreement was executed in 2005, a Second Amendment in 2006, and a Third Amendment in 2016 authorizing the continuation of SCVURPPP, each without changing the original terms. See Attachment 1 for the Agreement and Amendments.

The SCVURPPP is an association of 15 agencies in Santa Clara County (13 local cities and towns, County of Santa Clara, and Santa Clara Valley Water District) that share a common National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater to the San Francisco Bay. SCVURPPP assists its member agencies to comply with California Regional Water Board issued permit which is required for discharges of stormwater under the federal Clean Water Act.

This work includes coordination of efforts and leveraging of resources among the SCVURPPP's participants, community outreach, water quality monitoring, research and development,

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Director of Parks and Public Works

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Reviewed by: Town Manager, Town Attorney, and Finance Director

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BACKGROUND (continued):

collaboration with other stormwater programs, and reporting to the Regional Water Board as required.

The Regional Water Quality Control Board adopted the first NPDES permit in 2009 known as the Municipal Regional Permit (MRP) and it is shared by 79 public agencies. Bay Area municipalities were issued a new MRP (2.0) in 2016, and a third (MRP 3.0) that went into effect July 1, 2022. MRP 3.0 includes many of the requirements that were included in previous MRPs, and contains several new requirements designed to further address high priority water quality issues in Bay Area receiving waters. SCVURPPP continues to assist its member agencies to comply with many aspects of MRP compliance.

In February 2018, the Town and neighboring cities, Campbell, Monte Sereno and Saratoga formed the West Valley Clean Water Authority, a Joint Powers Authority (JPA), to coordinate stormwater pollution abatement, control and management efforts and other activities to develop tools and information to assist public and private entities in complying with stormwater NPDES permits and improving surface water quality in California. The jurisdiction of the JPA includes participation in SCVURPPP on behalf of the member agencies. The Executive Director of the JPA has been acting as the Program Representative for the Town and participating in the SCVURPPP Management Committee since the JPA was established in 2018.

DISCUSSION:

The current term of the MOA governing the SCVURPPP is set to expire on June 30, 2023. On January 19, 2023, SCVURPPP's Management Committee, on which the Town participates, unanimously voted to refer the Fourth Amendment of SCVURPPP's MOA to each governing body for consideration. The Fourth Amendment to the Agreement will extend the original terms of the MOA to June 30, 2027. All 15 participants must approve and execute the amendment within 90 days to maintain the SCVURPPP. See Attachment 2 for the proposed Fourth Amendment.

Even though the Executive Director of the JPA has already been representing the Town in SCVURPPP, staff recommends that the Town Council formally designate the Executive Director of the JPA as the Town's Program and Voting representative on SCVURPPP.

CONCLUSION:

Staff recommends that the Council authorize the Town Manager to execute a Fourth Amendment to the Agreement providing for implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and designate the JPA Executive Director as the Town's Program and Voting representative on SCVURPPP.

COORDINATION:

This report was coordinated with the Town Manager, Town Attorney, Town Finance Director, West Valley Clean Water Authority Executive Director, and other participating municipalities.

FISCAL IMPACT:

As with all prior amendments, no change is proposed relative to the funding allocation for the SCVURPPP, which was negotiated among the participating local governments at the time of its formation in 1990. The cost-sharing allocation set forth in the MOA allocates 30.2% to Valley Water, 30.1% to the City of San Jose, and the remainder to the remaining 13 other municipalities that participate in the SCVURPPP in a manner roughly proportionate to community size and runoff from respective jurisdictions. The Town's proportionate share of the program costs is 1.74% to provide funding for and performance of the countywide collaborative stormwater pollution prevention activities.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Santa Clara Valley Urban Runoff Program Agreement and Amendments Two, Three and Four
2. Fourth Amendment to Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.