



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	
Council Meeting Date:	November 12 ,2012
Department:	Environmental Health
Department Head	Brian Collins
Agenda Coordinator (include phone #): Kellie Boyer x 7248	

CAPTION

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an interlocal agreement by and between the North Central Texas Council of Governments (NCTCOG) and the City of Plano providing terms and conditions for an expanded regional storm water management program; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE
 OPERATING EXPENSE
 REVENUE
 CIP

FISCAL YEAR: FY 2013 - FY 2017	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	9,025	36,100	45,125
Encumbered/Expended Amount	0	0	0	0
This Item	0	-9,025	-36,100	-45,125
BALANCE	0	0	0	0

FUND(S): MUNICIPAL DRAINAGE FUND

COMMENTS: Funding for this item is included in the FY 2012-13 Municipal Drainage Fund Budget. This item approves the terms and conditions of an Interlocal Agreement effective October 1, 2012 through September 30, 2017. Future year's budget and proposed expenditures are an estimate and may vary based on the North Central Texas Council of Governments (NCTCOG) work plan and will be funded by the Municipal Drainage Fund within approved budget appropriations.

STRATEGIC PLAN GOAL: Approving the Interlocal Agreement for an Expanded Regional Storm Water Management Program relates to the City's Goal of Partnering for Community Benefit.

SUMMARY OF ITEM

This Resolution approves an Interlocal Agreement for an Expanded Regional Storm Water Management Program with NCTCOG and the other consenting governmental agencies. Through this Interlocal Agreement NCTCOG will continue to coordinate storm water activities and provide a work program as stated in Exhibit "1" for the City of Plano. The City of Plano's portion for FY 2013 is \$9,025 which includes the Phase 1 participants' Cost Share. Future years (FY14 - FY17) cost are estimated. Funding is included in the Storm Water drainage budget. Approval is recommended.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents: Resolution, Interlocal Agreement, Letter of Authorization	Other Departments, Boards, Commissions or Agencies

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an interlocal agreement by and between the North Central Texas Council of Governments (NCTCOG) and the City of Plano providing terms and conditions for an expanded regional storm water management program; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes political subdivisions to contract with each other to perform government functions and services under the terms thereof; and

WHEREAS, the City Council has been presented with a proposed Interlocal Agreement by and between the City of Plano and the North Central Texas Council of Governments (“NCTCOG”) providing terms and conditions for an Expanded Regional Storm Water Management Program, a copy of which is attached hereto as Exhibit “1” and incorporated herein by reference (hereinafter called “Agreement”); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his authorized designee shall be authorized to execute it on behalf of the City of Plano.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager or his authorized designee is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement attached hereto as Exhibit “1”.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 12th day of November, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

THE STATE OF TEXAS

THE COUNTY OF TARRANT

INTERLOCAL AGREEMENT FOR
REGIONAL STORMWATER MANAGEMENT PROGRAM

THIS INTERLOCAL Agreement ("Agreement") effective October 1, 2012 through September 30, 2017, is entered into between the **City of Plano**, a municipal corporation duly incorporated under the Constitution and laws of the State of Texas acting by and through its respective City Council; the North Central Texas Council of Governments ("NCTCOG"), a political subdivision of the State of Texas acting by and through its Executive Board; and other governmental entities consenting hereto,

WITNESSETH

WHEREAS, pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the "ACT"), cities, counties, special districts, and other legally constituted political subdivisions of the State of Texas are authorized to enter into interlocal contracts and agreements with each other regarding governmental functions and services as set forth in the Act; and,

WHEREAS, NCTCOG has been coordinating a Regional Stormwater Management Program with local governments to gather data and information, perform analyses, and develop programs to address stormwater quality issues affecting the waters of North Central Texas; and,

WHEREAS, the inclusion of other entities in a regional strategy to address stormwater quality issues will benefit not only the new participants, but also those that have been participating in the regional program in the past; and,

WHEREAS, the parties to this Agreement understand that entering into this Agreement in no way obligates any party to participate in any joint project without the express approval of the party;

NOW, THEREFORE, for and in consideration of the promises and the mutual covenants herein contained, and subject to the conditions herein set forth, the parties hereto covenant, agree and bind themselves as follows:

ARTICLE 1. - PURPOSE OF AGREEMENT

The purpose of this Agreement is to accomplish a broad range of objectives that may include, but are not limited to, the following:

- Assist with development of an expanded, comprehensive, and coordinated regional strategy for managing stormwater in North Central Texas. The work program for fiscal year 2013 is attached to this Agreement as “Exhibit A.” The work program will be amended and approved each fiscal year.
- Identify and facilitate opportunities for regional cooperation that will assist participants in meeting state and federal requirements for improving water quality.
- Assist with development of annual stormwater management plans and programs and performance reports, as may be required by USEPA and/or TCEQ.
- Identify and pool local funds for joint projects among two or more parties where interest is not shared with all participants.
- Provide regular forums for communication and discussion to share and advance ideas on the regional strategy and to share up-to-date information—such as new state and federal regulations on water quality related issues; examples of stormwater permits and programs from across the state, USEPA Region 6, and elsewhere; and to present cooperative successes whenever opportunity arises at state and national conferences.
- Continue the cooperative monitoring program—funded by Phase I participants for implementation of a regional monitoring network to meet permit requirements; analyze and report monitoring results; and explore opportunities for an expanded cooperative monitoring program in future years to address future needs.
- Coordinate training opportunities—such as the Dry Weather Field Screening Training and other opportunities as they arise.
- Continue to use NCTCOG's Regional Geographic Information System capabilities to address special needs upon request—such as delineating watersheds and subwatersheds, tracking illicit connection/illegal dumping remediation activities, accessing new data coverages, and/or mapping storm drain outfalls and storm sewer systems.
- Engage consultant assistance, as necessary and as requested by participants, to conduct more detailed technical studies on selected issues.
- Undertake other activities relating to the Regional Stormwater Management Program as identified by the work program and/or Regional Stormwater Management Coordinating Council.

ARTICLE 2. - ADMINISTRATIVE AND POLICY STRUCTURE

The administrative and policy structure under this Agreement is as follows:

- A Regional Stormwater Management Coordinating Council will provide policy guidance for the cooperative program and make recommendations to the governing bodies of the parties. Due to their heavy involvement in NPDES and TPDES permitting activities, both past and present, and their larger geographic coverage, each of the ten TPDES Phase I parties to this

Agreement will be entitled to appoint one senior staff as a voting representative to the Regional Stormwater Management Coordinating Council. Four major watershed areas have been delineated in the region that encompass the Metroplex local governments. Additional participants in the regional program can appoint up to three voting representatives from their respective watershed area to the Regional Stormwater Management Coordinating Council. NCTCOG will be a non-voting member on the Council.

Regional Stormwater Management Coordinating Council				
(22 members + NCTCOG staff)				
10 Phase I Representatives		12 Additional Watershed Representatives		
Arlington, Dallas, Fort Worth, Garland Irving, Mesquite, Plano, TxDOT-Dallas District, TxDOT-Fort Worth District, North Texas Tollway Authority		3 Representatives from each of 4 watershed areas		
		East	Elm	Main
		West		

- The Regional Stormwater Management Coordinating Council may appoint whatever additional supporting subcommittees it deems necessary and desirable.
- NCTCOG will be the administrative agent under the Agreement pursuant to the Intergovernmental Cooperation Act. NCTCOG will submit an annual coordinated work program and budget for Regional Stormwater Management Coordinating Council approval. The Coordinating Council will approve the basis for determining the annual share of contributions for NCTCOG administrative and technical services by each party with cost allocations to be determined through Coordinating Council consensus. A separate "Letter of Authorization" for each consecutive fiscal year from October 2012 through September 2017, will be obtained for administration and implementation support of stormwater-related activities included in this Agreement. The approved budget for the Regional Stormwater Management Program for fiscal year 2013 is \$288,000. This budget is cost-shared among participants. Cost share allocations for fiscal year 2013 are attached to this Agreement as "Exhibit B." The budget will be approved and cost shares will be allocated each fiscal year.
- Each work element beyond NCTCOG administrative and technical services will be cost-shared by one or more interested parties to this Agreement under whatever basis is appropriate to that work element. The cost for any additional NCTCOG support beyond the annual administrative and technical services will also be incorporated into the work program.
- This Agreement in itself does not obligate participating parties to cost-share any work elements proposed as part of the annual work program. Annual funding commitments for participating parties will be secured separately from this Agreement as part of the annual process for developing a work program and budget.
- This Agreement is recognized as a supplemental level of service, and is not intended to duplicate or diminish the products, assistance, representation, or services received by participating entities through NCTCOG membership.
- The Regional Stormwater Management Coordinating Council may seek funding and approve cooperative planning and/or implementation activities among the parties, with state and federal agencies, and with any other public or private entities to accomplish the purposes of this Agreement.

ARTICLE 3. - PAYMENTS

In accordance with the Interlocal Cooperation Act, the parties will make payments for goods or

services rendered under this Agreement from available current revenues. NCTCOG will invoice the party for its costs incurred for goods or services, and the party shall remit the amount of the invoice to NCTCOG within thirty (30) calendar days of receipt of the invoice. In the event that the party does not accept the goods or services or finds an error in the invoice, the party shall notify the NCTCOG Manager who is responsible for executing this program as soon as possible within the 30 calendar day period, and shall make payment not less than ten (10) calendar days after the problem(s) are corrected or the error is resolved to the satisfaction of all parties. In the event that payment of invoiced goods or services is not received by the NCTCOG within 30 calendar days of receipt of the accepted invoice, NCTCOG is authorized to charge the party interest in accordance with the Prompt Payment Act. Parties that do not pay will not receive the benefits outlined in Article 1 or the annual work program (fiscal year 2013 work program is attached as "Exhibit A").

ARTICLE 4. - ADDITIONAL PARTIES

Additional political subdivisions within or serving the North Central Texas region may become parties to this Agreement by approving the terms and conditions of this Agreement and affixing hereto the signature of its authorized representative indicating the date of approval of this Agreement by said entity.

ARTICLE 5. - RENEWAL AND AMENDMENTS

This Agreement will be in effect for one year from the effective date of this Agreement, and will be considered automatically renewed for each succeeding year through the year 2017. A party may withdraw from this Agreement, through a vote of its governing body, provided that it has notified the Executive Director of NCTCOG of such action in writing at least 60 days before its intended withdrawal date. Amendments may be made to this Agreement upon the approval of the governing bodies of all parties to this Agreement.

ARTICLE 6. - SEVERABILITY CLAUSE

If any provision of this Agreement or any application hereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby.

ARTICLE 7. - GOVERNING LAW

This Agreement shall be construed in accordance with and governed by the laws of the State of Texas pursuant to the Uniform Grant Management Standards (<http://governor.state.tx.us>)

ARTICLE 8. - INDEMNIFICATION

It is agreed that no party to this Agreement shall be responsible for the acts of another party to this Agreement, and each party participating herein indemnifies, releases, and holds all other participating parties harmless for all acts of its own officers, officials, agents, and employees acting hereunder, to the full extent permitted by law.

ARTICLE 9. - FORCE MAJEURE

To the extent that either party to this Agreement shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or

duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds.

ARTICLE 10. - WHOLE AGREEMENT

This Agreement, as provided herein, constitutes the complete contract between the parties hereto regarding the subject matter herein described, and supersedes any and all prior oral and written agreements between the parties relating to the matters herein.

ARTICLE 11. - RECORDS RETENTION

Records shall be retained by NCTCOG for at least THREE (3) YEARS following the closure of the most recent audit report and until any outstanding litigation, audit, or claim has been resolved.

ARTICLE 12. - MISCELLANEOUS

It is expressly understood and agreed that in the execution of this Agreement neither the parties to this Agreement nor NCTCOG waive, nor shall be deemed to waive, any immunity or defense that would otherwise be available to each against claims arising in the exercise of governmental powers and functions.

Each individual signing this Agreement on behalf of a party warrants that he or she is legally authorized to do so and that the party is legally authorized to perform the obligations undertaken. Also, this Agreement states the entire agreement of the parties, and an amendment to it is not effective unless in writing and signed by both parties.

By entering into this Interlocal Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed and their respective seals to be hereunto affixed and attested, as of the date and year noted below.

Authorized Signature

Mike Eastland
Executive Director
North Central Texas
Council of Governments

Name (please print)

Title

Agency

Date

Date

Attch: Exhibit A – FY13 NCTCOG Work Program
 Exhibit B – FY13 Funding and Cost-Share Allocations

Exhibit A
Regional Strategy for Managing Stormwater in North Central Texas
FY2013 Work Program

October 1, 2012 to September 30, 2013

This Annual Work Program is the guiding path of a cooperative and comprehensive regional approach to managing stormwater in North Central Texas. It has been developed under the direction of the Regional Stormwater Management Coordinating Council (RSWMCC) as part of a regional unified approach to addressing state and federal stormwater quality regulations, and to support regional stewardship of the urbanized surface waters of North Central Texas.

The North Central Texas Council of Governments (NCTCOG) has worked with local governments and other stakeholders to implement a regional strategy to address stormwater quality issues affecting North Central Texas. A *Regional Policy Position on Managing Urban Storm Water Quality* was created in 1999 by the RSWMCC to provide guidance for the regional strategy, setting out the key elements for a cooperative and comprehensive regional approach to stormwater management.

Member Involvement

The RSWMCC, comprised of local government representatives, guides implementation of the regional strategy for stormwater management through development of the Annual Work Program, with direction from the Regional Policy Position and support from the NCTCOG Stormwater Team. The work program is implemented through three programmatic Task Forces, each addressing one of the key elements of the stormwater regulations – public education and involvement (PETF), illicit discharge detection and elimination (IDDETF), and municipal pollution prevention (P2TF).

Multiple Year Projects and Programs

Executing the goals of the Regional Policy Position and providing continuing support to the local programs of the participants is a multi-year effort. NCTCOG staff annually reviews multi-year milestones, schedules, and regional opportunities for participants, and makes recommendations for on-going activities to be considered by the RSWMCC to help meet permit requirements and milestones in subsequent years. In addition, members of the three programmatic Task Forces propose new tasks for the upcoming work program. These ideas are narrowed down by a Work Program Committee and are presented, along with budget recommendations, for endorsement by the full RSWMCC. This annual work program document describes the new and on-going regional initiatives approved by the RSWMCC to be implemented during FY2013 (October 1, 2012 to September 30, 2013). The FY2013 work program deliverables are listed in Appendix A, and the budget is presented in Appendix B.

Program Cost Shares

The annual work program is funded by individual cost shares provided by each of the regional participants. Completion of the full work program is contingent upon receiving the approved level of funding from participating local governments. Individual cost shares are developed from an allocation of the program elements to three categories of participants: Large MS4s (Large and Medium Municipal Separate Storm Sewer Systems as defined by the U.S. Environmental Protection Agency (EPA)), Small MS4s, and Common, based on the category the element primarily supports. Cost shares for each participant are calculated according to population and to an equal share from the resource allocation assigned to the program elements under each of these three categories. While each work element may be structured primarily for one size category within the program, all elements are connected to some extent by the regional stormwater common goals

and are expected to contribute to a common body of knowledge that will directly enhance all members' individual programs.

As in recent years, primary activities associated with Control of Construction Site Stormwater Runoff and Management of Stormwater Impacts Associated with Development will be funded separately under the *integrated* Stormwater Management (iSWM™) program. The FY2013 Public Works Program, including the iSWM™ work elements are developed and implemented under the direction of NCTCOG's Public Works Council.

Local Government Participation and Oversight

Local Government Participation and Oversight groups the foundational elements of the Regional Program including: Coordinating Council meetings, watershed meetings, general permitting support issues, liaising with regulators, administrative support, and other Regional Program maintenance concerns.

The Regional Program maintains communication and regular opportunities for the exchange of information between participants, RSWMCC members, and NCTCOG staff via the Internet, the www.dfwstormwater.com web site, meetings, forums and workshops as appropriate, and roundtable discussions held in each watershed as needed. The interests of each watershed in the Regional Program are represented by RSWMCC members in regular meetings held to guide the regional strategy.

Large Communities-Specific Permit Coordination

The Large MS4 (Phase I) entities are in their third permit term. Staff will continue to ensure that the collective bargaining power of the Regional Program is brought to bear and that coordination with the overall Regional Program is considered in any discussions on regulatory issues with the Texas Commission on Environmental Quality (TCEQ) and EPA.

Small Communities-Specific Permit Coordination

The Small MS4 (Phase II) entities are beginning their second permit term. NCTCOG staff will continue to be available to answer questions and address issues that arise from participants as they develop and implement their Stormwater Management Programs (SWMP) under the requirements of the renewed general permit.

RDI Development and Combined Reporting

The concept of Regionally Developed Initiatives (RDIs) is the foundation of the regional strategy. RDIs specific to each program element are described in the program area sections of this work program. During FY2013, the RDI Task Forces (PETF, IDDETF, and P2TF) will continue to develop ideas for RDI projects to be incorporated into subsequent work programs, especially now that the Small MS4 permit is being renewed.

County Roundtable (this work element is contingent upon program support and interest from at least three counties)

The County Roundtable is offered to county stormwater managers and staff, as they contend with stormwater issues that are unique to county governments in our region. If adequate interest is expressed, during FY2013 NCTCOG staff will seek opportunities for leadership education and cooperative efforts unique to the city/county relationship. The Roundtable could provide a forum to assist in the implementation of regional program elements and potentially to develop new initiatives specific to Small MS4 permitting and compliance for counties. Staff will plan to support up to two meetings during the year, contingent upon interest and support.

Coordinate and Facilitate a Variety of Meetings

The RSWMCC provides oversight for the Regional Program and directs the activities of NCTCOG staff. Staff will arrange and administer a minimum of four meetings of the RSWMCC over the course of the fiscal year (1 per quarter). Staff will work with the Chair to develop meeting agendas, and will compose and e-mail meeting notices and background information in support of these meetings. Key to the development and maintenance of a regional effort are open discussions among all the participants. NCTCOG will provide support for up to two work sessions as needed to discuss strategy and other permit-related issues. Additional events may be conducted based on joint recommendation by staff and the RSWMCC.

Perform General Liaison Functions

As the state continues the process of developing its role as stormwater regulator, it is important that NCTCOG staff keeps them informed of our regional activities. Staff will continue to work closely with TCEQ staff during the development and implementation of the second Small MS4 permit term. Upon direction from the RSWMCC, NCTCOG staff will serve as representatives for the Regional Program with federal and state officials in matters regarding the regional strategy and will coordinate activities among the participants to promote the Regional Program. Staff will track regulatory information and changes in the stormwater arena, providing regulatory updates and/or announcements as appropriate.

Identify Regional Cooperative Opportunities

An element essential to the success of the regional strategy is identification of opportunities for regional cooperation. This is particularly important now that all regulated entities are implementing Stormwater Management Programs (SWMPs) and with the renewal of the Small MS4 general permit. Staff will continue to identify/refine potential regional cooperative initiatives for consideration as additional RDIs by the RSWMCC. It is anticipated that some initiatives will be supported by the continuing base funds, while others may require supplemental funding. Staff will seek cooperative bulk purchase opportunities and continue to coordinate bulk orders, delivery, and billing at least once per fiscal year for educational materials such as bookmarks and curb markers.

Promote the Adopted Regional Stormwater Management Strategy

Staff will be available to respond to requests for presentations to city councils and civic groups in order to assist city staff in their efforts to develop local stormwater management programs in concert with the regional effort. The adopted Regional Policy Position continues to be an essential tool in this regard. Staff will continue to participate in a limited number of local, state, and national conferences to showcase the Regional Program, to stay informed of national developments in water quality issues, and to access the municipal leadership for the region. Staff will prepare and present overviews of the Regional Program at selected local, state, and national conferences and other opportunities as they arise. Staff will also report to participants on information gained at the conferences attended and furnish copies of useful materials as appropriate.

Provide Administrative Support

NCTCOG will coordinate the Regional Program through the development of interlocal agreements, work programs, and cost share arrangements. NCTCOG staff will handle all necessary administrative support for these efforts including billing and phone call follow-ups.

Seek Grant Funding for Additional Programs or Projects

External funding through grant opportunities may be sought for specific projects as they are identified. State and federal grant sources will be explored and any application will be

made under guidance of the RSWMCC. Non-traditional funding sources will also be investigated: for example, partnering with non-profits on direct implementation of best management practices (BMPs) has been successful in other parts of the country.

Coordinate with the SEE Safe Clean & Green Initiative and Other Allied Environmental Programs

Staff will, as necessary, attend meetings of other environmental and infrastructure programs such as the Public Works Council, Flood Management Task Force, Trinity River COMMON VISION Program, iSWM, Stop Illegal Dumping (litter abatement), Water Resources Council, Total Maximum Daily Load Program, and other watershed programs to ensure coordination and avoid duplication of efforts.

Other Activities as Identified

NCTCOG staff will be open and available to address other activities that will assist in further development and implementation of the regional strategy as time and budget permits. Should a valuable opportunity arise, staff will consult with RSWMCC leadership, and may shift priorities in the work program to take advantage of the opportunity.

Regional Stormwater Resource Center

In order for governmental agencies to make informed decisions, they must have access to current and progressive information from around the country, as well as information on what their neighbors are doing. In addition, agency staff will need supporting information to be able to effectively communicate proposed policies to their managers, councils, and the public. To help coordinate the multiple sources of information on stormwater management, NCTCOG will continue to serve as a resource center for this information and will provide avenues for dissemination. NCTCOG will maintain an updated Internet presence as well as the ability to prepare custom-generated maps, charts, and other presentation materials to participants upon special request; some of which may incur additional charges.

Support the Regional Stormwater Web Site

Staff will provide maintenance and updates to the stormwater web site on the NCTCOG web domain to serve as an information clearinghouse and resource center. The web site will continue to present information targeted specifically at providing permit related support and maintaining general program information such as the annual work scope, program costs, and other related information. The web site can also aid public education on stormwater issues, and it can help to facilitate public involvement by making available notices of program meetings, which are open to the general public. The site will continue to be upgraded with technical support information, seminar and training opportunities, news items, national regulatory issues, and other current topical issues.

Serve as an Information Clearinghouse and Resource Center

NCTCOG staff will solicit and compile information on regional and national experiences in the area of stormwater management, and will continue current efforts to bring existing public information materials to local governments for use as examples. A regional resource of available information on stormwater management issues such as pollution prevention, innovative BMPs, and funding mechanisms, including studies, presentations by experienced professionals, and other guidance, will be maintained in-house and posted as components of www.dfwstormwater.com as feasible.

Prepare Newsletter Articles, Produce Informational Materials for Various Topics

NCTCOG staff will write four to six newsletter articles in the Department of Environment and Development's periodic *Insight* electronic newsletter and/or NCTCOG's *It's Your Region*

newsletter. Local, state, and national news sources including journals, Internet 'Listserves', news agencies, regulatory news releases, and association newsletters will be regularly reviewed by NCTCOG for relevant materials that can be provided to Regional Program participants. Informational materials on various topics such as stormwater management programs, practices and procedures, along with specific permit commitments or requirements to assist with informing elected officials, city management, and the general public will be made available to participants as needed. Program participants will receive email notices as relevant items become available.

Public Education

Educating the public about the impact of their everyday activities on stormwater quality is a key element of the stormwater program. Education and outreach programs are particularly suited to regional cooperation. Combined outreach talent and resources can increase individual program effectiveness and maximize purchasing power. Opportunities abound to reach citizens, school children, and businesses throughout the Metroplex in a coordinated program. The public must be made aware of the potential hazards associated with their individual practices and steps they can take to reduce pollutants in stormwater runoff. Education on the proper use, disposal, and/or management of these pollutants (e.g., lawn and garden chemicals, pet waste, yard waste, detergent, trash, sediment, and oil and grease) as well as on general stormwater issues should be a major element of any stormwater public education program. In addition, non-permitted commercial, institutional, and industrial entities whose operations could have a significant impact on stormwater quality also need to be informed of their potential impacts along with practical ways to mitigate these impacts.

Public Education Task Force Meetings

The Public Education Task Force will continue to support a unified stormwater public education message for the region, while maintaining the uniqueness of individual municipal programs. The Task Force has been very successful in providing coordinators an opportunity to discuss public education issues, learn from each other's on-going programs, and explore creative areas of mutual cooperation. In FY2013, the Task Force will explore and develop additional RDIs and/or seasonal campaigns for public education and public involvement. A minimum of seven meetings will be conducted, with updates provided to the RSWMCC.

Continue Regional Texas SmartScape® as an RDI

Staff will coordinate the 12th Annual *March is Texas SmartScape Month* activities in FY2013 as an RDI for public education. Staff will work with SmartScape participants to promote the program and assist them in planning, organizing, and promoting related outreach. Such efforts may consist of developing outreach or planning materials, coordinating a SmartScape class, and/or developing other initiatives identified by participants. Staff will continue to serve as the primary liaison for cities, the public, and the media on SmartScape information. Staff will maintain the technical and informational aspects of the SmartScape web site and will incorporate new information as it becomes available, including city specific information on demonstration gardens, educational events, and city promotions. As part of the SmartScape web zip code tracking and Google Analytics, staff will provide annual SmartScape web user statistic reports to each participating entity for inclusion in annual reports. Regional cooperative purchases of bookmarks and other SmartScape related promotional tools will continue to be made available.

Seasonal Education and Outreach Efforts

One objective of the Public Education Task Force will be to continue to build upon the successes of past seasonal education and outreach activities. For FY2013, the Task Force will continue running successful campaigns to address proper management of pet waste (*DOO the Right Thing*), yard waste, used cooking oil, construction site pollutants, general stormwater issues, and green business certification. Cooperative purchasing of media related products will be conducted for interested participants. In addition, local media partnerships will be maintained and opportunities for new partners to conduct public outreach will be pursued.

For FY2013, the Task Force will also target school children by developing an educator's toolbox. Members of the Task Force are often asked to give presentations to schools about stormwater, and this would give them options of learning activities to choose from. Instead of re-inventing the wheel, the toolbox will be comprised of known learning tools. These may include games, videos, workbooks, etc. The toolbox will be located online and will provide a detailed description of each activity, what grade it is best suited for, and instructions on how to present it. Individual MS4 outreach efforts will be supported and encouraged through the regional events calendar on www.dfwstormwater.com. Task Force activities, web site statistics, and outreach information will be tracked and documented for participants' annual reporting to TCEQ.

Illicit Discharge Detection and Elimination (IDDE)

Regional initiatives can provide local governments with an increased array of tools for addressing businesses and citizens that may be contributing to contaminated discharges in stormwater. Regionally developed training programs, inspection methods, or monitoring and tracking procedures can support local management programs by providing effective BMPs that work at the watershed level and provide an aspect of continuity for industries in the region. The focus of the regional effort in this program area has been the hands-on training workshops that have provided real world experience to numerous municipal staff over the years. The practical field guide that was developed in FY2011 was a new direction for the regional program and created a new tool for MS4 staff to use. The training workshops for municipal staff will continue to be offered and the materials developed for employee training will continue to be made available. The regional program will also seek opportunities to develop additional RDI(s) that will assist MS4s with full permit compliance in IDDE.

IDDE RDI Development

NCTCOG staff and the IDDE Task Force will revisit proposed projects and explore additional ideas to develop for use by local governments in detecting and eliminating illicit discharges. Proposed projects for future consideration may include a regional stormwater complaint hotline and web site, regional mapping of outfalls, IDDE response database, development of educational materials for automotive businesses, and a regional permitting program for power washing, mobile dog washing companies, and/or special events. Selected options could be formulated into RDI(s) to be implemented in future work programs.

Training DVD

For the FY2013 Work Program, the IDDE Task Force recommended the development of a training DVD and shop poster to educate municipal field staff on identifying and detecting illicit discharges. Both will be modeled after the "Preventing Storm Water Pollution: What We Can Do" municipal employee training DVD and shop poster series developed through the P2 program. The DVD could be based on the training PowerPoint module developed through the IDDE program in FY2012.

IDDE Training

NCTCOG staff will offer a basic IDDE training session that walks municipal staff through the approaches discussed in the *IDDE Field Investigation Guide*. This workshop will also review several case studies and will include a problem solving example that guides participants in finding the source(s) of the illicit discharge(s).

Dry Weather Field Screening Training

One training session using the Regional Dry Weather Field Screening Protocol and screening kit will be conducted. This workshop includes a hands-on chemical testing in both a classroom setting and outdoors. The curriculum also covers how to conduct an outfall inventory, use a Global Positioning System (GPS), and set up and manage an outfall database. To minimize costs, the workshop will be conducted by a local volunteer with experience in outfall mapping and field investigations. The training targets MS4 staff needing to conduct dry weather field screening of municipal stormwater outfalls.

[The following workshop will be made available to regional program participants as an optional element of the FY2013 Work Program. Staff will solicit interest in this workshop during the third quarter of the fiscal year, and if resources are available, will be offered during the fourth quarter.]

Municipal Industrial Inspectors Workshop

This workshop will provide a venue for municipal industrial inspectors to discuss methods and tools for conducting inspections and promoting P2 concepts to local industries. The workshop will include a tour of a host industrial facility with stormwater management demonstrations, case studies, and pollution prevention examples presented by facility staff. This workshop is typically a three-quarter to a full-day event.

Municipal Pollution Prevention

Local governments must lead by example if they are to succeed in changing the practices and habits of businesses and residents. Toward this end, the goal of governments must be to prevent or reduce pollutant runoff from municipal operations including streets, highways, municipal parking lots, maintenance facilities, storage yards, and waste transfer stations. Comprehensive regional training programs developed in prior years have gone a long way in providing for the training component of the permit requirements. Previously developed training DVDs focusing on various municipal operation activities will be available for purchase and some aspects of the FY2012 education and sharing initiative will continue. Since training alone does not fully address all the requirements of the permit, continued attention is needed to develop a more comprehensive RDI(s) for this program area. In FY2013, NCTCOG staff will work with the P2 Task Force to identify additional RDI projects for future work programs.

Self Audit Guidebook and Regional Standard Operating Procedures

For FY2013, the Task Force will develop a self audit guidebook. This guidebook will involve a checklist of different pollution prevention operations including fleet maintenance, solid waste operations, streets and drainage, parks and grounds, materials and spill cleanup, land disturbance, and construction site activities. Depending on what the Task Force decides, the guidebook may include descriptions, photos, or any other information about day-to-day procedures in pollution prevention. Along with the guidebook, regional standard operating procedures will also be developed. These will be determined by the renewed Small MS4 permit and what will be required of pollution prevention for municipal operations.

Peer 2 Peer Education and Sharing

Some aspects of this FY2012 project will continue in FY2013. Site visits to municipal facilities may be conducted if interest and resources allow. A Yahoo Group will be available to members beyond the FY2012 project year to give them the opportunity to ask questions and share experiences and resources in pollution prevention.

P2 RDI Development

Staff and the P2 Task Force will continue to explore additional options for the development of an RDI program for use by local governments in managing facilities and operations that have a potential impact on stormwater quality. Projects for future consideration may include one or more operational guides for supervisors with BMPs and procedures and techniques appropriate to particular municipal departments or activities. Selected projects could be formulated into RDI(s) to be implemented in future work programs.

Regional Cooperative Monitoring

NCTCOG is facilitating the implementation of a third permit term TCEQ-approved monitoring program that is based on in-stream monitoring of selected watersheds. A more comprehensive biomonitoring component has also been added this permit term. The goal for this monitoring program is to continue to generate water quality data on receiving streams in the DFW Metroplex during storm events for use in tracking long-term water quality trends and effectiveness of BMP implementation in the watershed.

Regional Monitoring Program Implementation

Phase I entities will continue monitoring activities in this third permit term. A regional consultant was selected through an RFP process to perform sampling activities for seven of the regional participants, while two participants will continue to perform their own monitoring and submit data to the consultant for inclusion in the regional data set. In FY2013, a second year of sampling will occur and NCTCOG staff will provide administrative oversight to the consultant team that is providing the regional monitoring services. Staff will also be handling the contracts and billings for the joint monitoring services. For the two entities that are not using the joint services agreement, staff will work with them to ensure that consistency with the regional protocol is maintained and that their collected data are compiled into the regional dataset. Staff will continue to input all monitoring data into a regional monitoring database and provide data and monitoring status reports online in a timely fashion. NCTCOG staff will administer all contractual paperwork for both the consultant and the participating entities, as well as oversee consultant activities on behalf of the regional partners. Staff will work in concert with the consultant to prepare a digital annual report that will be submitted to TCEQ in March of 2013. Meetings of the Regional Monitoring Task Force will be held as needed.

Exhibit B
FY13 COST SHARE TABLES
Regional Stormwater Management Program
North Central Texas Council of Governments

Table 1: Phase II City Cost Share Estimates	
City Population (2012 Pop Estimate)	Cost Shares (\$)
Under 3,000	\$ 500
5,000	\$ 2,360
10,000	\$ 2,520
15,000	\$ 2,680
20,000	\$ 2,830
25,000	\$ 2,990
30,000	\$ 3,150
35,000	\$ 3,310
40,000	\$ 3,460
45,000	\$ 3,620
50,000	\$ 3,780
55,000	\$ 3,940
60,000	\$ 4,090
65,000	\$ 4,250
70,000	\$ 4,410
75,000	\$ 4,570
80,000	\$ 4,720
85,000	\$ 4,880
90,000	\$ 5,040
95,000	\$ 5,200
100,000	\$ 5,350
105,000	\$ 5,510
110,000	\$ 5,670
115,000	\$ 5,830
120,000	\$ 5,980
125,000	\$ 6,140
130,000	\$ 6,300
135,000	\$ 6,450
140,000	\$ 6,610
145,000	\$ 6,770
150,000	\$ 6,930
155,000	\$ 7,080
160,000	\$ 7,240
165,000	\$ 7,400
170,000	\$ 7,560
175,000	\$ 7,710
180,000	\$ 7,870

Table 1 – Phase II City Cost Share Estimates

City participants can use this table to estimate their cost share amounts from the ranges given. Each participant's cost share is derived from a formula that is based on population and an equal share among participants. Phase II cost shares fund Phase II program elements and a portion of common program elements. Cities outside the Dallas-Fort Worth-Arlington, Denton-Lewisville, and McKinney Urbanized Areas pay 2/3 of the amount listed in this table.

The FY13 cost share of Phase II non-municipal agencies is \$ 2,203 and is based on the Phase II cost share formula with a zero population factor.

Table 2: Phase I Participants' Cost Shares	
City or Entity	Cost Shares (\$)
Dallas	\$ 30,765
Fort Worth	\$ 20,427
Arlington	\$ 11,415
Plano	\$ 9,025
Garland	\$ 8,246
Irving	\$ 8,035
Mesquite	\$ 6,220
TxDOT – Dallas District	\$ 3,003
TxDOT – Fort Worth District	\$ 3,003
North Texas Tollway Authority	\$ 3,003

Table 2 – Phase I Participants' Cost Shares

The above non-municipal participants' cost share is based on the Phase I cost share formula with a zero population factor. Phase I cost shares fund Phase I program elements and a portion of common elements.

Table 3: County Cost Share Amounts		
County	Derived* Population	Cost Shares (\$)
Collin County	5,932	\$ 2,388
Dallas County	4,590	\$ 2,347
Denton County	19,510	\$ 2,812
Ellis County	21,668	\$ 2,879
Johnson County	10,465	\$ 2,530
Kaufman County	2,567	\$ 2,283
Parker County	4,756	\$ 2,352
Rockwall County	2,678	\$ 2,287
Tarrant County	33,423	\$ 3,246

Table 3 – County Cost Share Amounts

*The county population used in the formula to derive the cost-share is based on the **unincorporated** population of the county found in the Census 2010 **urbanized area**. A 2012 growth factor has been applied to this population figure which is then used with the Phase II cost share formula.

LETTER OF AUTHORIZATION

North Central Texas Regional Stormwater Management Program

FY2013 Administrative and Implementation Assistance North Central Texas Council of Governments (NCTCOG)

The NCTCOG and the **City of Plano** (hereafter referred to as the "participant") have executed an Interlocal Agreement to provide a structure through which the participants can pursue initiatives that assist with the Regional Stormwater Management Program. The Interlocal Agreement established a structure by which a Regional Stormwater Management Coordinating Council may identify specific activities to be carried out by NCTCOG, and/or professional agencies, with cost allocations to be determined through Coordinating Council consensus. The participants to this agreement have reviewed the NCTCOG proposed work program for FY2013, which includes NCTCOG assistance to the participants for administrative and implementation support of stormwater related activities and the cost-share arrangement for funding of this effort.

In accordance with Article 2, Paragraph 5, and Article 5 of the Interlocal Agreement, the purpose of this letter is to authorize the participant's cost-share of **\$9,025** for the FY2013 work program.

Execution of this Letter of Authorization is considered a formal part of the Interlocal Agreement, and obligates the participant's cost share as identified above. If the participant fails to execute this agreement prior to January 15, 2013, a 5% penalty will be added to the above cost-share amount for every complete quarter of delay after the first. Once executed, billing of the participant by NCTCOG for these services will be made no more frequently than quarterly. NCTCOG will invoice the participant for its costs incurred resulting from the FY2013 work program, and the participant shall remit the amount of the invoice to NCTCOG within thirty (30) calendar days of receipt of the invoice. In the event that the participant does not accept the goods or services or finds an error in the invoice, the participant shall notify the NCTCOG Manager who is responsible for executing this program as soon as possible within the 30 calendar day period, and shall make payment not less than ten (10) calendar days after the problem(s) are corrected or the error is resolved to the satisfaction of all parties. In the event that payment of invoiced goods or services is not received by the NCTCOG within 30 calendar days of receipt of the accepted invoice, NCTCOG is authorized to charge the participant interest in accordance with the Prompt Payment Act. Participants that do not pay will not receive the benefits outlined in the FY2013 work program.

Work under this program will be carried out from October 1, 2012 through September 30, 2013. It may become necessary for work to continue beyond September 30, 2013 in order to complete the authorized FY2013 work program. However, costs for the work program will not exceed the participant's cost-share as agreed to in this Letter of Authorization.

Each individual signing this Letter of Authorization on behalf of a participant warrants that he or she is legally authorized to do so and that the participant is legally authorized to perform the obligations undertaken. The undersigned represent the agreement of NCTCOG and the Participant to these provisions and hereby execute this Authorization in triplicate originals.

Authorized Signature

Mike Eastland, Executive Director
North Central Texas Council of
Governments

Name (please print)

Date: _____

Date: _____