



## Legislation Text

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### City of Alexandria, Virginia

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#### MEMORANDUM

**DATE:** MARCH 31, 2021

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

**DOCKET TITLE:**

Public Hearing, Second Reading, and Final Passage of an Ordinance to expand the stated purpose of the Stormwater Utility Fee by amending Article C (STORMWATER UTILITY) to Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES). [ROLL-CALL VOTE]

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**ISSUE:** Consideration of revisions to (1) expand the stated purpose of the stormwater utility fee to explicitly state that the fee may be used to mitigate surface and subsurface flooding issues occurring from more frequent and intense climate-induced precipitation events and (2) incorporate additional language to align the fee with State Code.

**RECOMMENDATION:** That City Council adopt the proposed ordinance on first reading and hold the public hearing and adopt the ordinance on Saturday, April 17, 2021.

**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 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.

**DISCUSSION:** The recommended revisions to the City's stormwater utility ordinance which Council requested will expand the stated purpose of the fee to explicitly include use of funds to mitigate surface and subsurface flooding from precipitation events and make other updates consistent with State Code.

The Stormwater Utility Fee which was implemented in 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) as well as to fund a significant number of Stormwater capacity

projects. 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 full regulatory compliance by the 2028 100% compliance deadline.

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 multi-year 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. The recommended revisions to Sec. 5-6-236 incorporate updated language in State Code.

**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