



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



DATE: July 8, 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: **Adoption of the 2011-12 Water Pollution Control Service Charges Report for Flood Control Zone Two - City of Pacifica**

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 Two - City of Pacifica; 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:

At the request of the City of Pacifica, Flood Control Zone Two was formed in 1994 for the purpose of financing pollution control requirements of the National Pollutant Discharge Elimination System (NPDES) within Pacifica's city limits. The boundaries of Zone Two are contiguous with those of the City of Pacifica.

The San Mateo County Storm Water Management Plan was adopted as the Zone Two project.

Ordinance No. 03665 was adopted in 1995, at the request of the Pacifica City Council, which established the charge rates for storm water pollution control services in Flood Control Zone Two.

Your Board has adopted annual resolutions that approved the Water Pollution Control Service Charges Reports, which are based on the rates adopted in Ordinance No. 03665, for Flood Control Zone Two, 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. The City Council of the City of Pacifica, as in past years, is again requesting that your Board levy charges in Zone Two to finance the City's Community Program for NPDES. The San Mateo County Flood Control Act provides that service charges may be placed upon the tax roll.

The Ordinance adopted by your Board, established the following charges based on parcel use:

Vacant	\$ 7.00
Single Family/Townhouse/Church/Condominium	\$14.00
All Other	\$28.00

The fees in the Report have been imposed upon every parcel in Pacifica 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. These fees are an ongoing charge with no proposed increase.

County Counsel has advised us that since the NPDES charges are an ongoing charge with no increase, they 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 providing the financing for the City of Pacifica's storm water program that helps protect water quality for the benefit of aquatic life.

FISCAL IMPACT:

The charges will finance the City's Community Program for NPDES in the amount of \$172,000. The City will reimburse the County for the costs associated with levying the charges including the per parcel charge levied by the Controller, estimated at \$0.71 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 TWO – CITY OF PACIFICA; 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**

RESOLVED, by the Board of Supervisors, 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 Two of the San Mateo County
Flood Control District which are used to calculate specific charges for property located
in Zone Two; and

WHEREAS, the Director of Public Works of the County of San Mateo has
prepared the 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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