

## Inter-Departmental Correspondence

Date: May 22, 2001

Board Meeting Date: June 5, 2001

**TO:** Honorable Board of Supervisors

**FROM:** Neil R. Cullen, Director of Public Works

**SUBJECT:** Resolution Setting Time and Date of a Public Hearing - Adoption of the 2001-2002 Water Pollution Control Service Charges Report for Flood Control Zone One - County Wide

**RECOMMENDATION**

Acting as the governing board of the San Mateo County Flood Control District, adopt a resolution setting the time and place for a public hearing on the approval of charges in the Flood Control Zone One for Fiscal Year 2001-2002 for the purpose of financing the base storm water pollution control services in Flood Control Zone One (9:00 a.m., Tuesday, July 3, 2001)

**Previous Board Actions**

1. Formed Flood Control Zone One in 1993, for the purpose of carrying out pollution control requirements of the National Pollution Discharge Elimination System (NPDES). The boundaries of Zone One are contiguous with those of the County
2. Adopted as the Zone project the San Mateo County Storm Water Management Plan, 1998-2003, and authorized the City/County Association of Governments (C/CAG) to assume responsibility for the County-wide compliance with the NPDES requirements through the Plan
3. Adopted Ordinance No. 03662 in 1995 at the request of C/CAG, that set the current charge rates for storm water pollution control services in Flood Control Zone One.

**Key Facts**

1. The San Mateo County Flood Control Act provides that charges may be placed upon the tax roll.
2. C/CAG has requested that we continue the Zone One charges to finance this coming year's base general NPDES program.

Honorable Board of Supervisors

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**Discussion**

The Storm Water Management Plan, 1998-2003, comprises the basis of a NPDES municipal permit issued by the State of California Regional Water Quality Control Board.

The Plan consists of

1. The General Program administered by C/CAG.
2. Community Programs carried out by each city in their jurisdiction, and the County for the unincorporated area.

C/CAG is again requesting that your Board levy charges in Zone One to finance the base General Program using the same rates established in 1995. These rates are based on property use and the average square-foot area of properties within the use classification. The proposed charges are based on a per parcel basis and are as follows:

Single Family Residential	\$ 3.44/parcel
Condos/Vacant land/Agriculture/Misc.	\$ 1.72/parcel
All Other parcels	\$ 3.44 plus

\$0.0003127 per each square foot in excess of 11,000 square feet in any parcel.

The fees are proposed to be levied on every parcel on the assessor's roll except for parcels owned by local, State and Federal governments, and public school districts. Separately taxed improvements, such as mobile homes and underground utility improvements, have also been exempted.

We anticipate that all cities except Woodside will have passed resolutions formally endorsing the proposed program, the charge rates and the charges to be imposed within their respective jurisdictions prior to your Board holding a public hearing on the charges. C/CAG will bill Woodside directly on the basis of the above rate structure.

We will report to your Board at the public hearing and verify that supporting resolutions have been received from all cities that wish to have the charges levied and collected for their jurisdiction.

The purpose of the public hearing on this report is to allow your Board to hear and consider any and all objections or protests to the amount of the individual charges. After the close of the hearing your Board may adopt the charges as presented or modify any charge in the report or overrule any or all objections.

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County Counsel has advised us that the NPDES charges are an on going charge with no increase, and therefore are not subject to the Proposition 218 requirement of sending a separate notice to each individual property owner. Therefore we are recommending that we notice the public hearing by publishing a notice twice in a newspaper of general circulation

**Additional Charges to Support Additions to the Program Mandated by the Regional Water Quality Control Board**

A separate report will be submitted to your Board to levy additional fees to finance expanding the NPDES program to comply with new requirements of the Regional Water Quality Board. Imposing the additional fees requires compliance with the provisions of Proposition 218, passed by voters in November 1996. These provisions include providing a written notice to all affected property owners notifying them of the specific charge and the time and date of a public hearing to consider the new charges. The public hearing cannot be held until at least 45 days after the notices of said hearing are mailed to the property owners.

**Fiscal Impact**

The proposed rates are estimated to generate \$840,000 in revenue that will be used to finance the General Program and reimburse the County for the costs associated with levying the charges including the \$0.30 per parcel charge levied by the Controller. There is no impact to the General Fund.

A form of Resolution setting the time and date of the public hearing has been approved by the County Counsel.



Neil R. Cullen  
Director of Public Works

NRC:BCL.WDC:sdd

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**File No.: F-149(60)**

cc: Milt Mares, County Counsel  
Richard Napier, C/CAG  
Robert M. Davidson, C/CAG  
Brian C Lee, Division Manager, Programs & Engineering Services  
Walter D. Callahan, Flood Control and Utility Services Manager

Resolution No. \_\_\_\_\_

Board of Supervisors, County of San Mateo, State of California

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**Resolution Setting Time and Place for a Public Hearing on the  
Approval of the Charges in Flood Control Zone One  
for Fiscal Year 2001-2002  
for the Purpose of Carrying Out the Base Pollution Control Requirements  
of the National Pollution Discharge Elimination System**

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**RESOLVED**, by the Board of Supervisors, County of San Mateo, State of California, as the governing board of the San Mateo County Flood Control District, Zone One, that

**WHEREAS**, the San Mateo County Flood Control District Act allows that fees or charges may be collected on the tax roll for each parcel of property in a specific zone, and

**WHEREAS**, a written report of the charges for Fiscal Year 2001-02 for the purpose of carrying out base Pollution Control Requirements of the National Pollution Discharge Elimination System (NPDES) has been filed with the Clerk of this Board; and

**WHEREAS**, a public hearing is required to consider any and all objections to said charges;

**NOW, THEREFORE**, this Board hereby determines that:

1. **Tuesday, July 3, 2001, at 9:00 a.m.** in the Chambers of the Board of Supervisors of the County of San Mateo at 400 County Center, Redwood City, California, is hereby fixed as the time and place of the hearing on the filing of the 2001-2002 Service Charges

Report for San Mateo County Flood Control Zone One

2. The Clerk of this Board shall cause a copy of the Notice of Public Hearing attached hereto, to be published once a week for two consecutive weeks, the last publication at least seven days prior to date set for hearing, in the San Mateo County Times, a newspaper of general circulation in the above named Flood Control Zone One.

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**BOARD OF SUPERVISORS  
COUNTY OF SAN MATEO**

**NOTICE OF HEARING**

**ON FILING OF THE 2001-2002 SERVICE CHARGES REPORT FOR THE PURPOSE  
OF CARRYING OUT POLLUTION CONTROL REQUIREMENTS OF  
THE NATIONAL POLLUTION CONTROL DISCHARGE ELIMINATION SYSTEM  
(NPDES)**

**NOTICE IS HEREBY GIVEN** that the San Mateo County Board of Supervisors, as the governing board of the San Mateo County Flood Control District, will hold a public hearing on the filing with the Clerk of the Board of Supervisors of the 2001-2002 Service Charges Report for San Mateo County Flood Control Zone One. The report contains the individual charge proposed to be levied on those parcels of real property in Zone One to finance the base San Mateo County Storm Water Management Plan, 1998-2003, adopted by the Board on March 10, 1998, and incorporated in an NPDES Municipal Permit issued by the State of California Regional Water Quality Control Board

The filing of the 2001-2002 Service Charges Report for Flood Control Zone One will result in these charges being placed on the tax roll. They will appear on the bill of each affected property as "FED/STATE STORM FEE" and be collected in the same manner as the property tax.

Information concerning these charges may be obtained from the Office of the Director of Public Works, 555 County Center, Fifth Floor, Redwood City, CA 94063, telephone (650) 363-4100, during the hours of 8 00 a.m. and 5 00 p m., Monday through Friday

The hearing will be held as follows:

**DATE: Tuesday, July 3, 2001**

**TIME: 9:00 a.m.**

**PLACE: Board of Supervisors Chambers  
400 County Center  
Redwood City, California**

The meeting will be open to the public and anyone interested may appear and be heard on this matter or submit a written statement.

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DATE

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John Maltbie  
County Manager / Clerk of the Board