



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Date: May 26, 2020

Subject: SET HEARING FOR ADOPTION OF STORMWATER UTILITY ASSESSMENTS FOR FISCAL YEAR 2020–2021, COUNTYWIDE. PROJECT NO. 4500-6X7041

RECOMMENDATION(S):

1. ACCEPT the Chief Engineer's report for the adoption of Stormwater Utility Assessments for Fiscal Year 2020–2021 for Stormwater Utility Area Numbers 1 through 18.
2. ACKNOWLEDGE receipt of resolutions requesting adoption of Stormwater Utility Assessments for Fiscal Year 2020–2021 from the following municipalities and corresponding Stormwater Utility Areas: Antioch, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Orinda, Pinole, Pittsburg, Pleasant Hill, San Pablo, San Ramon, Walnut Creek, Unincorporated Contra Costa County, and Oakley.
3. ADOPT the attached Resolution, and FIX June 23, 2020, at 9:30 a.m. in the Board chambers as the time and place for the Public Hearing on the adoption of Stormwater Utility Assessments for Fiscal Year 2020–2021 for said areas.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/26/2020** ☒ 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

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

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: May 26, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Michelle Cordis, (925)
313-2381

cc: Laura Strobel, County Administrator's Office, Bob Campbell, County Auditor–Controller's Office, Dorothy Lim, County Auditor–Controller's Office, Allison Knapp, Deputy Chief Engineer, Ave Brown, Environmental Services, Tim Jensen, Flood Control, Courtney Riddle, Contra Costa Clean Water Program, Karin Graves, Contra Costa County Clean Water Program, Michelle Cordis, Flood Control, Patrick Melgar, Flood Control, Catherine Windham, Flood Control

FISCAL IMPACT:

The proposed assessments for Stormwater Utility Areas 1 through 18 will provide approximately \$15,844,139 in funding for the cities and Unincorporated County for the National Pollutant Discharge Elimination System (NPDES) program and drainage maintenance activities. (100% Stormwater Utility Area Assessments)

BACKGROUND:

The Contra Costa Clean Water Program consists of Contra Costa County (County), its incorporated cities, and the Contra Costa County Flood Control and Water Conservation District (FC District) working collectively under a Joint Municipal Stormwater NPDES Permit issued by the State Regional Water Quality Control Board. This permit is federally mandated through the Clean Water Act, which was amended in 1987 to specifically address stormwater pollution. The current NPDES Permit, effective January 1, 2016, is in its fourth year of the five-year Municipal SF Bay Region Municipal Regional Stormwater NPDES Permit (MRP 2.0) from the San Francisco Regional Water Quality Control Board. Public education on pollution prevention, trash assessments, inspection of construction sites, as well as commercial and industrial facilities, street sweeping, catch basin cleaning and other forms of drainage maintenance are examples of actions taken to meet permit requirements. An Annual Report is written each year to summarize accomplishments.

The Contra Costa Clean Water Program is currently in its fourth year of the Joint Municipal Stormwater NPDES Permit MRP 2.0 issued by the San Francisco Regional Water Quality Control Board. The Joint Municipal Stormwater NPDES Permit issued by the Central Valley Regional Water Quality Control Board for the cities of Antioch, Brentwood, Oakley, and unincorporated East County began in September 2010. The permit includes, for each municipality, a Stormwater Management Plan outlining intended activities designed to reduce or eliminate pollutants from entering the storm drain system.

The Regional Boards indicated the need for a restricted funding source to finance implementation costs. In order to meet this need, the County proposed legislation providing a financial option for municipalities to use through the FC District. The bill, AB 2768 (Campbell), was passed by the legislature and signed by Governor Pete Wilson on August 30, 1992. The legislation specifically allowed a municipality to request formation of a Stormwater Utility Area and an assessment to pay for implementation costs.

The Board of Supervisors, acting as governing board of the FC District, provided public notice to all affected property owners before the establishment of the Stormwater Utility Areas on June 22, 1993, creating 17 Stormwater Utility Areas. This 1993 Board action also set the first-year assessment rates for each Stormwater Utility Area, as well as maximum rates. Assessments were collected for Fiscal Year 1993–1994 through 2000–2001. On May 9, 2000, the FC District separated the City of Oakley from Stormwater Utility Area 17. The City of Oakley was established as Stormwater Utility

Area 18 at that time and assessments were collected for Fiscal Year 2000–2001. The FC District does not collect this assessment for the cities of Richmond and Brentwood. Richmond and Brentwood collect their NPDES levy as a sewer fee.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed assessments for Fiscal Year 2020–2021 are not implemented, the program would have to be funded by the general funds of the cities and County to ensure compliance with NPDES permit requirements.

ATTACHMENTS

Resolution No. 2020/138

SUA Municipal Resolutions

Engineer's Report

Exhibit A

SUA Proposed Fees