AMENDED AND RESTATED OPERATING GUIDELINES

These Amended and Restated Operating Guidelines ("Amended and Restated Guidelines") are adopted this [date] day of July, 2014, by the CITY OF BOISE CITY, hereinafter called CITY; ADA COUNTY HIGHWAY DISTRICT, hereinafter called ACHD; ADA COUNTY DRAINAGE DISTRICT NO. 3, hereinafter called DD3; IDAHO TRANSPORTATION DEPARTMENT, DISTRICT 3, hereinafter called ITD; BOISE STATE UNIVERSITY, hereinafter called BSU; and the CITY OF GARDEN CITY, hereinafter called GARDEN CITY; collectively the "Permittees."

Whereas, Congress in 1987 amended Section 402 of the Federal Clean Water Act (33 U.S.C.A. section 1342(p)) to require the Federal Environmental Protection Agency (EPA) to promulgate regulations ("Regulations") for applications for permits for stormwater discharges; and

Whereas, the Regulations are designed to control pollutants associated with stormwater discharges through the use of the NPDES Permit system which allows the lawful discharge of stormwater into the waters of the United States; and

Whereas, the Regulations are designed to require NPDES Permits for discharges from Municipal Separate Storm Sewer Systems (MS4s) from a system-wide or jurisdiction wide basis; and

Whereas, the Permittees have received the NPDES Permit (Permit #IDS-02756-1 ["NPDES Permit"]), effective February 1, 2013; and

Whereas, the NPDES Permit requires that the Permittees must maintain an intergovernmental agreement describing each organization's respective roles and responsibilities related to this permit. Any previously signed agreement may be updated, as necessary, in accordance with this permit. A copy of an updated intergovernmental agreement must be completed by July 1, 2013, and submitted to the EPA with the first annual report.

Whereas, the Permittees previously entered into those certain Operating Guidelines dated October 17, 2006, which governed the Permittees' activities under the previous Intergovernmental Agreement dated October 21, 2001, based on the previous NPDES permit originally effective November 29, 2000.

Whereas, the Permittees entered into that certain Intergovernmental Agreement for Roles and Responsibilities Under the NPDES Permit ("Agreement"), dated June 26, 2013, which generally outlined the process by which the Permittees shall fund certain activities in compliance with the NPDES Permit;

Whereas, the Permittees, as public agencies, all have varying procedures concerning the setting of those entities' budgets and the time frame for the approval of those budgets;

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WHEREAS, the Permittees desire these Amended and Restated Guidelines (including certain budget procedures), to guide the Permittees through the activities in which all share in the cost and/or administration of the program;

NOW, THEREFORE, the Permittees agree as follows:

Section 1. These Amended and Restated Guidelines hereby repeal, replace, and supersede any previous guidelines, including those 2006 guidelines as described herein.

Section 2. The Permittees concur with the following process for:

A. The annual budget of costs to be shared by the Permittees pursuant to the Permit and the Intergovernmental Agreement; and

B. Operating Guidelines on approval of activities and expenses.

Section 3. Schedule and Process:

Each January of each Permit Year, the lead Permittee entity for the activities to be shared by all of the Permittees, shall present at a scheduled Permittee meeting, a proposed budget outlining the costs for the upcoming year as well as providing a comparison for similar activities within the previous year.

The Permittees shall consider such budget, provide comment, and the budget shall be approved at the Permittee meeting held in April of each Permit Year, upon motion and approval by a majority of the Permittees present.

Section 4. Program Administration and Management:

The Agreement identifies three categories for which the Permittees have agreed to apportion costs for those activities, including Program Administration and Management. By adoption of these Amended and Restated Guidelines, the Permittees have determined that the Program Administration and Management category should include those activities for which the Permittees are apportioning costs for certain planning and NPDES Permit compliance not related to any individual Permittee compliance activity. One such activity involves Subwatershed Plan Development resulting in two subwatershed plans as required by Section II.4 of the NPDES Permit. As such, the Subwatershed Plan is deemed related to the Permittees as a group, as opposed to any individual Permittee. Beginning in NPDES Permit Year 2014 and continuing through the NPDES Permit term, the costs of the Subwatershed Plan Development shall be included within the Program Administration and Management budget provided by the lead Permittee, ACHD. The Permittees also have determined that in the event costs are incurred during NPDES Permit Year 2014, those should be apportioned and deemed a Budget amendment. For NPDES Permit Year 2015 and continuing, Subwatershed Plan Development Costs required to comply with the NPDES Permit shall be included within the proposed annual budget for Program Administration and Management.
Permittees also agree to consider other subcategories for which apportionment of costs would be appropriate under the NPDES Permit and to process budget requests and approvals. Any additional subcategories shall require an amendment to these Amended and Restated Guidelines.

Section 5. Budget Revisions:

Throughout the NPDES Permit Year, revisions to the approved budget to reallocate funds among categories and classifications or to reduce the approved budget may be considered by the Permittees. Such reduction or reallocation shall be reviewed and approved by the Permittees representatives at a duly noticed Permittee meeting. No overall increase in the budget or additional funds shall be authorized unless approved by the Permittees, upon motion and approval by a majority of the Permittees present, and each Permittee has budget authority for such revisions.

Section 6. Permittee Budget Approval:

Nothing herein shall affect the process or authority of each Permittee to obtain from its governing body the necessary approval for the budget as required by each Permittee’s governing laws, regulations, or policy and each Permittee’s own activities for which it is responsible under the Permit.

Section 7. Operating Guidelines:

Generally, the Permittee meetings shall be managed in such a manner to achieve the objectives of the NPDES Permit and the NPDES program. For those items previously approved by way of the budget, the lead Permittee shall provide sufficient notice of such expenditure prior to incurring the obligation. Provided, however, that the Permittees may dispense of this guideline by action taken at a regularly scheduled Permittee meeting. Approval of expenses and approval of certain programs shall occur at a regularly scheduled Permittee meeting, upon motion and approval by a majority of the Permittees present.

Permittee meetings will be conducted on an informal basis facilitated by the ACHD representative. The ACHD representative shall also be responsible for taking and distributing minutes, providing an agenda, and, to the greatest extent possible, forwarding information to the Permittees for consideration at the meeting. Any action to be taken shall be accomplished by motion and vote. To the greatest extent possible, Roberts Rules of Order shall govern the voting process.

Section 8. Effect:

These Amended and Restated Guidelines have been adopted by the Permittees at the Permittee meeting dated 01/29/2014. Nothing herein shall be deemed to infringe upon any Permittees legal authority concerning the expenditure of public funds.
Section 9. Amendment:

These Amended and Restated Guidelines may be amended in writing, upon at least ten (10) days written notice of such amendment to each Permittee provided, however, said notice may be deemed waived by Permittee’s written consent. Any amendment shall be approved by majority vote of the Permittees present at the meeting called for such purpose.

ADA COUNTY HIGHWAY DISTRICT

By: [Signature]
Its Permittee NPDES Representative

CITY OF BOISE CITY

By: [Signature]
Its Permittee NPDES Representative

CITY OF GARDEN CITY

By: [Signature]
Its Permittee NPDES Representative

BOISE STATE UNIVERSITY

By: [Signature]
Its Permittee NPDES Representative

IDAHO TRANSPORTATION DEPARTMENT, DISTRICT #3

By: [Signature]
Its Permittee NPDES Representative

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ADA COUNTY DRAINAGE DISTRICT No. 3

By: 
Its Permittee NPDES Representative