

RESOLUTION NO. 2010-339

Adopted by the Sacramento City Council

June 15, 2010

FIRST AMENDMENT TO AGREEMENT FOR STORMWATER ORDINANCE COMPLIANCE INSPECTIONS

BACKGROUND

- A. In September 2008, the Regional Water Quality Control Board - Central Valley Region reissued a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. CA0082597) to the County of Sacramento and the Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt, and Rancho Cordova (Permittees) regulating the discharge of stormwater to local bodies of water.
- B. The NPDES permit requires that the Permittees develop and implement programs to reduce pollution caused by stormwater runoff. One of those programs is to inspect industrial and commercial facilities for compliance with the City's stormwater ordinance and the NPDES permit.
- C. On December 9, 2003 the City Council approved a cooperative agreement (Agreement No. 2003-221) with the County of Sacramento's Environmental Management Department (EMD) to perform stormwater ordinance compliance inspections at industrial and commercial facilities within the City. The agreement term will expire June 30, 2010, unless extended.
- D. The County's EMD division has been very effective at enforcing the City's Stormwater Ordinance and ensuring that the commercial and industrial facilities within the City of Sacramento stay in compliance with the NPDES permit.
- E. Extending the agreement for six months will allow the necessary time for City staff and County's EMD staff to develop a new agreement with updated terms and provisions.
- F. The cost for EMD's stormwater inspection program is covered by fees charged to the businesses and industrial facilities that EMD inspects.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager is authorized to sign a First Amendment to City Agreement No. 2003-221, to provide a six month extension for the ongoing stormwater compliance inspections at industrial and commercial facilities within the City by the County of Sacramento's EMD.
- Section 2. Exhibit A is part of this Resolution.

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Exhibit A: First Amendment to Agreement

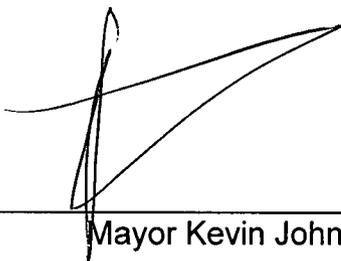
Adopted by the City of Sacramento City Council on June 15, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

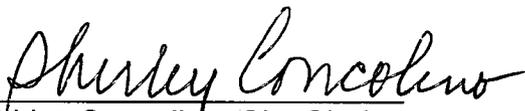
Abstain: None.

Absent: Councilmembers Hammond and McCarty.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

**FIRST AMENDMENT TO AGREEMENT BETWEEN
THE COUNTY OF SACRAMENTO AND THE CITY OF SACRAMENTO
FOR ENFORCEMENT OF REGULATORY COMPLIANCE WITH
NATIONAL POLLUTANT DISCHARGE SYSTEM PERMIT**

THIS FIRST AMENDMENT AGREEMENT (hereinafter referred to as the "First Amendment") is made and entered into as of June 30, 2010, by and between the COUNTY OF SACRAMENTO, a political subdivision of the State of California (hereinafter referred to as the "County"), and THE CITY OF SACRAMENTO, a municipal corporation of the State of California (hereinafter referred to as the "City"), with reference to the following facts:

R E C I T A L S

- A. On December 9, 2003, the County and the City entered that certain AGREEMENT BETWEEN THE COUNTY OF SACRAMENTO AND THE CITY OF SACRAMENTO for enforcement of regulatory compliance with National Pollutant Discharge System permit (NPDES) designated as City Agreement No. 2003-221(hereinafter referred to as the "Agreement"); and
- B. As stated therein, the Agreement will expire on June 30, 2010; and
- C. The County and the City are developing a new agreement with terms and provisions intended to update those set forth in the present Agreement; and
- D. The County and City desire to amend the Agreement to extend its duration for an additional six (6) months while the new agreement continues to be developed, and
- E. The County and the City desire further to affirm that the terms and provisions of the present Agreement, except as herein amended, shall remain in full force.

A G R E E M E N T

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, the parties hereto agree as follows:

- 1. **TERM EXTENDED.** Paragraph III of the Agreement is amended to read as follows: "This Agreement shall be effective and commence as of the date first written above and shall end on December 31, 2010, unless sooner terminated as provided herein."
- 2. **AFFIRMATION.** Except as expressly set forth in this First Amendment all terms and provisions of the Agreement shall remain in full force and effect.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have caused the First Amendment to be duly executed as of the day and year first above written.

COUNTY OF SACRAMENTO, a political subdivision of the State of California

By: _____
Director, Sacramento County
Environmental Management Department

Date: _____

ATTEST:

Clerk of the Board of Supervisors

Date: _____

Reviewed and approved by County Counsel:

Deputy County Counsel

Date: _____

CITY OF SACRAMENTO, a charter municipal corporation

By: _____
City Manager

Date: _____

ATTEST:

City Clerk

Date: _____

Approved as to form:

City Attorney

Date: _____