



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 17, 2012

Subject: Hearing to Consider Formation of Flood Control District Zone 100 and related findings under CEQA, Countywide. Project No. 7505-6F8520, CDD-CP# 11-97

RECOMMENDATION(S):

1. OPEN the public hearing, CONSIDER all public comments received regarding the proposed formation of the Contra Costa County Flood Control and Water Conservation District Zone 100, and CLOSE the public hearing.
2. DETERMINE that the formation of Zone 100 is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061 (b)(3) of the CEQA Guidelines.
3. DIRECT the Conservation and Development Director, or designee, to file a Notice of Exemption with the County Clerk.
4. AUTHORIZE the Chief Engineer of the Contra Costa County Flood Control and Water Conservation District ("District"), or designee, to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.
5. ADOPT Resolution 2012/6 approving the formation of Zone 100.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Gayle B. Uilkema, District II
Supervisor

Mary N. Piepho, 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: January 17, 2012

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

By: June McHuen, Deputy

Contact: Paul Detjens (925)
313-2394

FISCAL IMPACT:

The cost to form this zone is approximately \$5,000, which will be funded by the District. (100% Drainage Zone Funds)

BACKGROUND:

The Contra Costa County Flood Control and Water Conservation District Act (West's Ann. Cal. Water Code App., § 63) (the "Act") authorizes the Contra Costa County Board of Supervisors, as governing board of the District, to establish zones of the District.

District staff is proposing the establishment of Contra Costa County Flood Control and Water Conservation District Zone 100, which would consist of the entire area of Contra Costa County, encompassing the unincorporated areas and the 19 cities and towns located in the County. A map and description of the proposed Zone 100 are attached as Exhibit A to Resolution No. 2012/6.

Staff is proposing the establishment of Zone 100 in conjunction with a separate proposal to establish a new Countywide parcel fee to fund activities required to comply with National Pollutant Discharge Elimination System permits held jointly by the District, County and the above-referenced 19 cities and towns. The parcel fee measure contains assurances that fee revenues will be spent on projects in the communities from which the revenues were collected. However, under the Act, the proposed fee may be used only for the acquisition, construction, engineering reconstruction, maintenance and operation of the flood control, storm drainage, water or sewerage facilities of a zone. Some areas of the County, including El Cerrito, Orinda, Moraga, Pittsburg and Clayton are not currently located in any zones. Without the formation of the new zone, there may be an impediment to spending fee revenues in those communities.

As a later step in the related process to enact a Countywide parcel fee, the District will enter into a cost sharing agreement that will dictate the terms of sharing this revenue with the County, and the 19 cities and towns. The percentage of funds to be shared with the County and the Cities has not yet been negotiated. Any cost sharing agreement will be brought back to the Contra Costa County Board of Supervisors ("Board") as a separate item for approval.

The establishment of a new zone began on December 6, 2011, when this Board adopted a resolution of intention to create Zone 100. This was followed by a period of public notice of today's hearing. At this hearing, the Board must consider all written and oral objections to the proposed zone. Upon the conclusion of the hearing, the Board may either abandon the proposal or proceed with the formation of the zone, unless (1) a written protest is filed by a majority of property owners (measured by assessed property valuation), in which case proceedings must either be abandoned or suspended for at least six months; or (2) a written petition for an election is filed by 25 percent of the registered voters within the proposed zone, in which case a special election must be called.

CONSEQUENCE OF NEGATIVE ACTION:

If Resolution No. 2012/6 is not approved, Zone 100 will not be created. Without the formation of the new zone, there may be an impediment to spending fee revenues in those communities.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

CLERK'S ADDENDUM

Closed the public hearing.

ATTACHMENTS

Resolution No. 2012/6

Exhibit A

CEQA