



## Legislation Text

---

**File #:** 16-357, **Version:** 1

---

*Report Prepared by: Joel Svendsen, PE, Associate Engineer - Engineering Dept.*

**SUBJECT:** Operation and Maintenance (O&M) Plan and Statement of Responsibility

### REPORT IN BRIEF

Consider authorizing City Manager to execute O & M agreements with property owners for all required projects that create or replace more than 5,000 square feet of impervious surface.

### RECOMMENDATION

**City Council** - Adopt a motion authorizing the City Manager to execute the Operation and Maintenance (O&M) Plan and Statement of Responsibility for all projects that are considered regulated projects.

### ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

### AUTHORITY

City of Merced Municipal Code Section 15.50.120(C) Reduction of Pollutants in Storm Water.

### CITY COUNCIL PRIORITIES

Not applicable.

### DISCUSSION

The City of Merced is allowed to discharge its storm water into receiving waters such as the surrounding rivers, lakes, and aquifers as long as it adheres to all the conditions as stated in the Phase II General National Pollutant Discharge Elimination System Permit for Municipal Separate Storm Water Sewer Systems which went into effect on July 1, 2015. One of the conditions of this permit requires all new projects to meet low impact development requirements. This means that the project proposed must be designed to have as little effect as possible to the natural environment. An example of this would be to drain the project using a natural swale similar to a small creek as opposed to a man-made structure such as an underground pipe.

To ensure this happens, project owners must sign an Operation and Maintenance Agreement in which they legally bind themselves to maintain the installed design measures in an effective and good operational condition until the property ownership is transferred. The O&M Agreement is only required for projects that create or replace more than 5,000 square feet of pavement, buildings, sidewalks, and the like.

The agreement is recorded with the property deed by the County Clerk making it transferrable to the new owner; or, when there are multiple property owners responsible for the maintenance of the control measures, the agreement will consist of a legally binding contract between the City and the homeowners association or maintenance district. The owner or association responsible for the maintenance of the design measures will be required by the City to submit an annual self-certification that the storm water design measures are working properly and are being maintained in accordance with the submitted and approved Operation and Maintenance Plan.

Staff recommends that the O&M Agreement be approved and the City Manager be given the authority to execute for all applicable projects.

### **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

### **ATTACHMENTS**

1. O&M Agreement App
2. Post Construction Standards Plan Template Final