



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
 From: Brian M. Balbas, Public Works Director/Chief Engineer
 Date: May 10, 2022

Subject: SET HEARING FOR ADOPTION OF STORMWATER UTILITY ASSESSMENTS FOR FISCAL YEAR 2022–2023, COUNTYWIDE. PROJECT NO. 4500-6X7041

RECOMMENDATION(S):

1. ACCEPT Engineer's Report for the adoption of Fiscal Year 2022-2023 assessments for Contra Costa County Flood Control & Water Conservation District Stormwater Utility Areas Nos. 1-18.
2. ACKNOWLEDGE receipt of resolutions requesting adoption of Stormwater Utility Assessments for Fiscal Year 2022-2023 from the County and Antioch, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, San Pablo, San Ramon and Walnut Creek.
3. ADOPT Resolution No. 2022/158, directing the Clerk of the Board of Supervisors to fix and give notice of a public hearing on the proposed assessments for June 7, 2022 at 9:00 a.m.

FISCAL IMPACT:

The proposed assessments for Stormwater Utility Areas 1 through 18 will provide approximately \$15,914,024 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)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/10/2022** ☒ 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 10, 2022

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

By: June McHuen, Deputy

Contact: Tim Jensen, (925) 313-2390

cc: Laura Strobel, County Administrator's Office, Mary Ann McNett Mason, County Counsel, Bob Campbell, County Auditor–Controller, Dorothy Lim, County Auditor–Controller's Office, Allison Knapp, Deputy Chief Engineer, Ave Brown, Environmental Services, Tim Jensen, Flood Control, Karin Graves, Contra Costa County Clean Water Program, Andrea Bullock, Contra Costa Clean Water Program, Michael Taylor, Flood Control, Catherine Windham, Flood Control

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, effective January 1, 2016. This permit is federally mandated through the Clean Water Act, which was amended in 1987 to specifically address stormwater pollution. 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 next Joint Municipal Stormwater NPDES Permit, MRP 3.0, is anticipated to be issued on July 1, 2022, and will outline intended activities designed to reduce or eliminate pollutants from entering bodies of water.

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 2022–2023 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. 2022/158

22-23 SUA Municipal Resolutions

22-23 Engineer's Report

22-23 Exhibit A

SUA Proposed Fees