



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
Department of Public Works



**DATE:** July 7, 2011  
**BOARD MEETING DATE:** July 26, 2011  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** James C. Porter, Director of Public Works

**SUBJECT:** **Executive Summary - Adoption of the 2011-12 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 2011-12 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 Nos. 03662 and 04054 were adopted by your Board, which set charge rates for water pollution control services in Flood Control Zone One and your Board has adopted annual resolutions approving the Water Pollution Control Service Charges Reports based on the rates and authorized the filing of the report with the County

Controller.

**DISCUSSION:**

The Storm Water Management Plan is the basis for compliance with the 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 classifications.

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.

County Counsel has reviewed and approved the Resolution as to form. 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:**

The proposed rates are estimated to generate \$1,492,050 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 \$0.32 per parcel based on the Controller's rate schedule as approved by your Board. There is no impact to the General Fund.



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**SUBJECT:** **Adoption of the 2011-12 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 2011-12 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 was adopted as a Zone project and the City/County Association of Governments of San Mateo County (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 San Francisco Bay Regional Water Quality Control Board, through issuance and oversight of the Municipal Regional Permit (MRP), implements the NPDES Program in San Mateo County. The MRP, which went into effect on December 1, 2009, mandates specific compliance activities for all co-permittees. San Mateo County, the 20 cities and towns, and the Flood Control District are all co-permittees under the MRP. Additionally, the MRP has been issued to Santa Clara, Alameda, and Contra Costa counties.

C/CAG, through the San Mateo Countywide Water Pollution Prevention Program, oversees compliance with countywide aspects of the MRP. C/CAG, as in past years, is again requesting that your Board levy charges in Zone One to finance the San Mateo Countywide Water Pollution Prevention 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                             | \$3.44/Parcel   | \$2.98/Parcel   | \$6.42/Parcel   |
| Condominium Units, Vacant Land, Agriculture, Misc. | \$1.72/Parcel   | \$1.50/Parcel   | \$3.22/Parcel   |
| Commercial, Retail, Manufacturing, Industrial      | \$3.44/Parcel plus \$0.32/1,000 s.f. for parcels over 11,000 s.f. | \$2.98/Parcel plus \$0.26/1,000 s.f. for parcels over 11,000 s.f. | \$6.42/Parcel plus \$0.58/1,000 s.f. for parcels over 11,000 s.f. |

\* The additional fee component has been adjusted (\$0.04 increase for all parcels described above) 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.

County Counsel has reviewed and approved the Resolution as to form. 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:**

The proposed rates are estimated to generate \$1,492,050 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 \$0.32 per parcel based on the Controller's rate schedule as approved by your Board. There is no impact to the General Fund.

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA  
ACTING AS THE GOVERNING BOARD OF THE SAN MATEO COUNTY FLOOD  
CONTROL DISTRICT**

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**RESOLUTION**

- 1. ADOPTING THE 2011-12 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**

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

**WHEREAS**, the San Mateo County Flood Control District Act allows that fees and charges may be collected on the tax roll; and

**WHEREAS**, rates have been established for Zone One of the San Mateo County Flood Control District which are used to calculate specific charges for property located in Zone One; and

**WHEREAS**, the Director of Public Works of the County of San Mateo has prepared a written report described in Section 8 (c) of the San Mateo County Flood Control Act relating to the collection of service charges on the tax roll; and

**WHEREAS**, said report contains the description of the properties and the charges to said properties.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED**, as follows:

1. This Board does hereby confirm and adopt said report and declare the charges set forth therein to be, and the same are hereby, established and set for the 2011-12 Fiscal Year.
2. Staff is directed to file with the County Controller an electronic copy of said report and a statement endorsed thereon that the charges as set forth in said electronic copy are the charges as adopted by this Board.
3. The Director of Public Works is authorized to refund, as appropriate, any overcharge contained in said report to the owner of the parcel so overcharged when the overcharge resulted from data, data entry or computation errors as determined by said Director of Public Works.

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