



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

Department of Public Works

DATE: July 8, 2002

BOARD MEETING DATE: July 23, 2002

TO: Honorable Board of Supervisors

FROM: Neil R. Cullen, Director of Public Works

SUBJECT: *Adoption of the 2002-2003 Water Pollution Control Service Charges Report for Flood Control Zone One - County Wide*

Recommendation

- I. Adopt a resolution authorizing the President of the Board to execute an agreement with the San Mateo County Flood Control District (District) requesting that the District collect Water Pollution Control Service Charges on the County's behalf.
- II. Acting as the governing board of the San Mateo County Flood Control District:
 - A. Hold a public hearing on the 2002-2003 Water Pollution Control Service Charges Report for Flood Control Zone One;
 - B. Close the hearing; and
 1. Adopt a resolution authorizing the President of the Board to execute agreements with those cities that have requested that the District collect Water Pollution Control Service Charges on their behalf, and with the County; and
 2. Adopt a resolution adopting
 - a) the 2002-2003 Water Pollution Control Service Charges Report for charges on property located within the cities that have executed the proposed agreement with the District, and with the County; and
 - b) directing the Clerk of the Board to file the report with the County Controller.

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Previous Board Action

1. Formed Flood Control Zone One in 1993, for the purpose of carrying out pollution control requirements of the National Pollutant 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 charge rates for storm water pollution control services in Flood Control Zone One.
4. Adopted Ordinance No. 04054 in 2001, at the request of C/CAG, which imposed additional fees for complying with additional storm water pollution control requirements mandated by the California Regional Water Quality Control Board. The additional fees were adopted pursuant to the majority protest provisions set forth in Proposition 218.
5. Set 9:00 a.m. on July 23, 2002, in your Chambers, as the time and place of a public hearing on the 2002-2003 Water Pollution Control Service Charges Report for Flood Control Zone One.

Key Facts

1. The San Mateo County Flood Control Act provides that service charges may be placed upon the tax roll.
2. C/CAG has requested that the District continue the Zone One charge rates and the additional fees approved in 2001, to finance this coming year's general NPDES program.
3. Most of the cities in the County have adopted resolutions requesting that the charges be collected on their behalf by the District. Each such city has also executed an agreement indemnifying the District for any amount collected by the District on behalf of that city that may be required to be refunded in the future.

Discussion

The Storm Water Management Plan, 1998-2003, comprises the basis of a National Pollution Discharge Elimination System (NPDES) municipal permit issued by the State of California Regional Water Quality Control Board.

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The General Program consists of the five components:

- Municipal Government Maintenance Activities
- Industrial Discharge Controls
- Illicit Discharge Controls
- Public Information
- Watershed Monitoring

Each of these five components focuses on the intent of the Clean Water Act and the Regional Water Control Board mandates of removing pollutants before they can enter receiving bodies of water. The per parcel charge is comprised of two charges as follows:

Parcel Description	Rate Established in 1993	Additional Fee Rate *	Total Rate if Combined
Single Family Resident	\$3.44/Parcel	\$2.48/Parcel	\$5.92/Parcel
Condominium Units, Vacant Land, Agriculture, Misc.	\$1.72/Parcel	\$1.24/Parcel	\$2.96/Parcel
Commercial, Retail, Manufacturing, Industrial	\$3.44/Parcel plus \$0.3127/1,000 s.f. for parcels over 11,000 s.f.	\$2.48/Parcel plus \$0.2240/1,000 s.f. for parcels over 11,000 s.f.	\$5.92/Parcel plus \$0.5367/1,000 s.f. for parcels over 11,000 s.f.

* The additional fee component has been adjusted by the change in the Consumer Price Index as provided for in the County Ordinance Code.

The fees are imposed upon 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.

The NPDES program is mandated by the Federal Clean Water Act. The overall goal of the Act is to eliminate the discharge of pollutants into the navigable waters of the United States. One of the policies of the Act is that area wide waste treatment management processes be developed and implemented to ensure adequate control of sources of pollutants. The Countywide NPDES program implements this goal and policy by implementing a waste treatment management process to reduce the amount of pollutants that are discharged from property in the County into the municipal storm sewer systems in the County. In this regard, the charge sought to be imposed to fund the NPDES program is in the nature of a sewer service charge.

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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. Your Board, after the close of the hearing, may adopt the charges as presented or modify any charge in the report or overrule any or all objections.

It is recommended that the 2002-2003 Water Pollution Control Service Charges Report for Flood Control Zone One be modified to eliminate the charges on property within those cities that do not wish for the District to collect the charges as described and who have not executed the indemnity agreement. C/CAG will then bill those cities directly on the basis of the above rate structure.

Vision Alignment

We believe our recommendation is consistent with the Shared Commitment to be a "responsive, effective and collaborative government," and Goal Number 22, "County and local governments effectively communicate, collaborate and develop strategic approaches to issues affecting the entire County," as the C/CAG Stormwater Pollution Prevention Program enables the County and all cities to implement a coordinated Countywide program to comply with the pollution control requirements mandated by the Regional Water Quality Control Board and the Clean Water Act.

Fiscal Impact

The proposed rates are estimated to generate \$1,340,000 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 \$0.60 per parcel charge levied by the Controller. There is no impact to the General Fund.

Forms of resolutions and agreements have been approved by County Counsel and we will provide a list to your Board at the public hearing of the cities that have executed the agreement.



Neil R. Cullen
Director of Public Works

NRC:BCL:WDC:sdd

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cc: Richard Napier, C/CAG
Bob Davidson, C/CAG
Milt Mares, County Counsel
Brian C. Lee, P.E., Division Manager, Programs & Engineering
Walt Callahan, Flood Control and Utility Services Manager

RECOMMENDED

COUNTY MANAGER