



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: June 7, 2022

Subject: Hearing to Adopt Resolution Confirming the Stormwater Utility Assessments for Fiscal Year 2022–2023, Countywide. Project No. 4500-6X7041

RECOMMENDATION(S):

1. OPEN the public hearing on the proposed Fiscal Year 2022-23 Stormwater Utility Assessments described in the April 2022 Engineer's Report and on file with the Clerk of the Board; RECEIVE public comments, and CLOSE public hearing.
2. FIND that a majority protest does not exist, the proposed assessment rate for each Stormwater Utility Area does not exceed the maximum annual assessment rate established for the area and is not calculated by a method that is different from the method originally established.
3. ADOPT Resolution No. 2022/200 confirming the Stormwater Utility Assessments for Fiscal Year 2022–2023 for Stormwater Utility Areas (SUAs) No. 1 through No. 18, as recommended by the Chief Engineer, Flood Control and Water Conservation District.

FISCAL IMPACT:

The proposed assessments for SUAs No. 1 through No. 18 will provide approximately \$15,914,024 in funding for the cities and the County for the NPDES program. (100%

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/07/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: June 7, 2022

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

ABSENT: John Gioia, District I Supervisor

By: June McHuen, Deputy

Contact: Tim Jensen, (925) 313-2390

Stormwater Utility Area Assessments)

BACKGROUND:

The Contra Costa Clean Water Program consists of the 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 (RB) 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, trash removal from waterways, inspection of construction sites and commercial and industrial facilities, street sweeping, catch basin cleaning, and implementing programs and projects to reduce PCBs and Mercury in waterways are examples of actions taken to meet permit requirements. An Annual Report is required to be submitted to the RB by August 31 each year to detail accomplishments towards goals set by the RB for each agency. The next Joint Municipal Stormwater NPDES Permit, MRP 3.0, is anticipated to be issued on July 1, 2022, and will outline existing and new intended activities designed to reduce or eliminate pollutants from entering bodies of water.

Funding for these NPDES activities comes from a stormwater utility assessment formed by the FC District as authorized by an August 30, 1992 State Statute 565 adding Section 12.8 to the Contra Costa County Flood Control and Water Conservation District Act. Assessments have been at their maximum rate since 2011 and will not be increased or decreased from the previous annual assessment.

The proposed Fiscal Year 2022-23SUA and Assessment Rate per Equivalent Runoff Unit are as follows:

SUA No. 1, Antioch—\$25.00; SUA No. 2, Clayton—\$29.00; SUA No. 3, Concord—\$35.00; SUA No. 4, Danville—\$30.00; SUA No. 5, El Cerrito—\$38.00; SUA No. 6, Hercules—\$35.00; SUA No. 7, Lafayette—\$35.00; SUA No. 8, Martinez—\$30.00; SUA No. 9, Moraga—\$35.00; SUA No. 10, Orinda—\$35.00; SUA No. 11, Pinole—\$35.00; SUA No. 12, Pittsburg—\$30.00; SUA No. 13, Pleasant Hill—\$30.00; SUA No. 14, San Pablo—\$45.00; SUA No. 15, San Ramon—\$35.00; SUA No. 16, Walnut Creek—\$35.00; SUA No. 17, Unincorporated County—\$30.00; and SUA No. 18, Oakley—\$30.00.

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 SUAs on June 22, 1993, creating 17 SUAs. This 1993 Board action also set the first-year assessment rates for each SUA, 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 SUA 17, Unincorporated County. The City of Oakley was established as SUA 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.

On May 10, 2022, this Board adopted Resolution No. 2011/158, directing the Clerk of

the Board to fix and give notice of a public hearing on the proposed stormwater utility assessments for June 7, 2022. Staff requests that the Board open the public hearing and consider any protests. If a majority protest does not exist, then staff requests that the Board close the hearing and adopt the attached resolution confirming the proposed stormwater utility assessments.

CONSEQUENCE OF NEGATIVE ACTION:

If proposed Resolution No. 2022/200 is not adopted, the proposed assessments would not be levied in Fiscal Year 2022-2023.

ATTACHMENTS

Resolution No. 2022/200