



Legislation Text

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Resolution to Amend the Fiscal Year 2023 Council Approved Budget and Accept and Appropriate a 2016 Stormwater Local Assistance Fund Program Awarded by the Virginia Department of Environmental Quality to the Capital Budget (Capital Projects) Fund

PURPOSE/BACKGROUND:

In 2013, the Virginia General Assembly created and set forth specific parameters for the administration of the Stormwater Local Assistance Fund (“SLAF” or the “Fund”). The purpose of the Fund is to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads. In accordance with that legislation, the State Water Control Board (the “Board”) approved Guidelines for the implementation of the SLAF program in 2013 and those Guidelines were revised by the Board in December 2016.

The City of Hampton (the “City”), through its Department of Public Works, applied to the SLAF program in 2016 for the Lynnhaven Lakes Outfall Structure Project (also known as the Lynnhaven Lakes Retrofit Project; the “Project”). A grant of \$486,750.00 was awarded by the Virginia Department of Environmental Quality (the “DEQ”) and has subsequently been received for the Project (the “Grant”). A local match from the City was required in the amount \$486,750.00.

Discussion:

The City was awarded the Grant in 2016, however due to delays in acquiring easements, that were not acquired until June, 2020. the Grant Agreement for the Project was not provided to the City by DEQ until July 28, 2021. The lowest bid received for the Project was \$2,103,941.00. The City attempted to get the DEQ to increase the funding, but they rejected the City’s request. The DEQ issued the Grant for \$486,750.00 subject to the City matching the grant at \$486,750,000 for a total of \$973,500.00 in funding contributed by DEQ and the City.

The Project was approved as part of the City’s Capital Improvement Plan at the time the Grant was awarded, and was since implemented using certain Capital Funds. The Project is nearing completion, so the DEQ Grant funds will effectively serve as a reimbursement for previously expended funds.

Impact:

This Grant award was meant to provide funding for the Project. Acceptance of this Grant will allow the re-appropriation of previously expended funds to other projects to achieve the City’s commitment to the Chesapeake Bay Total Maximum Daily Load (“TMDL”) or support the Resilient Hampton initiative.

Recommendation:

Approve Resolution

WHEREAS, the Virginia Department of Environmental Quality (the “DEQ”) awarded a 2016

Stormwater Local Assistance Fund grant (the "Grant") to the City of Hampton (the "City") in the amount of \$973,500.00 (\$486,750 to be funded by DEQ and \$486,750.00 required as a match from the City) to be used by the City's Public Works Department for the construction of the Lynnhaven Lakes Outfall Structure Project (also known as the Lynnhaven Lakes Retrofit Project; the "Project");

WHEREAS, due to unforeseen delays in acquiring necessary easements, the City was not able to bid the Project until 2020; and DEQ withheld the agreement for the Grant until after that time;

WHEREAS, the Project is near completion, with the City's match obligation and all other work on the Project performed to date funded solely with City funds through the Capital Budget (Capital Projects) Fund; and

WHEREAS, the total actual cost of the Project is approximately \$2,100,000.00, an amount well in excess of the Grant.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, that:

1. It accepts the Virginia Department of Environmental Quality, Stormwater Local Assistance Fund grant award in the amount \$973,500.00 (\$486,750 to be funded by DEQ and \$486,750.00 required as a match from the City);

2. Its Fiscal Year 2023 Council Approved Budget is hereby amended to accept and appropriate to the Capital Budget (Capital Projects) Fund that portion of the grant award to be paid to the City by the Virginia Department of Environmental Quality, in the amount of \$486,750.00.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager, or her authorized designee, to execute the Grant Agreement, in substantially the same form as set forth in this Resolution, and to take any and all actions necessary to carry out the purposes of this Resolution, subject to approval by the City Attorney.