



**BACKGROUND:** In response to three flash flooding events (July 8, 2019; July 23, 2020; and September 2, 2020) as a result of climate change-induced severe rain events, the City Manager established an Interdepartmental Strike Team Flooding Management Task Force to urgently develop plans to address flooding-related policy, planning, and funding issues. The Task Force recommendation included increasing the Stormwater Utility Fee to fund accelerated operating and capital projects to address flooding issues. The fee increase was adopted via ordinance at the February 20, 2021 City Council public hearing. This currently recommended revision to the City storm water utility ordinance will expand the stated purpose of the fee to explicitly include use of funds to mitigate surface and subsurface flooding from precipitation events consistent with State law.

**DISCUSSION:** The Stormwater Utility Fee was implemented the second half of FY 2018 largely to address unfunded state and federal mandates to reduce pollution in urban stormwater runoff to address the Chesapeake Bay Total Maximum Daily Load (TMDL). Consistent with the City's strategy to achieve milestones in advance of regulatory deadlines, the City has made appreciable progress towards the mandates by implementing identified strategies in the City's Chesapeake Bay TMDL Action Plan, such as retrofitting Lake Cook and Ben Brenman Pond, and completing other identified projects; with additional identified Action Plan projects remaining to be completed to ensure regulatory compliance.

City Council approved a substantial phased in increase to the Stormwater Utility Fee on February 20, 2021 consistent with the City's new commitment to an aggressive approach to addressing flood mitigation on an accelerated basis through increased system maintenance and a substantial additional capital investment in stormwater capacity infrastructure. This commitment includes shifting a significant portion of future funding from water quality capital projects that address Bay TMDL cleanup mandates to stormwater capacity and spot improvement capital projects that address flooding, while maintaining regulatory compliance. The recommended revision to Sec. 5-6-231 expands the stated purpose of the Stormwater Utility Fee as part of the recent increase to the Stormwater Utility Fee to explicitly identify the use of funds to mitigate surface and subsurface flooding from precipitation events

**FISCAL IMPACT:** There will be no fiscal impact associated with this code revision.

**ATTACHMENTS:**

1. Ordinance Cover
2. Ordinance

**STAFF:**

Joanna Anderson, City Attorney

Emily A. Baker, P.E., Deputy City Manager

Kendel Taylor, Director, Finance Administration

Yon Lambert, Director, Transportation & Environmental Services

Adrienne Fine, Assistant City Attorney