



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

Department of Public Works

DATE: June 29, 2009
BOARD MEETING DATE: July 14, 2009
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: James C. Porter, Director of Public Works

SUBJECT: **Adoption of the 2009-10 Water Pollution Control Service Charges Report for Flood Control Zone One - County Wide - San Mateo County Flood Control District**

RECOMMENDATION:

Acting as the governing board of the San Mateo County Flood Control District adopt a resolution:

1. Adopting the 2009-10 Water Pollution Control Service Charges Report for Flood Control Zone One Countywide; and
2. Directing staff to file the report with the County Controller; and
3. Authorizing the Director of Public Works to refund any overcharge contained in the report to the owner of the parcel that was overcharged when the overcharge resulted from data, data entry or computation errors.

BACKGROUND:

Flood Control Zone One was formed 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.

The San Mateo County Storm Water Management Plan (Plan) was adopted as a Zone project and the City/County Association of Governments (C/CAG) was authorized to assume responsibility for the Countywide compliance with the NPDES requirements through the Plan.



Ordinance No. 03662 was adopted in 1995, at the request of C/CAG that set charge rates for storm water pollution control services in Flood Control Zone One.

Ordinance No. 04054 was adopted in 2001, at the request of C/CAG, which imposed additional fees, adjusted annually based on the Consumer Price Index, for complying with storm water pollution control requirements mandated by the California Regional Water Quality Control Board.

Your Board has adopted annual resolutions which approved the Water Pollution Control Service Charges Reports, which are based on the rates adopted in Ordinance Nos. 03662 and 04054, for Flood Control Zone One and authorized the filing of the report with the County Controller.

DISCUSSION:

The Storm Water Management Plan is the basis of a NPDES municipal permit issued by the State of California Regional Water Quality Control Board. C/CAG, as in past years, is again requesting that your Board levy charges in Zone One to finance the General Program. The San Mateo County Flood Control Act provides that service charges may be placed upon the tax roll.

The rates are based on property use and average square-foot area of properties within the use classification as follows:

Parcel Description	Rate Established in 1995	Additional Fee Rate*	Total Rate if Combined
Single Family Resident Condominium Units, Vacant Land, Agriculture, Misc.	\$3.44/Parcel	\$2.88/Parcel	\$6.32/Parcel
Commercial, Retail, Manufacturing, Industrial	\$1.72/Parcel	\$1.44/Parcel	\$3.16/Parcel
	\$3.44/Parcel plus \$0.32/1,000 s.f. for parcels over 11,000 s.f.	\$2.88/Parcel plus \$0.26/1,000 s.f. for parcels over 11,000 s.f.	\$6.32/Parcel plus \$0.58/1,000 s.f. for parcels over 11,000 s.f.

* The additional fee component has been adjusted (\$0.02 increase) by the change in the Consumer Price Index as provided for in the County Ordinance No. 04054.

The charges are imposed in cities that have requested they be levied in their jurisdiction 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. It is also recommended that the fees be imposed on property

within the unincorporated area.

All cities except Woodside have passed resolutions formally endorsing the proposed program and the rates and charges to be imposed within their respective jurisdictions. Brisbane, Colma, and San Mateo are requesting that the Flood Control District collect only the Basic Fees as originally approved in 1995, and not the Additional Fees approved in 2001. C/CAG will bill these cities directly for the additional fee component. C/CAG will also bill Woodside directly on the basis of the above rate structure.

The NPDES charges are ongoing charges that were previously imposed pursuant to an individually noticed public hearing prior to the enactment of Proposition 218, and therefore are not subject to the Proposition 218 requirement of sending a separate notice to each individual property owner.

A resolution adopting charges has been approved as to form by County Counsel. The form of resolution also allows the Director of Public Works to refund any overcharge resulting from data, data entry, or computation errors.

Adoption of the Report contributes to the Shared Vision 2025 outcome of an Environmentally Conscious Community by allowing the County and the cities to work together to finance a coordinated countywide program through the City County Association of Governments' (C/CAG) San Mateo Countywide Water Pollution Prevention Program that complies with the pollution control requirements mandated by the California Regional Water Quality Control Board.

FISCAL IMPACT:

There is no impact to the General Fund. The proposed rates are estimated to generate \$1,467,657 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 per parcel charge levied by the Controller, estimated at \$0.33 per parcel based on the Controller's rate schedule as approved by your Board.