



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** GOVERNING BOARD

**File #:** 19-751

Board Meeting Date: 7/23/2019

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors, Acting as the Governing Board of the San Mateo County Flood Control District

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

**Subject:** Adoption of the FY 2019-20 Water Pollution Control Service Charges Report for Flood Control Zone One-Countywide

**RECOMMENDATION:**

Acting as the Governing Board of the San Mateo County Flood Control District, adopt a resolution:

- A) Adopting the FY 2019-20 Water Pollution Control Service Charges Report (the "Charges Report") for Flood Control Zone One-Countywide; and
- B) Directing staff to file the Charges Report with the County Controller; and
- C) Authorizing the Director of Public Works to refund any overcharges resulting from data, data entry or computation errors; and
- D) Authorizing the Director of Public Works to revise the Charges Report as a result of any parcel changes received from the County Assessor and/or County Controller and to file the revised Charges Report with the County Controller.

**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 countywide compliance with the NPDES requirements through the Plan.

Ordinance No. 03662 adopted in 1995, at the request of C/CAG, set charge rates for storm water

pollution control services in Flood Control Zone One.

Ordinance No. 04054 adopted in 2001, at the request of C/CAG, imposed additional fees in Flood Control Zone One, 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 so that the charges could be placed on, and collected through, the countywide property tax bills.

**DISCUSSION:**

The San Francisco Bay Regional Water Quality Control Board (Regional Water Board), through issuance and oversight of the Municipal Regional Permit (MRP), implements the federally mandated NPDES Program in San Mateo County. The current MRP 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 all of the municipalities in Santa Clara, Alameda, and Contra Costa counties, along with the Cities of Vallejo, Fairfield, and Suisun City.

MRPs are issued for five-year terms. The current MRP went into effect on January 1, 2016 and has an expiration date of December 31, 2020 at which time a new MRP will be issued. The current MRP includes new requirements that significantly increase costs to all permittees.

The MRP requirements mandate specific load reductions in trash, mercury, and polychlorinated biphenyls (PCBs) in stormwater runoff, and require all agencies to develop and begin implementing green infrastructure plans that are designed to gradually (over decades) shift current “gray infrastructure” to more sustainable drainage systems that capture, treat, and infiltrate, and beneficially use stormwater using landscape-based and natural systems.

To address the anticipated increased cost to member agencies due to the draft MRP requirements, C/CAG took preliminary steps in the past several years to investigate local support for and feasibility of pursuing a new countywide funding initiative to generate revenue for stormwater compliance programs. This included developing countywide funding needs estimates, investigating the full range of funding options, and performing opinion research. The C/CAG Board is expected to continue discussions on a potential countywide initiative over the coming years as the San Mateo co-permittees finalize their green infrastructure plans and better understand the long-term implications of improvements needed to achieve mandated water quality objectives.

C/CAG, through the San Mateo Countywide Water Pollution Prevention Program, supports its member agencies in meeting MRP requirements in three primary ways:

- 1) Performing compliance activities directly on behalf of member agencies when it makes sense to implement programs at the countywide level, such as for countywide water quality monitoring and public education/outreach; and
- 2) Contributing to regional compliance programs when it is more cost effective to implement efforts in conjunction with other countywide stormwater programs; and

- 3) Providing technical support for member agencies in implementing their own local stormwater compliance programs.

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 work performed by C/CAG, as described above. The San Mateo County Flood Control District 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 Fees (established in 2001)*	Total Rate if Combined
Single Family Resident	\$3.44/Parcel	\$3.78/Parcel	\$7.22/Parcel
Condominium Units, Vacant Land, Agriculture, Misc.	\$1.72/Parcel	\$1.90/Parcel	\$3.62/Parcel
Commercial, Retail, Manufacturing, Industrial	\$3.44/Parcel plus \$0.3127/1,000 s.f. for parcels over 11,000 s.f.	\$3.78/Parcel plus \$0.3438/1,000 s.f. for parcels over 11,000 s.f.	\$7.22/Parcel plus \$0.6565/1,000 s.f. for parcels over 11,000

\* The additional fees have been adjusted (\$0.12 increase for all parcels, except Condominium Units, Vacant Land, Agriculture, and Misc. parcels with a \$0.08 increase as 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, tax exempt entities, 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.

The form of resolution also allows the Director of Public Works to refund any overcharge resulting from data, data entry, or computation errors. Additionally, as of the date that the attached charges report was developed, the data for the relevant tax rate areas was still being finalized by the County.

The proposed Resolution therefore authorizes the Director of Public Works to revise the charges report as a result of any parcel changes received from the Assessor and/or Controller on or after July 17, 2019, as well as to refund, during the fiscal year, any overcharges resulting from any such errors in the charges report. C/CAG will be responsible for refunding any errors found with the submittal of proof of payment of the charges levied on the tax roll.

County Counsel has reviewed and approved the resolution as to form.

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 Regional Water Board.

**FISCAL IMPACT:**

The proposed rates are estimated to generate \$1,686,768 in revenue that will be used to finance the Countywide Water Pollution Prevention Program and reimburse the County for the costs associated with levying the charges including the per parcel charges levied by the Controller, estimated at \$1.42 per parcel based on the Controller's rate schedule as approved by your Board, or 5% of the total assessment, whichever is less.

There is no impact to the General Fund.