**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: January 26, 2010

SUBJECT: ADOPT RESOLUTION NO. 10-1 AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ESTABLISH AN ANNUAL PARCEL ASSESSMENT FOR FISCAL YEAR 2010/11 FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM.

Report in Brief

The City of Concord is mandated by both State and Federal laws to have a National Pollutant Discharge Elimination System (NPDES) permit for the City's stormwater discharge. As part of its NPDES permit conditions, Concord is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP includes municipal programs, public participation and inter-governmental coordination to reduce the discharge of pollutants into the storm drains, creeks, delta, and the bay.

The City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa County Flood Control and Water Conservation District to establish a stormwater utility area for Concord and to impose benefit assessments on parcels within the City of Concord. The revenue from this assessment funds activity required to implement Concord's SWMP. Adoption of Resolution No. 10-1 would continue the current Stormwater Utility Area (SUA) assessment of \$35.00 for a single family parcel through Fiscal Year 2010/11. This is the maximum assessment allowed.

Staff recommends that the City Council adopt Resolution No. 10-1, authorizing the Contra Costa County Flood Control and Water Conservation District to continue an annual parcel assessment in Fiscal Year 2010/11 to fund the City's SWMP and the NPDES Program by maintaining the current Equivalent Runoff Unit (ERU) rate of \$35.00 per single family parcel.

Background

Pollution carried in stormwater runoff has a significant impact on water quality and wildlife in the San Francisco Bay Area. Common pollutants found in runoff from urban areas include oil and grease from automobiles; heavy metals like copper and lead from automobiles; polycyclic aromatic hydrocarbons from vehicle exhaust and residential fireplaces; pesticides, herbicides, and fertilizers from lawns and gardens; and biological contaminants. Without pollution prevention programs, these pollutants can be carried into municipal storm drainage systems and, ultimately, the Delta and the San Francisco Bay.

ADOPT RESOLUTION 10-1, AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ESTABLISH AN ANNUAL PARCEL ASSESSMENT FOR FISCAL YEAR 2010/11 FOR DRAINAGE MAINTENANCE AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

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The 1987 reauthorization of the Federal Clean Water Act and California legislation requires local agencies to obtain a NPDES permit to discharge municipal storm drainage water into federal and state waters. As implemented and enforced by the San Francisco Regional Water Quality Control Board (SFRWQCB), the permitting process is intended to improve water quality in the Delta and the San Francisco Bay estuary system; protect habitat for endangered animal species; and preserve the beneficial uses of public waters for wildlife, economic, aesthetic, and recreational purposes.

The Contra Costa Clean Water Program (CCCWP), consisting of the City of Concord, the Contra Costa County Flood Control and Water Conservation District, Contra Costa County, and eighteen other Contra Costa cities, coordinates the development and implementation of a joint municipal NPDES permit for stormwater discharge. The eighteen other cities are: Antioch, Brentwood, Clayton, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek. The SFRWQCB issued CCCWP's first Joint Municipal NPDES Permit on September 15, 1993.

On March 9, 1993, the City Council adopted Resolution No. 93-14 authorizing the Contra Costa Flood Control and Water Conservation District to establish an annual parcel assessment to fund NPDES Program activities such as street sweeping, public education, industrial outreach, and drainage system maintenance. Resolution 93-14 set the initial assessment at \$26 per Equivalent Runoff Unit (ERU) per year and limited future assessments to no more than \$35 per ERU per year. A single family residential unit with a parcel area between 5,000 square feet and 20,000 square feet is one ERU. Vacant and agricultural lands are exempt from assessment. In Fiscal Year 2008/09, Concord's SUA generated \$2,058,048.06 of revenue.

Concord's second five-year joint municipal NPDES permit was issued on July 21, 1999. Concord's third five-year permit went into effect December 1, 2009. The SFRWQCB made this third permit a Municipal Regional Permit consolidating permits from 67 cities and 14 agencies in Alameda, Contra Costa, Santa Clara, San Mateo, and Solano Counties.

The City's NPDES permit requires implementation of a comprehensive Stormwater Mitigation Plan (SWMP). SUA revenues finance the SWMP and other requirements of the joint municipal NPDES permit. To collect SUA revenues, the City annually authorizes the Board of Supervisors to direct the Contra Costa County Flood Control and Water Conservation District to establish a stormwater utility area for Concord and to collect the approved fee.

Discussion

Stormwater revenues are used for stormwater quality related activities including street sweeping, catch basin and storm drain maintenance, creek channel maintenance, inspection and monitoring programs to eliminate illicit discharges and illegal connections to the storm drain system, and stream bank erosion control. These efforts are mandated strategies to reduce the amount of pollution reaching the creeks, Delta, and the San Francisco Bay and estuary system. Staff conducts public education through the City News, public service announcements, storm drain stenciling, brochures, pamphlets, workshops, information booths and outdoor advertising.

ADOPT RESOLUTION 10-1, AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ESTABLISH AN ANNUAL PARCEL ASSESSMENT FOR FISCAL YEAR 2010/11 FOR DRAINAGE MAINTENANCE AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

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Concord participates actively in the Contra Costa Clean Water Program on the Administration Committee, the New Development & Construction Controls Committee, the Management Committee, the Watershed Assessment and Monitoring Committee, the Municipal Maintenance Subcommittee, and the Commercial/Industrial Ad Hoc Working Group. For Fiscal Year 2009/10, the Contra Costa Clean Water Program has \$4,086,233 in program costs. For the portion not funded by reserves, Concord will contribute 11.77%, or \$380,436, based on population. CCCWP provides a cost-effective regional framework for stormwater pollution control, regional monitoring, public education and industrial outreach, technical support, special studies, training, and NPDES permit administration. The SUA and Program Group Costs Payment Agreement between the City and the Contra Costa County Flood Control and Water Conservation District require the City to annually reaffirm the annual Stormwater parcel fee assessment amount per ERU for the next fiscal year.

On March 23, 1999, Council adopted Resolution No. 99-28 authorizing an increase to \$29 per ERU. The increase took effect in Fiscal Year 1999/00. On April 24, 2001, the Council adopted Resolution 00-29 authorizing an increase to \$35 per ERU. This increase took effect in Fiscal Year 2001/02. The \$35.00 rate is the maximum allowed. The annual parcel assessment has remained at \$35.00 since June 2001. It can only be increased with a Proposition 218 ballot approved by two-thirds of the property owners.

Fiscal Impact

If the City Council does not authorize the Contra Costa County Flood Control and Water Conservation District to establish the annual ERU rate of \$35.00, the City of Concord will not receive \$2 million dollars generated by the SUA assessments annually. The cost of street sweeping, drainage maintenance, and SWMP implementation would need to be funded from a different revenue source.

Public Contact

Posting of the Council agenda.

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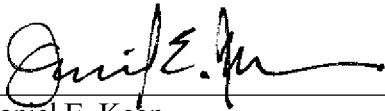
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Recommendation for Action

Staff recommends that the City Council adopt Resolution No. 10-1, authorizing the Contra Costa County Flood Control and Water Conservation District to continue an annual parcel assessment in Fiscal Year 2010/11 to fund the City's SWMP and the NPDES Program by maintaining the current ERU rate of \$35.00 per single-family parcel.

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Attachment No. 1 – Resolution 10-1

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution Authorizing the Contra Costa County Flood Control & Water Conservation District to Establish an Annual Parcel Assessment for FY 2010/11 for Drainage Maintenance and National Pollutant Discharge Elimination System Program

Resolution No. 10-1

WHEREAS, under the Federal Water Pollution Control Act, [33 U.S.C. Section 1342(p)], certain municipal storm water discharges require a permit from the appropriate federal or state authorities pursuant to the National Discharge Elimination System (NPDES) Program; and

WHEREAS, the City of Concord, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit and developed a Storm Water Management Plan; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa Flood Control and Water Conservation District (DISTRICT) to establish storm water utility areas and to impose annual benefit assessments for the purpose of carrying out the activities required under the NPDES Program; and

WHEREAS, the DISTRICT has completed the process for formation of a Storm Water Utility Area (SUA), including the adoption of the Storm Water Assessment Drainage Ordinance No. 93-74; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between the City of Concord and DISTRICT requires the City of Concord, annually to determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year; and

WHEREAS, the City Council adopted Resolution 93-14, which established the range of annual assessment to be imposed by the DISTRICT within the storm water utility area not to exceed \$35 per ERU.

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