

To Mayor and City Council:

The Annapolis Environmental Commission (AEC) advises the Mayor and City Council regarding natural, health and welfare qualities of the environment in Annapolis. Among the topics we consider is polluted runoff^{*}, the most important factor now degrading Annapolis water quality.^{**}

We wish to be helpful to the city in recommending approaches that will minimize the damage that polluted runoff causes, and will deal with it economically. Therefore we are alerting you to the following concerns, with a recommendation that city address them:

1. We have the same concerns that others have voiced, regarding the disposition of funds collected under [Ordinance 17.10.180](#) (Stormwater utility fund.) There is no information that convinces us, so far, that they have been spent as required under that ordinance and did not go for other purposes. An explanation was given by Mr. Miller in his Dec 6, 2013 email, copied below, but we find it opaque. We have no evidence that the final disposition of stormwater utility funds aligns with the purposes listed in the ordinance. The email reads as though perhaps nobody really understands where the money actually went, troubling if true. Therefore, we make the following recommendations:
 - a) City staff should develop a clear accounting of the cumulative disposition of all funds raised under the stormwater utility ordinance.
 - b) The city should determine whether those funds have been properly applied.
 - c) If they were not properly applied, the city should restore funds from any accounts they were misapplied to.
 - d) Those funds should be applied to identifiable stormwater projects that are valid under the stormwater utility fund ordinance.
2. Furthermore, we are concerned that a significant allocation from the stormwater utility fund is not be in keeping with the spirit of the ordinance, and may also not conform to the technical requirements of the ordinance. An statement by the acting city manager at the January 16, 2014 meeting of the council's Environmental Matters Committee, indicated that \$590,000 in FY 2014 stormwater fund fees has been allocated to the City Dock bulkhead project. We have the impression that this major project to maintain and repair the bulkhead at water's edge has very little to do with improving water quality through stormwater management, and everything to do with enhancing the mechanical stability of City Dock and environs against disruption by Severn River/Spa Creek waters. This would appear to be a diversion of funds from projects with a high potential to improve stream water quality, to a project with low such potential. Therefore, we make the following recommendations:
 - a) The Mayor and City Council should confer with city staff regarding diversion of stormwater utility funds from high priority water-quality enhancing projects, to a bulkhead project that appears to have low potential for improving water quality.
 - b) They should require a list of projects, prioritized by their potential to improve water quality.
 - c) If, as may be likely, the Mayor and City Council conclude that the City Dock bulkhead project is not a high priority project in terms of its likely benefits for

Annapolis water quality, then city should restore funds from the bulkhead account to the stormwater utility fund for use in higher priority projects identified in the above referenced list.

Sincerely,

Kurt Riegel, Chair
Annapolis Environmental Commission

* The term "polluted runoff" is rapidly gaining currency in preference over "stormwater" as a descriptor of both the volumes of water generated by rain events, and the environmental damage it causes.

** The term "water quality" here refers to Annapolis waters whose environmental quality is diminished by pollution, and to the ecological integrity of Annapolis streams, creeks and banks as they are affected by stormwater.

ATTACHMENTS:

17.10.180 Stormwater utility fund.

http://library.municode.com/HTML/16754/level2/TIT17BUCO_CH17.10STMA.html#TIT17BUCO_CH17.10STMA_17.10.180STUTFU

A. A stormwater utility fund shall be established and the moneys therein shall be used by the City for land acquisition (including easements and rights-of-way), and the study, engineering, design, purchase, construction, expansion, repair, maintenance, landscaping and inspection of public stormwater management systems.

B. The stormwater utility fee schedule applicable to the fund shall be established by resolution of the City Council. To encourage environmentally sound and effective stormwater management practices, the Director of the Department of Neighborhoods and Environmental Programs may authorize a reduction in the stormwater utility fee not to exceed fifty percent in accordance with a duly established policy setting forth which stormwater management facilities shall qualify for a reduction of the stormwater utility fee and how such reductions shall be calculated.

C. In the case of an application for a waiver to on-site water quantity and/or water quality management under this chapter, the Director of Public Works may in his/her discretion accept the conveyance of an interest in land, the construction of a stormwater management facility, the scheduled fee or any equivalent combination thereof as the stormwater utility fee.

D. The Director of Public Works shall not accept a conveyance of land or the construction of a stormwater management facility pursuant to the preceding subsection that does not cover adequately the cost to the City of managing the stormwater generated from the subject property or if such acceptance is otherwise not in the interest of the City.

E. Public Works is responsible for maintenance, repair and retrofit of stormwater facilities that lie in the public right-of-way and these funds shall be used to this effect.

(Ord. O-30-08 Amended § 1 (part), 2009; Ord. O-28-03 § 1; Ord. O-26-03 § 1 (part); Ord. O-10-02 § 1 (part))
(Ord. No. O-15-11 Amended, 6-6-2011)