



Legislation Details (With Text)

File #: 18-7200 **Name:**

Type: Ordinance **Status:** Agenda Ready

File created: 12/21/2017 **In control:** City Council Legislative Meeting

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Title: Introduction and First Reading. Consideration of Passage on First Reading of an Ordinance to amend Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES).

Sponsors:

Indexes:

Code sections:

Attachments: 1. 18-7200_Attachment 1: Ordinance Cover Stormwater Amendment, 2. 18-7200_Attachment 2: Stormwater Amendment

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 3, 2018

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Introduction and First Reading. Consideration of Passage on First Reading of an Ordinance to amend Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES).

ISSUE: Consideration of an amendment to the Stormwater Utility Fee to provide a waiver to cemeteries.

RECOMMENDATION: That City Council consider the ordinance on first reading and set it for second reading, public hearing and final passage on Saturday, January 20, 2018.

BACKGROUND: On May 4, 2017, City Council adopted a Stormwater Utility Fee to provide a dedicated funding source to more equitably distribute the increasing costs of recent state and federal Chesapeake Bay protection mandates. The mandates require the implementation of costly infrastructure associated with

stormwater management, as enforced through the City's Municipal Separate Storm Sewer System (MS4) permit, and created the need for the fee.

Virginia Code 15.2-2114(C), which is the basis for the City Stormwater utility fee ordinance in City Code Section 5-6-233, includes specific conditions under which localities may provide full or partial waivers to stormwater utility fees. Virginia Code 15.2-2114(E) notes that localities may provide full or partial waivers to cemeteries. Virginia's Code is consistent with how many other states treat cemeteries, which are largely pervious. Alexandria did not incorporate a waiver for cemeteries in the initial adoption of its stormwater utility ordinance.

DISCUSSION: During the period of intense public engagement following adoption of the ordinance, staff held meetings with civic associations, commissions, committees, land owners, and partnerships. Staff has also sent letters to non-profits and faith-based properties, to include private cemeteries. Feedback from private cemeteries (almost all of whom are not-for-profit enterprises) highlighted the fact that, consistent with Virginia Code 15.2-2114 (E), localities administering a stormwater utility may provide for full or partial waivers to cemeteries. Since cemeteries often operate from earnings from fixed maintenance trust funds, the limited ability to handle a new stormwater fee is recognized by the State Code via this waiver provision. During a review of the State Code and the City's adopted order Section 5-6-233, it was confirmed that the City had not provided a waiver for cemeteries in the adopted ordinance. Furthermore, the adopted ordinance sought to provide full waiver for 'property owned or operated by the city' consistent with State Code; however, the ordinance did not contain 'or operated' and needs to be revised to provide this clarification.

FISCAL IMPACT: The proposed amendment to the adopted ordinance providing full waivers to cemeteries is anticipated to nominally reduce the estimated revenue by approximately \$8,890 for the May 2018 billing. This nominal revenue reduction is not anticipated to impact the proposed rate for FY 2019. The amendment to clarify that property operated by the City will receive a full waiver will have no fiscal impact since owned or operated properties were not included in the development of the rate.

ATTACHMENTS:

1. Ordinance Cover
2. Ordinance

STAFF:

Emily A. Baker, P.E., Deputy City Manager
Morgan Routt, Director, Office of Management & Budget
Yon Lambert, AICP, Director, T&ES
William Skrabak, Deputy Director, T&ES
Jesse Maines, Division Chief, Stormwater Management