

**RESOLUTION NO. 2023/50**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR  
2023/24 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL  
ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION  
DISCHARGE ELIMINATION SYSTEM PROGRAM**

**WHEREAS**, under the Federal Clean Water Act, prescribed discharges of stormwater require a permit from the appropriate California Regional Water Quality Control Board under the National Pollutant Discharge Elimination System (“NPDES”) program;

**WHEREAS**, the City of Antioch (“City”) applied for, and received, a NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters;

**WHEREAS**, it is the intent of the City to utilize funds received from its Stormwater Utility Area (“SUA”) for implementation of the NPDES program and drainage maintenance activities;

**WHEREAS**, at the request of the City, the Contra Costa County Flood Control and Water Conservation District (“District”) has completed the process for formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, the SUA and Program Group Costs Payment agreement between City and District requires the City, by April 1<sup>st</sup>, determine the rate to be assessed to a single Equivalent Runoff Unit (“ERU”) for the forthcoming fiscal year.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Antioch hereby determines that the rate to be assigned to a single Equivalent Runoff Unit for fiscal year 2023/24 shall be set at twenty-five dollars (\$25.00).

**BE IT FURTHER RESOLVED** that the City Council hereby requests the Contra Costa County Flood Control and Water Conservation District adopt Stormwater Utility Assessment Drainage levies based on the rate for a single Equivalent Runoff Unit for fiscal year 2023/24, which shall be set at twenty-five dollars (\$25.00).

\* \* \* \* \*

**RESOLUTION NO. 2023/50**

March 28, 2023

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**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 28th day of March, 2023, by the following vote:

**AYES:** Council Members District 2 Barbanica, District 3 Ogorchock, District 4 Wilson, Mayor Pro Tem (District 1) Torres-Walker, and Mayor Thorpe

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

  
ELIZABETH HOUSEHOLDER  
CITY CLERK OF THE CITY OF ANTIOCH

**RESOLUTION NO. 16-2023**

**A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2023/2024 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

**WHEREAS**, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

**WHEREAS**, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa County Flood Control and Water Conservation District (District) to establish Stormwater Utility Areas (SUA) and to levy annual benefit assessments for the purpose of carrying our activities required under the NPDES program; and

**WHEREAS**, it is the intent of the City of Clayton to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and local drainage maintenance activities; and

**WHEREAS**, at the request of the City of Clayton, the Contra Costa County Flood Control District and Water Conservation District (District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, the SUA and Program Group Costs payment agreement between the City and the District requires that the City of Clayton annually, by May 1, determine its rate to be assigned to a single ERU for the forthcoming fiscal year; and

**WHEREAS**, the City Council adopted Resolution 9-93, which established the range of the annual assessment to be imposed by the District within the storm water utility area not to exceed \$29 per ERU; and

**WHEREAS**, the City of Clayton has operated at its maximum \$29 per ERU rate since FY 1999/00 (the last twenty-four fiscal years) and this same rate is proposed again for FY 2023/2024.

**NOW THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby determine that its real property assessment rate to be assigned to a single ERU for FY 2023/2024 shall be set and assessed at \$29.00.

**BE IT FURTHER RESOLVED**, the City Council of Clayton, California, does hereby request the Contra Costa Flood Control and Water Conservation District to adopt the SUA levies in the City of Clayton based on the above established rate.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California, at a regular public meeting thereof held on the 21<sup>st</sup> day of March 2023, by the following vote:

**AYES:** Mayor Wan, Vice Mayor Diaz, Councilmembers Cloven, Tillman, and Trupiano.

**NOES:** None.

**ABSENT:** None.

**ABSTAIN:** None.

THE CITY COUNCIL OF CLAYTON, CA

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Jeff Wan, Mayor

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on March 21, 2023.

ATTEST:

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Janet Calderon, City Clerk

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Authorizing the Contra Costa County  
Flood Control & Water Conservation District to  
Establish an Annual Parcel Assessment for FY 2023-  
24 for Drainage Maintenance and National Pollutant  
Discharge Elimination System (NPDES) Program**

**Resolution No. 23-8**

**WHEREAS**, under the Federal Water Pollution Control Act, [33 U.S.C. Section 1342(p)], certain municipal storm water discharges require a permit from the appropriate federal or state authorities pursuant to the National Discharge Elimination System (NPDES) Program; and

**WHEREAS**, the City of Concord, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit to discharge storm water and developed a Storm Water Management Plan; and

**WHEREAS**, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa Flood Control and Water Conservation District (DISTRICT) to establish storm water utility areas and to impose annual benefit assessments for the purpose of carrying out the activities required under the NPDES Program; and

**WHEREAS**, the DISTRICT has completed the process for formation of a Concord Storm Water Utility Area (SUA), including the adoption of Storm Water Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, the SUA and Program Group Costs Payment Agreement between the City of Concord and DISTRICT requires the City of Concord annually to determine the rate to be assessed per Equivalent Runoff Unit (ERU) for the forthcoming fiscal year; and

**WHEREAS**, the City Council adopted Resolution 93-14, which established the range of annual assessment to be imposed by the DISTRICT within the storm water utility area at an amount not to exceed \$35 per ERU.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES  
RESOLVE AS FOLLOWS:**

**Section 1.** Establishing the annual amount of and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt SUA levies and/or assess ERUs does not constitute a "project," as defined in the California Environmental Quality Act (CEQA) of 1970, as amended, and its Guidelines, under the general rule that CEQA applies only to actions that have the potential to cause a significant effect on the environment. If such action were a "project" then, pursuant Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c), 15061(b)(3), and/or 15378, such action is not subject to environmental review because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and falls within the "common sense" exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." In this case, the Council is only authorizing the amount of the annual parcel assessment for the NPDES program. Additionally, pursuant to Section 15273 of the CEQA Guidelines, the establishment of charges for the purpose of meeting operating expenses is categorically exempt. Projects funded by the annual assessment will undergo CEQA review as necessary. No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the City's independent judgment and analysis.

**Section 2.** The annual assessment imposed by the DISTRICT within the storm water utility area for Fiscal Year 2023-24 shall be \$35.00 per Equivalent Runoff Unit (ERU).

**Section 3.** The City Council requests the DISTRICT to adopt storm water utility area levies based on said amount per ERU.

**Section 4.** This resolution shall become effective immediately upon its passage and adoption.

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**PASSED AND ADOPTED** by the City Council of the City of Concord on February 14, 2023,  
by the following vote:

**AYES:** Councilmembers - D. Aliano, E. Birsan, L. Nakamura, C. Obringer, L. Hoffmeister

**NOES:** Councilmembers - None


**ABSTAIN:** Councilmembers - None


**ABSENT:** Councilmembers - None

**I HEREBY CERTIFY** that the foregoing Resolution No. 23-8 was duly and regularly  
adopted at a regular meeting of the City Council of the City of Concord on February 14, 2023.

  
\_\_\_\_\_  
Joelle Fockler, MMC  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Susanne Meyer Brown  
City Attorney

**I certify that this is a true copy of  
a document on file in this office.**  
  
**SEAL** Deputy City Clerk  
City of Concord, California

**RESOLUTION NO. 5-2023**

**AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT THE FISCAL YEAR 2023/24 FEE FOR THE TOWN OF DANVILLE STORMWATER UTILITY AREA**

**WHEREAS**, the Federal Water Pollution Control Act requires dischargers of stormwater to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Regional Water Quality Control Board; and

**WHEREAS**, Danville, the Contra Costa County cities, the County, and the Contra Costa County Flood Control and Water Conservation District have joined under the Contra Costa Clean Water Program to secure the required NPDES permit; and

**WHEREAS**, the San Francisco Regional Water Quality Control Board adopted NPDES Permit No. CAS612008 in order to develop a Municipal Regional Permit that applies to all nine Bay Area Counties; and

**WHEREAS**, the Town complies with the NPDES permit requirements by operating a local Clean Water Program, participating in the Contra Costa Clean Water Program and implementing Best Management Practices to minimize or eliminate pollutants from stormwater; and

**WHEREAS**, in 1993 the funding necessary to implement this permit was established at a range of \$22 to \$30 per Equivalent Residential Unit (ERU) through the Stormwater Utility Assessment (Town of Danville Resolution No. 24-93); and

**WHEREAS**, said assessment rate must be set each year by the Town Council; and

**WHEREAS**, the Town Council appoints the City Engineer, or his/her designee, as its official representative to the Contra Costa Clean Water Program; and

**WHEREAS**, the Town Council wishes to continue to participate in the Clean Water Program and continue to fund the program through the assessment of individual properties; now, therefore, be it

**RESOLVED**, that the Danville Town Council authorizes continuance of the Stormwater Utility Assessment to be set at \$30 per ERU for all properties within Danville.



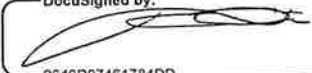
**APPROVED** by the Danville Town Council at a regular meeting on February 7, 2023, by the following vote:

**AYES:** ARNERICH, FONG, MORGAN, STEPPER, STORER

**NOES:** NONE

**ABSTAINED:** NONE

**ABSENT:** NONE

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**MAYOR**

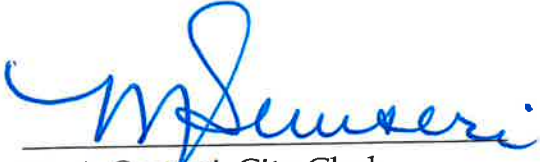
**APPROVED AS TO FORM:**

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**CITY ATTORNEY**

**ATTEST:**

DocuSigned by:  
  
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**CITY CLERK**

I, Marie Sunseri, City Clerk of the Town of Danville, hereby certify that this is a true and correct copy of Town Council Resolution No. 5-2023.



Marie Sunseri, City Clerk

## RESOLUTION 2023-22

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ESTABLISHING THE ANNUAL PARCEL ASSESSMENT FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM AND DRAINAGE MAINTENANCE ACTIVITIES AT THE CURRENT RATE OF \$38.00 PER EQUIVALENT RUNOFF UNIT AND AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ADOPT STORMWATER UTILITY AREA LEVIES BASED ON SAID AMOUNT IN FISCAL YEAR 2023-24.

WHEREAS, under the Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California Regional Water Quality Board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, Order No. R2-2022-0018, NPDES Permit No. CAS612008, issuing waste discharge requirements under the San Francisco Bay Municipal Regional Stormwater Permit (MRP) to the Cities, Flood Control Districts and County agencies located in Alameda, Contra Costa, Santa Clara, and San Mateo Counties, as well as the cities of Fairfield, Suisun and Vallejo, includes the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, at the request of the City of El Cerrito, the Contra Costa County Flood Control and Water Conservation District (District) has completed the process for formation of a Stormwater Utility Area (SUA), including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, it is the intent of the City of El Cerrito to utilize funds received from its SUA for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between the City of El Cerrito and the District requires that the City of El Cerrito annually determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year and the District has requested the approved resolutions by April 3, 2023.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does determine that the rate to be assigned to a single ERU for Fiscal Year 2023-24 shall be set at \$38.00.

BE IT FURTHER RESOLVED, the City Council of the City of El Cerrito does hereby request the District to adopt SUA levies based on said amount.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on March 21, 2023 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Mayor Motoyama; Councilmembers Fadelli, Quinto and Wysinger  
NOES: None  
ABSTAIN: None  
ABSENT: Mayor Pro Tem Rudnick

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on 3/22/2023 DS

APPROVED:

DocuSigned by:  
*Lisa Motoyama*  
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Lisa Motoyama, Mayor



DocuSigned by:  
*HCharlety*  
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Holly M. Charlety, City Clerk

**HERCULES CITY COUNCIL  
RESOLUTION NO. 23-012**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING THE CONTINUANCE OF THE PARCEL ASSESSMENT RATE OF \$35.00 PER EQUIVALENT RUNOFF UNIT (ERU) FOR FY 2023-2024 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT THIS ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM**

**WHEREAS**, under the Federal Water Pollution Control Act, prescribed discharges of storm water require a permit from the appropriate California Regional Water Quality Control Board under the National Pollution Discharge Elimination System (NPDES) Program; and

**WHEREAS**, the City of Hercules, County of Contra Costa did apply for, and did receive, an NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

**WHEREAS**, it is the intent of the City of Hercules to utilize funds received from its Stormwater Utility Area (SUA) for implementation of NPDES program and drainage maintenance activities; and

**WHEREAS**, at the request of the City of Hercules, Contra Costa County Flood Control and Water Conservation District (District) has completed the process for formation of a SUA, including Stormwater Utility Assessment Drainage Ordinance 93-47; and

**WHEREAS**, the SUA and Program Group Costs Payment Agreement between the City of Hercules and the District requires that the City of Hercules determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) annually before May 1 of the forthcoming fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hercules as follows:

1. The City Council hereby approves the continuance of the \$35.00 rate per ERU for FY 2023-2024 and requests the Contra Costa County Flood Control and Water Conservation District adopt an annual parcel assessment for drainage maintenance and the NPDES Program.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 14<sup>th</sup> day of March 2023, by the following vote of the Council:

**AYES: Council Members:** Mayor A. Walker-Griffin, Vice-Mayor D. Romero, C. Kelley and T. Grimsley

**NOES:** NONE

**ABSENT:** NONE

**ABSTAIN:** NONE

DS



ATTEST:

Eibleis Melendez, City Clerk

DocuSigned by:

*Alex Walker-Griffin*

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Alex Walker-Griffin, Mayor

RESOLUTION 2023-10

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE  
IN THE MATTER OF:

**ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2023-2024 AND  
REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO  
ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL  
POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**

WHEREAS, under the Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Lafayette (City) did apply for, and did receive, an NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, at the request of the City, the Contra Costa County Flood Control and Water Conservation District (District) has completed the process for formation of an SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between City and District requires that City annually, by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Lafayette does determine that the rate to be assigned to a single ERU for FY 2023-2024 shall be set at \$35 (thirty-five dollars).

BE IT FURTHER RESOLVED THAT: the City Council of the City of Lafayette does hereby request the District to adopt SUA levies based on said amount.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting on the 13th of February 2023, by the following vote to wit:

AYES: **Anduri, Dawson, Candell, Gerringer and Kwok**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

ATTEST:

APPROVED:

  
Joanne Robbins, City Clerk

  
Carl Anduri, Mayor

**RESOLUTION NO. 018-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ  
ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2023-24  
FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL  
ASSESSMENT FOR DRAINAGE MAINTENANCE ACTIVITIES AND  
IMPLEMENTATION OF THE NPDES PROGRAM**

**WHEREAS**, under Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the National Pollutant Discharge Elimination System (NPDES) program; and

**WHEREAS**, the City of Martinez (CITY) applied for and received an NPDES permit, which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

**WHEREAS**, it is the intent of the CITY to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

**WHEREAS**, at the request of the CITY, the Contra Costa County Flood Control & Water Conservation District (DISTRICT) completed the process for formation of a Stormwater Utility Assessment (SUA), including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, The SUA and Program Group Costs Payment Agreement between City and DISTRICT requires that CITY annually determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Martinez does determine that the rate to be assigned to a single ERU for Fiscal Year 2023-24 shall be set at \$30.00.

**BE IT FURTHER RESOLVED**, that the City Council does hereby request the DISTRICT to adopt SUA levies based on said amount.

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**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 1st day of March, 2023, by the following vote:

**AYES:** Councilmembers Jay Howard, Satinder S. Malhi, Debbie McKillop;  
Vice Mayor Mark Ross, Mayor Brianne Zorn

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None



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RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ

I HEREBY CERTIFY that this instrument is a true and correct copy of the original on file in this office.  
RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ



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Deputy  
Kat Galileo

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Continuing the Existing Rate for Fiscal )  
Year 2023/24 of \$35 per Equivalent )  
Runoff Unit as the Annual Assessment for )  
Drainage Maintenance and the National )  
Pollutant Discharge Elimination System )  
(NPDES) Program )

Resolution No. 25-2023

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**WHEREAS**, the federal Clean Water Act mandates that discharges of stormwater require a permit and delegates the National Pollutant Discharge Elimination System (NPDES) program to the State of California, which implements the NPDES program through the Regional Water Quality Control Boards (RWQCB); and

**WHEREAS**, the San Francisco Region RWQCB issues a Municipal Regional Permit (MRP), which covers the San Francisco Bay Region, including the Town of Moraga, to implement the NPDES program; and

**WHEREAS**, the MRP mandates the implementation by local agencies of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

**WHEREAS**, in 1993 the Contra Costa County Flood Control & Water Conservation District (District) completed the process for the formation of an Stormwater Utility Area (SUA) at the request of the Town, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, the SUA and Program Group Costs Payment agreement between the Town and District requires that the Town annually, by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year; and

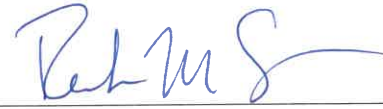
**WHEREAS**, it is the intent of the Town to utilize funds received from its SUA for implementation of the NPDES program and drainage maintenance activities.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Moraga continues the existing rate for Fiscal Year 2023/24 of \$35 per Equivalent Runoff Unit as the annual assessment for drainage maintenance and the National Pollutant Discharge Elimination System (NPDES) program; and

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Moraga does hereby request the District to adopt SUA levies based on said amount.

**PASSED AND ADOPTED** by the Town Council of the Town of Moraga at a regular meeting held on April 26, 2023 by the following vote:

**AYES:** Mayor Sos, Vice Mayor Onoda, Councilmembers Hillis, Shapiro and Woehleke  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None



\_\_\_\_\_  
Renata M. Sos, Mayor

Attest:



\_\_\_\_\_  
Yashin Abbas, Interim Town Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the Matter of:

Establishing the Rate per	)	
Equivalent Runoff Unit (ERU) for	)	Resolution No. 16-23
Fiscal Year 2023/2024 and	)	
requesting the Contra Costa	)	
County Flood Control and Water	)	
Conservation District to Adopt an	)	
Annual Parcel Assessment for	)	
Drainage Maintenance and the	)	
National Pollutant Discharge	)	
Elimination System (NPDES)	)	
Program	)	

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WHEREAS, under the Federal Water Pollution Control Act, prescribed discharges of Stormwater require a permit from the appropriate California regional water quality control board, under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Orinda, as a member of the Contra Costa County Clean Water Program, did apply for, and did receive, a NPDES permit which requires implementing and operating various programs and activities, including selected Best Management Practices (BMPs) to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, it is the intent of the City of Orinda to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, at the request of the City of Orinda, the Contra Costa County Flood Control and Water Conservation District ("District") has completed the process as required in order to form an SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between the City of Orinda and the District requires that the City of Orinda annually, by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orinda does hereby determine that the rate to be assigned to a single ERU for FY 2023-2024 shall be set at \$35.00.

BE IT FURTHER RESOLVED that the City of Orinda does hereby request the District to adopt SUA levies based on said amount.

ADOPTED by the City Council of the City of Orinda at a regular meeting of said Council held on March 21, 2023, by the following vote:

AYES: COUNCILMEMBERS: Gee, Iverson, Malkani, Miller, Riley  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None



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Inga Miller, Mayor

ATTEST:



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Sheri Marie Smith, City Clerk

## RESOLUTION NO. 2023-12

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING THE RATE OF \$35.00 PER EQUIVALENT RUNOFF UNIT (ERU) FOR FISCAL YEAR (FY) 2023- 2024 AND AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (DISTRICT) TO ADOPT THE FY 2023-2024 STORMWATER UTILITY AREA FEE FOR THE CITY OF PINOLE

**WHEREAS**, the Federal Water Pollution Control Act (Clean Water Act) requires that stormwater discharges in urbanized areas be regulated by a National Pollution Discharge Elimination System (NPDES) permit; and

**WHEREAS**, in California, the federal NPDES stormwater permit program is administered and enforced by the State Water Resources Control Board through the nine (9) Regional Water Quality Control Boards (Water Boards); and

**WHEREAS**, the San Francisco Regional Water Quality Control Board (SFRWQCB) is charged with making critical water quality decisions, including setting standards, issuing waste discharge requirements and NPDES permits, determining compliance and enforcing requirements for nine counties including Contra Costa.

**WHEREAS**, the Contra Costa Clean Water Program (CCCWP) is comprised of nineteen (19) cities, including the City of Pinole, along with the unincorporated Contra Costa County and Contra Costa Flood Control and Water Conservation District (District) and work collectively as "Contra Costa permittees" under a joint Municipal Regional Stormwater Permit (MRP) issued by the SFRWQCB; and

**WHEREAS**, in 1993, the City of Pinole authorized the Contra Costa County Flood Control and Waste Conservation District (District) to establish a Stormwater Pollution Management Utility District to fund NPDES permit activities; and

**WHEREAS**, the District established Stormwater Utility Areas under Contra Costa County's Stormwater Utility Assessment (SUA) Drainage Ordinance No. 93-47; and

**WHEREAS**, the Stormwater Utility Area agreement between the City of Pinole and the District requires the City to determine the annual SUA rate in its Stormwater Utility Area; and

**WHEREAS**, the SUA rate is based on the Equivalent Runoff Unit (ERU); and

**WHEREAS**, it is the intent of the City of Pinole to utilize funds received from its Stormwater Utility Area (SUA) for complying with NPDES permit conditions (MRP 2.0 and MRP 3.0), preventing stormwater pollution and performing drainage system maintenance activities.

**NOW, THEREFORE BE IT RESOLVED THAT**, the City Council of the City of Pinole hereby approves the rate of \$35.00 per equivalent runoff unit (ERU) for Fiscal Year (FY) 2023-24 and authorizes the Contra Costa County Flood Control and Water Conservation District (District) to adopt the FY 2023-2024 stormwater utility area fee for the City of Pinole.

**PASSED AND ADOPTED** at a regular meeting of the Pinole City Council held on the 21<sup>st</sup> day of February by the following vote:

AYES: COUNCILMEMBERS: **Martínez-Rubin, Murphy, Sasai, Tave, Toms**  
NOES: COUNCILMEMBERS: **None**  
ABSENT: COUNCILMEMBERS: **None**  
ABSTAIN: COUNCILMEMBERS: **None**

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 21<sup>st</sup> day of February 2023.



---

Heather Bell, CMC  
City Clerk

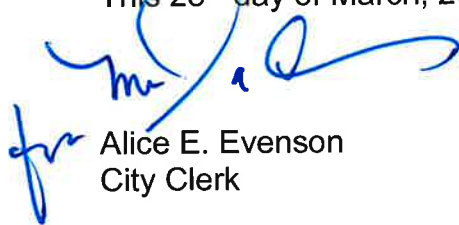


March 23, 2023

State of California            )  
County of Contra Costa    )  
City of Pittsburg            )

I, Alice E. Evenson, City Clerk in and for said City Council, City of Pittsburg, County of Contra Costa, State of California, do hereby certify that the hereto attached and foregoing document is a full, true and correct copy of Resolution 23-14251, adopted at a regular meeting of the City Council on February 21, 2023, on file in this office of said City.

WITNESS, my hand, and Official Seal  
This 23<sup>rd</sup> day of March, 2023.

  
for Alice E. Evenson  
City Clerk



BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution )  
to Establish the FY 2023/2024 )  
Annual Stormwater Utility Area Fee )

RESOLUTION NO. 23-14251

WHEREAS, under the federal Water Pollution Control Act (Clean Water Act), prescribed discharges of stormwater require a permit from the appropriate California Regional Water Quality Control Board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City has an NPDES permit that requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) fee for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, at the request of the City, the Contra Costa County Flood Control and Water Conservation District (District) has completed the process for formation of an SUA fee, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA fee and Program Group Costs Payment agreement between the City and District requires that the City annually, by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.


NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pittsburg hereby assigns a single Equivalent Runoff Unit (ERU) rate for FY 2023/2024 at \$30.00, and the City Council hereby requests the District to adopt the SUA fee levies based on said amount.

PASSED, AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 21<sup>st</sup> day of February, 2023 by the following vote:

AYES: Adams, Banales, Killings, Scales-Preston  
NOES: None  
ABSTAINED: None  
ABSENT: Lopez

ATTEST:

  
Alice E. Evenson, City Clerk

  
Shanelle Scales-Preston, Mayor

RESOLUTION NO. 8-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL  
APPROVING CONTINUED PARTICIPATION IN THE STORMWATER POLLUTION  
MANAGEMENT UTILITY DISTRICT AND AUTHORIZING  
THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION  
DISTRICT TO ADOPT THE FISCAL YEAR 2023/24 STORMWATER UTILITY AREA  
FEE FOR THE CITY OF PLEASANT HILL

WHEREAS, the Federal Water Pollution Control Act requires that stormwater discharges in urbanized areas be regulated by a National Pollution Discharge Elimination System (NPDES) permit; and

WHEREAS, in 1993, the City of Pleasant Hill authorized the Contra Costa County Flood Control and Water Conservation District (Flood Control District) to establish a Stormwater Pollution Management Utility District to fund NPDES permit activities; and

WHEREAS, the Flood Control District established Stormwater Utility Areas under Contra Costa County's Stormwater Utility Assessment (SUA) Drainage Ordinance No. 93-47; and

WHEREAS, in 2003, the City of Pleasant Hill and the Flood Control District executed a Stormwater Utility Area Agreement which specifies that revenue be used for NPDES activities; and

WHEREAS, the City of Pleasant Hill, as a member of the Contra Costa Clean Water Program, is required to implement NPDES permit activities that minimize the discharge of pollutants; and

WHEREAS, the Stormwater Utility Area agreement between the City of Pleasant Hill and the Flood Control District requires the City of Pleasant Hill to determine the annual SUA rate in its Stormwater Utility Area; and

WHEREAS, the SUA rate is based on the Equivalent Runoff Unit (ERU); and

WHEREAS, it is the intent of the City of Pleasant Hill to utilize funds received from its Stormwater Utility Area for complying with NPDES permit conditions (MRP 3.0), preventing stormwater pollution and performing drainage system maintenance activities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pleasant Hill that:

1. The City Council desires to continue participation in the Stormwater Pollution Management Utility District and determines that the SUA rate to be assigned to a single ERU for fiscal year 2023/24 shall be set at \$30.
2. The City Council authorizes the Flood Control District to adopt Stormwater Utility Area fees on behalf of the City of Pleasant Hill.
3. The City of Pleasant Hill shall continue to participate in the implementation of the NPDES permit activities and agrees to provide support and to share costs associated with the implementation of countywide activities.

ADOPTED by the City Council of the City of Pleasant Hill at a regular meeting held on the 6<sup>th</sup> day of February 2023, by the following vote:

AYES: Noack, Rinn, Shess, Flaherty  
NOES: None  
ABSENT: None  
ABSTAIN: None

*Timothy M. Flaherty*

\_\_\_\_\_  
TIMOTHY M. FLAHERTY, Mayor

ATTEST:

*Danelle Kember*  
\_\_\_\_\_  
DANELLE KEMBER, City Clerk



**RESOLUTION 2023-013**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ESTABLISHING THE STORMWATER UTILITY ASSESSMENT RATE FOR FY 2023/24 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**

WHEREAS, as a result of amendments to the Federal Clean Water Act, prescribed discharges of municipal stormwater require a permit from the San Francisco Regional Water Quality Control Board under the National Pollutant Discharge Elimination System (NPDES) program;

WHEREAS, the City of San Pablo NPDES permit requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwater;

WHEREAS, it is the intent of the City to utilize funds received from its Stormwater Utility Assessment (SUA) for implementation of the NPDES program and drainage maintenance activities;

WHEREAS, at the request of the City, the Contra Costa County Flood Control & Water Conservation District (District) has completed the process for formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance 93-47;

WHEREAS, the SUA and Program Group Costs Payment agreement between the City and the District requires that the City annually by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year;


WHEREAS, in 1993 the City Council of the City of San Pablo adopted Resolution 93-21 establishing a maximum SUA rate of \$45 per ERU;

WHEREAS, the SUA rate adopted for the current fiscal year (2022/23) is \$45 per ERU and has remained at that rate for the last fourteen (14) years; and

WHEREAS, establishing the SUA does not trigger CEQA since it is not a project per Section 15378 of the CEQA Guidelines which states that a project does not include continuing administrative or maintenance activities, or the creation of government funding mechanisms or other government fiscal activities.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of San Pablo hereby determines that the SUA rate for Fiscal Year 2023/24 shall remain at \$45 for each ERU; and

**I hereby certify that the foregoing is a full, true  
and correct copy of the original document.**



**Lehny M. Corbin, Deputy City Clerk**

BE IT FURTHER RESOLVED, that the City Council of the City of San Pablo hereby requests the District to adopt SUA levies based on the \$45 per ERU; and

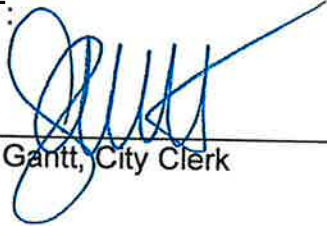
BE IT FURTHER RESOLVED that the City Council of the City of San Pablo hereby declares that the foregoing recitations are true and correct, and are included herein by reference as findings.

\*\*\*\*\*

ADOPTED this 6<sup>th</sup> day of February, 2023, by the following votes:

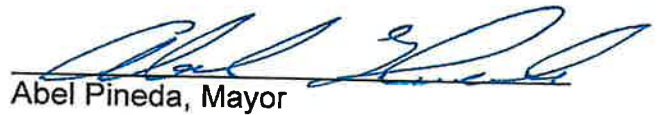
AYES:	COUNCILMEMBERS:	Xavier, Pabon-Alvarado, Cruz, Ponce and Pineda
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:



Dorothy Garitt, City Clerk

APPROVED:



Abel Pineda, Mayor

**RESOLUTION NO. 2023-033**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAMON ESTABLISHING A RATE OF \$35 PER EQUIVALENT RUNOFF UNIT FOR FY 2023/24 FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM AND REQUESTING THAT THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ADOPT AN ANNUAL PARCEL ASSESSMENT**

**WHEREAS**, under the Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California Regional Water Quality Board under the National Pollutant Discharge Elimination System (NPDES) Stormwater Program; and

**WHEREAS**, the City of San Ramon (City) applied for and received a NPDES permit, which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

**WHEREAS**, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES Stormwater Program and drainage maintenance activities; and

**WHEREAS**, at the request of the City, the Contra Costa County Flood Control and Water Conservation District (Flood Control District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and


**WHEREAS**, the SUA and Program Group Costs Payment Agreement between the City and the Flood Control District require that the City annually, by May 1<sup>st</sup>, determine the rate to be assessed for a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Ramon does determine that the rate to be assigned to a single ERU for FY 2023/24 shall be set at \$35.00.

**BE IT FURTHER RESOLVED**, that the City Council does hereby request that the Flood Control District adopt SUA levies based on said amount.

*Signatures on following page.*

**CERTIFIED TO BE A TRUE &  
EXACT COPY OF ORIGINAL**

  
Acting City Clerk

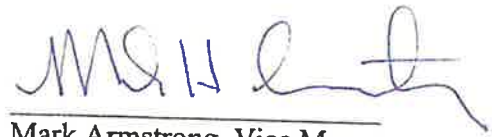
**PASSED, APPROVED, AND ADOPTED**, at the meeting of March 28, 2023 by the following votes:

**AYES:** *Cm. Armstrong, Perkins, Rubio and Verose*

**NOES:**

**ABSENT:** *Mayor Hudson*

**ABSTAIN:**



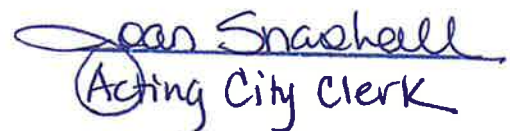
Mark Armstrong, Vice Mayor

**ATTEST:**



Joan Snashall, Acting City Clerk

**CERTIFIED TO BE A TRUE &  
EXACT COPY OF ORIGINAL**



Joan Snashall  
Acting City Clerk

**CITY OF WALNUT CREEK  
RESOLUTION NO. 23-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK  
ESTABLISHING THE CLEAN WATER PROGRAM RATE FOR FY 2023/2024 AND  
REQUESTING THE MAINTENANCE OF THE CITY'S STORMWATER  
UTILITY AREA FEE**

**WHEREAS**, under Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the National Pollutant Discharge Elimination System (NPDES) program;

**WHEREAS**, the City of Walnut Creek (CITY) did apply for, and did receive, a NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters;

**WHEREAS**, it is the intent of the CITY to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities;

**WHEREAS**, at the request of the CITY, the Contra Costa County Flood Control & Water Conservation District (DISTRICT) has completed the process for formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, The SUA and Program Group Costs Payment agreement between CITY and DISTRICT requires that CITY annually, by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Walnut Creek does determine that the rate to be assigned to a single ERU for FY 2023/2024 shall be set at \$35.00.

**BE IT FURTHER RESOLVED**, that the City Council does hereby request the DISTRICT to adopt SUA levies based on said amount.

**PASSED AND ADOPTED** by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 21st day of March 2023 by the following called vote:

AYES:	Councilmembers:	Darling, Francois, Haskew, Mayor Silva
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wilk

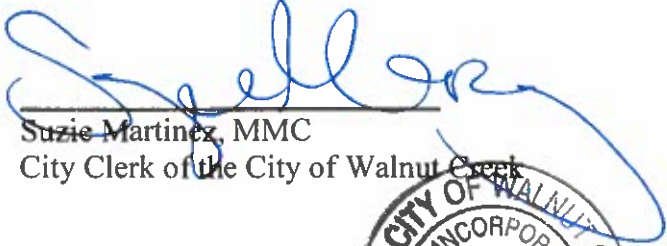


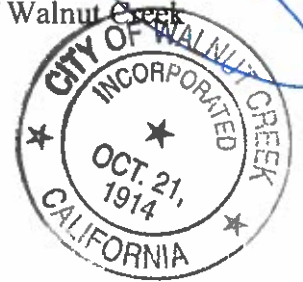
/s/ Cindy Silva  
Cindy Silva  
Mayor of the City of Walnut Creek

Attest:

/s/ Suzie Martinez  
Suzie Martinez, MMC  
Clerk of the City of Walnut Creek

**I HEREBY CERTIFY** the foregoing to be a true and correct copy of Resolution No. 23-15 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 21st day of March, 2023.

  
Suzie Martinez, MMC  
City Clerk of the City of Walnut Creek



**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**

**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 02/28/2023 by the following vote:

**AYE:**  5  **John Gioia**  
**Candace Andersen**  
 **Diane Burgis**  
 **Ken Carlson**  
 **Federal D. Glover**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



**Resolution No. 2023/53**

In The Matter of: ESTABLISH the rate per Equivalent Runoff Unit (ERU) for Stormwater Utility Area 17 (Unincorporated County) for Fiscal Year 2023–2024 and request that the Contra Costa County Flood Control and Water Conservation District (FC District) ADOPT an annual parcel assessment for drainage maintenance and the National Pollutant Discharge Elimination System (NPDES) Program, Countywide.

The Board of Supervisors of Contra Costa County RESOLVES THAT;

WHEREAS, under the Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the NPDES Program; and

WHEREAS, the COUNTY of CONTRA COSTA (County) did apply for, and did receive, an NPDES permit, which requires the implementation of selected Best Management Practices (BMPs) to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, it is the intent of the County to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES Program and drainage maintenance activities; and

WHEREAS, at the request of the County, the FC District has completed the process for formation of an SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance NO. 93-47; and

WHEREAS, the SUA and Program Group Costs Payment agreement between the County and the FC District requires that the County determine the rate to be assessed to a single ERU for the forthcoming fiscal year in the Unincorporated County; and

NOW, THEREFORE BE IT RESOLVED, that the County Board of Supervisors does determine that the rate to be assigned to a single ERU for Fiscal Year 2023–2024 shall be set at \$30.

BE IT FURTHER RESOLVED, that the County Board of Supervisors does hereby request the FC District to adopt SUA 17 levies based on said amount.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Michele Mancuso, (925) 313-2236

ATTESTED: February 28, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy



cc: Laura Strobel, County Administrator's Office, Thomas L. Geiger, Chief Assistant County Counsel, Bob Campbell, Auditor-Controller, Dorothy Lim, County Auditor-Controller's Office, Allison Knapp, Deputy Public Works Director, Tim Jensen, Flood Control, Michelle Cordis, Flood Control, Michele Mancuso, County Watershed Program, Jennifer Joel, County Watershed Program, Michael Taylor, Flood Control, Catherine Windham, Flood Control



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: February 28, 2023

**Subject:** Adopt Resolution Requesting that the Flood Control District Adopt Annual Parcel Assessments for the County's Watershed Program. Project #7517-6W7091

**RECOMMENDATION(S):**

ADOPT Resolution No. 2023/53 establishing a rate of \$30 per Equivalent Runoff Unit (ERU) for Stormwater Utility Area 17 (Unincorporated County) for Fiscal Year 2023–2024 and requesting that the Contra Costa County Flood Control and Water Conservation District (FC District) adopt annual parcel assessments for drainage maintenance and the National Pollutant Discharge Elimination System Program, Countywide.

**FISCAL IMPACT:**

The 2023–2024 rate per ERU is the same as that set for fiscal year 2022–2023. Therefore, there will be no change in rate for Unincorporated County property owners. The unincorporated area of Contra Costa County will produce approximately \$3,664,000, which will be used to implement the Unincorporated County's Watershed Program. All associated costs funded 100% by Stormwater Utility Area 17 Funds.

**BACKGROUND:**

The Clean Water Program consists of the County, Contra Costa cities, and the FC District working together to prevent, reduce, or eliminate the discharge of pollutants into the storm drain system, including creeks and other natural waterways. The Clean Water Program was established in response to changes in the Federal Clean Water Act. The Program is known at the federal level as the National Pollutant Discharge Elimination System (NPDES) Program. In order to be in compliance

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 02/28/2023  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Ken Carlson, District IV Supervisor  
Federal D. Glover, District V Supervisor

Contact: Michele Mancuso, (925) 313-2236

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 28, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: *Stacey M. Boyd*  
By: Stacey M. Boyd, Deputy



### BACKGROUND: (CONT'D)

with the current NPDES permit, Clean Water Program participants implement a Stormwater Management Plan stipulating a set of activities and a performance or service level. The Stormwater Management Plan is a major component of the Joint Municipal NPDES Stormwater Permit with the California Regional Water Quality Control Boards and is paid for with stormwater utility fee assessments. Adoption of the attached resolution will begin the annual process of assessment adoption.

The Board of Supervisors is being asked to set a rate of \$30 for one ERU in the Unincorporated County areas and to request that the FC District adopt the stormwater utility assessment. (The FC District is the only entity under state law with legal authority to assess this particular assessment.)

The Public Works Department coordinates the County Watershed Program for the County. Examples of how the assessment is being spent in the current year include:

1. General drainage maintenance to remove debris and sediment from County storm drain systems, flood control channels, and creeks.
2. Targeted street sweeping throughout the County.
3. Work with County Building Inspection and Public Works inspectors and construction companies/contractors to reduce construction contaminants, such as paint, cement, oil/fuels, and soil erosion from entering storm drains and creeks.
4. Encourage Planners and the development community to use new designs that will reduce contaminated stormwater runoff.
5. Educate the public on the benefits of reducing pesticides and other toxic household product use and their proper disposal.
6. Educate County Engineers and Maintenance staff on flood control design, construction, and maintenance practices that protect water quality and preserve natural watershed habitats.
7. Inspection of industrial and commercial businesses for evidence that spill prevention, equipment maintenance and cleaning, waste handling and disposal, and other business practices are done in a manner that minimizes stormwater contamination.
8. Educate marina operators and their marina users through a marina program.

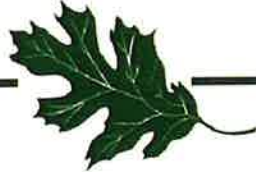
### CONSEQUENCE OF NEGATIVE ACTION:

If the rate per ERU is not set for the coming fiscal year, funds will not be available for the County's Watershed Program to comply with the Joint Municipal NPDES Stormwater Permit. The Regional Water Quality Control Boards have the authority to issue fines of up to \$10,000 per day against those municipalities that do not comply with the Permit and fail to implement their Stormwater Management Plans.

### ATTACHMENTS

Resolution No. 2023/53

# OAKLEY



# CALIFORNIA

I, Libby Vreonis, City Clerk of the City of Oakley, do hereby certify that this is a true and accurate copy of Resolution No.12-23, which was adopted by the Oakley City Council on February 14, 2023.

A blue ink handwritten signature, appearing to be 'Libby Vreonis', is written above a horizontal line.

Libby Vreonis, City Clerk

**RESOLUTION NO. 12-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR  
(FY) 2023/24 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD  
CONTROL AND WATER CONSERVATION DISTRICT ADOPT AN ANNUAL PARCEL  
ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL  
POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**

**WHEREAS**, under Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the National Pollutant Discharge Elimination System (NPDES) program; and

**WHEREAS**, the City of Oakley (City) did apply for, and did receive, an NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

**WHEREAS**, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

**WHEREAS**, at the request of the City, the Contra Costa County Flood Control & Water Conservation District (District) has completed the process for formation of an SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, The SUA and Program Group Costs Payment agreement between City and District requires that the City annually, by May 1st, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Oakley does determine that the rate to be assigned to a single ERU for FY 2023/24 shall be set at \$30.00.

**BE IT FURTHER RESOLVED** that the City Council does hereby request the District to adopt SUA levies based on said amount.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the 14<sup>th</sup> day of February 2023 by the following vote:

AYES: Fuller, Henderson, Meadows, Shaw, Williams

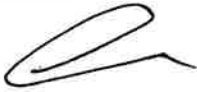
NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:



\_\_\_\_\_  
Libby Vreonis, City Clerk

  
\_\_\_\_\_  
Aaron Meadows, Mayor

2/14/23  
\_\_\_\_\_  
Date