

**CITY OF BALTIMORE
COUNCIL BILL 17-0014R
(Resolution)**

Introduced by: Councilmembers Costello, Middleton, Scott, Burnett, Bullock, Pinkett, Dorsey,
Henry, Cohen, Sneed, Clarke, Schleifer, Reisinger, Stokes, President Young

Introduced and read first time: March 6, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: Department of Public Works

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Stormwater Remediation Fee Oversight Committee**

3 FOR the purpose of calling for the creation of a Stormwater Remediation Fee Oversight
4 Committee including representatives from citizens and stakeholders impacted by stormwater
5 management efforts as well as City agencies involved in stormwater management and
6 mitigation.

7 **Recitals**

8 **WHEREAS**, the City Council has already explored ways for DPW to make the stormwater
9 management process more productive. This was accomplished during oversight through City
10 Council Resolution 16-0301R. Specifically, the City Council called for DPW to:

- 11 ● Escalate the current stormwater-related project development timetable;
- 12 ● Expand capacity for permitting review and establish deadlines for permit review and
13 processing for stormwater projects that will be utilized by the City in meeting
14 regulatory compliance;
- 15 ● Establish the following policies on the review and decision-making process for
16 Stormwater Management & Erosion and Sediment Control permits for voluntary
17 (non-regulatory) restoration projects:
- 18 ○ 30-day maximum for projects under 5,000 square feet/100 cubic yards
19 treatment;
- 20 ○ 45-day maximum for all other projects;
- 21 ○ Communicate any 'roadblocks' to advancing these initiatives (i.e., hiring
22 procedures, recruitment, etc.)
- 23 ● Ensure that revenue collected via Stormwater Enterprise Fund utility fees are
24 identified and tracked online in a simple format that is updated quarterly throughout
25 planning, design, and construction in a way that the general public can review and
26 comprehend..

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 **WHEREAS**, the City Council has already explored ways for DPW to provide more
2 transparency and information regarding the Stormwater Enterprise Fund in order to fully
3 understand the current state of the Stormwater Management program. This was accomplished
4 through City Council Resolution 16-0302R. Specifically, the City Council called on the Director
5 of DPW, the Director of Finance, and the Director of the Bureau of Budget and Management
6 Research to report to and to testify before the City Council on:

- 7 ● Total spending on stormwater management prior to the institution of the enterprise
8 fund;
- 9 ● Total Stormwater Enterprise Fund fees actually collected to date;
- 10 ● Total Stormwater Enterprise Fund fees currently billed, but not yet collected;
- 11 ● Financing and debt service strategy and costs;
- 12 ● Current availability of funds;
- 13 ● Anticipated allocation of funds (operating v. capital);
- 14 ● Current and planned operating budgets, including status and duties of new FTE or
15 contracted staff support;
- 16 ● Current and planned capital budgets, including projects in design and slated for
17 construction in FY16 through FY20;
- 18 ● Descriptions and justifications for individual projects, programs, and partnerships
19 outlined in the appendices of the MS4 Annual Report;
- 20 ● Timetables pertaining to the planned operating and capital budgets; Total number of
21 hours of Stormwater Participation Credits redeemed; Total dollar value of Stormwater
22 Participation Credits redeemed; Total number of Stormwater Mitigation Variances
23 approved;
- 24 ● Total dollar value of Stormwater Mitigation Variances approved;
- 25 ● Total number of hardship exemptions approved;
- 26 ● A narrative description explaining how partially-paid water bills are applied to each
27 of the four utilities: Water Enterprise Fund, Sewer and Wastewater Enterprise Fund,
28 Stormwater Enterprise Fund, and the Chesapeake Bay Restoration Fund.
29

30 **WHEREAS**, The Baltimore City Council has determined the need to create a committee within
31 the purview of the Judiciary and Legislative Investigations Committee of the City Council, to be
32 comprised of representatives from the business and environmental communities and citizen
33 representatives from the five watersheds, to provide oversight and input into the use of ratepayer
34 funds collected via the Stormwater Remediation Fee.

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1 **WHEREAS**, Effective and timely project and program implementation will assist the City in
2 moving forward with several important goals. It will create a greener and healthier city, improve
3 water quality through reduction of stormwater run-off, and reduce the risk of flooding impacting
4 residents and businesses.

5 **WHEREAS**, Citizens are also requesting greater transparency in how the City is utilizing
6 ratepayer-funded projects. The City Council passed legislation to create the Stormwater
7 Management Utility, including a specific fee amount, related exceptions and credits and,
8 therefore, has jurisdiction regarding its use.

9 **WHEREAS**, As such the Committee will periodically review, assess progress on, and assist
10 with communicating to the public:

- 11 ● Quarterly outline of pending Stormwater projects, and those planned, for Committee
12 review and comment;
- 13 ● The MS4 Annual report, which is to be provided to the Maryland Department of the
14 Environment (MDE);
- 15 ● Bi-Annual Financial Assurance plan, which is provided to the MDE and General
16 Assembly;
- 17 ● Revenue collected and other funds intended to provide resources for stormwater
18 management to ensure there is adequate funding and which is being used to achieve
19 maximum benefit;
- 20 ● Work with DPW and stakeholders to ensure the general public can easily understand
21 the intended uses of the stormwater enterprise fund and progress made;
- 22 ● Assist DPW with streamlining the design and permitting process for Stormwater
23 projects;
- 24 ● Routine (quarterly) review of stormwater utility fees collected, funds on hand, and
25 timetables for planned capital expenditures; and
- 26 ● Cost/ benefit analysis of grant-funded projects implemented in the City.

27 **WHEREAS**, The Committee may routinely request information from City Agencies, as well as
28 outside experts who can help provide an external evaluation of the subject matter. The
29 Committee members will serve as ambassadors to their respective communities and stakeholder
30 groups to share and communicate the information reviewed by the Committee.

31 **WHEREAS**, The initial membership of the committee shall include 13 total members and is
32 not to exceed 15 total members. The City Council President will appoint members in
33 consultation with the Director of the Department of Public Works. The City Council President
34 will appoint a chair from among the members of the committee and may appoint additional
35 members to the committee, including the filling of vacancies. Members will initially include but
36 are not limited to the following:

- 37 1. The Chair of the Judiciary and Legislative Investigations Committee;

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- 1 2. A representative from an environmental NGO located in or active in Baltimore City;
- 2 3. A representative from the maritime industrial or port community;
- 3 4. A representative from an anchor institution located in or active in Baltimore City;
- 4 5. A representative from an industry/manufacturing group located in or active in
- 5 Baltimore City;
- 6 6. A representative from a business group located in or active in Baltimore City;
- 7 7. A representative from the Jones Falls Watershed;
- 8 8. A representative from the Back River Watershed;
- 9 9. A representative from the Gwynns Falls Watershed;
- 10 10. A representative from the Baltimore Harbor Watershed;
- 11 11. A representative from the Lower North Branch of the Patapsco Watershed;
- 12 12. A representative of the development community; and
- 13 13. An at large representative.

14 **WHEREAS**, The following City agencies are invited to send representatives to the Committee:

- 15 1. The Department of Public Works;
- 16 2. The Department of Finance;
- 17 3. The Department of Transportation;
- 18 4. The Department of Recreation and Parks;
- 19 5. The Department of Planning;
- 20 6. The Department of Housing and Community Development;
- 21 7. The Baltimore City Public School System.

22 **WHEREAS**, This Committee will expire on the last day of the 72nd Term of the Baltimore
23 City Council.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, that the
25 Council calls for the creation of a Stormwater Remediation Fee Oversight Committee including
26 representatives from citizens and stakeholders impacted by stormwater management efforts as
27 well as City agencies involved in stormwater management and mitigation.

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1 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Mayor, the
2 Director of Public Works, the Director of Finance, the Director of Transportation, the Director of
3 Recreation and Parks, the Planning Director, the Housing Commissioner, the CEO of Baltimore
4 City Public Schools, and the Mayor’s Legislative Liaison to the City Council.