



STAFF REPORT

Public Hearing to Consider a Resolution Approving Collection of the Basic and Additional Charges by the San Mateo County Flood Control District to Fund the Expanded Scope of Work for the 2004/05 Countywide National Pollutant Discharge Elimination System General Program

Honorable May and City Council:

Summary

C/CAG has approved the fiscal year 2004/05 budget for the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP), also known as the Countywide NPDES general program. The total program budget is \$1,379,475. Belmont's share to fund this budget is \$53,148. The attached resolution approves the general program budget and authorizes the San Mateo County Flood Control District to collect the fees to fund Belmont's share on the tax rolls. If approved, this resolution must be forwarded to the County by June 28, 2004 to ensure that the County Supervisors approve adding the fees to the tax roll.

Background and Discussion

The San Francisco Regional Water Quality Control Board issued the City of Belmont and the other San Mateo County agencies an NPDES stormwater discharge permit incorporating a pollution prevention workplan. This workplan includes both programmatic requirements and "performance standard" activities. C/CAG formed the San Mateo Stormwater Pollution Prevention Program (STOPPP) to manage the program activities for the member agencies. The program provides training, workshops, and countywide watershed monitoring.

In the past three years, the City approved two separated resolutions authorizing the County to collect a base fee and an additional fee to fund the Countywide Program. The STOPPP Technical Advisory Committee recommended and the Cities approved adding the additional fee in FY02 to address a revenue shortfall and provide supplemental funds for increased staff training, watershed monitoring, and public information. The base fee was not increased because it was first imposed prior to Proposition 218.

The County Counsel advised C/CAG to follow this process to protect the base fee from a Proposition 218 challenge. However, one consequence was that the county tax assessor's office charged two transaction fees to place the fees on the tax roll. This year, the base and additional

fee authorizations are listed separately but are included in this single resolution to avoid the second transaction fee.

The Council first opened the public hearing for this item on June 8, 2004 and continued the hearing to this meeting to allow staff to provide additional information concerning Proposition 218.

Fiscal Impact

There is no fiscal impact to the City budget if the City directs the City, San Mateo County Flood Control District to collect the fees through the tax roll. The City has followed this process to fund Belmont's portion of the NPDES General Program for many years. The City will need to pay the fee from its budget if it decides not to have the County collect the fee on the tax roll.

The 2004/05 Countywide NPDES General Program Budget is \$1,379,475. Belmont's share is 3.85 percent of the total, or \$53,148. The fee is based on a land use rate structure as follows:

Base Annual Fee:

Single Family Residence: \$3.44/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.72/APN

All Other Land Uses: \$3.44/APN for the first 11,000 square feet plus \$ 0.3127
per 1,000 square feet of additional parcel area.

Additional Annual Fee (Adjusted Annually by C.P.I.):

Single Family Resident: \$2.5725/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.2863/APN

All Other Land Uses: \$2.5725/APN for the first 11,000 square feet plus \$0.2320
per 1,000 additional square feet of parcel area

Recommendation

It is recommended that the City Council adopt the resolution imposing fees for funding the 2004/05 Countywide NPDES General Program budget as adopted by C/CAG; approving use of the San Mateo County Flood Control District as the funding mechanism to support the NPDES general program; and directing the City Clerk to forward the resolution to the San Mateo County Board of Supervisors by June 28, 2004.

Alternatives

1. Refer back to staff for additional information. This alternative will cause the City to miss the County Supervisor's deadline for approving placing the fee on the tax rolls and will require the City to fund the STOPPP program fees from its budget.
2. Deny approval. This alternative will require the City to fund the STOPPP program fees from its budget.

Countywide NPDES Program Fees
June 22, 2004
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Attachments

1. Resolution

Respectfully submitted,

Kathleen E. Phalen, P.E.
City Engineer

Raymond E. Davis III, P.E., PTOE
Director of Public Works

Jere A. Kersnar
City Manager

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APROVING COLLECTION OF THE BASIC AND ADDITIONAL CHARGES BY THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT TO FUND THE EXPANDED SCOPE OF WORK FOR THE 2004/05 COUNTYWIDE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM

WHEREAS, The Environmental Protection Agency, under amendments to the 1987 Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of stormwater pollutant runoff into receiving waters.

WHEREAS, under the authority of California Porter-Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards to invoke permitting requirements upon counties and cities.

WHEREAS, in July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County of the requirement to submit an NPDES Permit Application by November 30, 1992.

WHEREAS, in furtherance of the NPDES Permit Process, San Mateo County in conjunction with all incorporated cities in San Mateo County has prepared a San Mateo Countywide Stormwater Management Plan which has a General Program as a fundamental component of the Management Plan.

WHEREAS, the San Mateo Countywide Stormwater Management Plan has been submitted to the San Francisco Bay Regional Water Quality Control Board and the Management Plan has been approved by the Board and made part of the NPDES Waste Discharge Permit CA 0029921, issued September 13, 1993 and remaining in effect through June 30, 1998.

WHEREAS, the San Mateo Countywide Stormwater Management Plan and NPDES Waste Discharge Permit CA 0029921 required that San Mateo County submit a renewal application by March 31, 1998 which shall include a Stormwater Management Plan for 1998 through 2003.

WHEREAS, the City of Belmont has accepted, adopted and committed to implement the San Mateo Countywide Stormwater Management Plan for 1998-2003 and the renewal application and Plan was submitted to the San Francisco Regional Water Quality Control Board on March 18, 1998.

WHEREAS, the San Francisco Bay Regional Water Quality Control Board, after Public Hearing, approved the Renewed NPDES Permit CAS0029921, effective July 21, 1999 and which expires on the date after July 20, 2004 that the board reissues this permit.

WHEREAS, the San Francisco Bay Regional Water Quality Control Board opened the NPDES Permit CAS0029921 for the San Mateo Countywide Stormwater Pollution Prevention Program to Amend the Permit to add New and Redevelopment Language (Amendment of Order 99-059), and adopted the Amendment on February 19, 2003.

WHEREAS, the San Mateo County Flood Control District Act, as amended by the State Legislature in 1992 (Assembly Bill 2635), authorized the San Mateo County Flood Control District to impose charges to fund storm drainage programs such as the NPDES County-wide General Program.

WHEREAS, the Basic Annual Charges and Additional Annual Charges for fiscal year 2004/05, when adopted, would be necessary to fund a \$1,434,542 Budget for fiscal year 2004/2005 are as follows:

Basic Annual Charges;

Single Family Residence: \$3.44/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.72/APN

All Other Land Uses: \$3.44/APN for the first 11,000 square feet plus \$ 0.3127 per 1,000 square feet additional square feet of parcel area.

Additional Annual Charge (Adjusted Annually by C.P.I.);

Single Family Resident: \$2.5725/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.2863/APN

All Other Land Uses: \$2.5725/APN for the first 11,000 square feet plus \$0.2320 per 1,000 additional square feet of parcel area.

WHEREAS, a public hearing was held and all objections or protests to the fee were heard.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Belmont that

1. The City of Belmont approves the expanded Scope of Work imposed on the NPDES General Program and respectfully requests the San Mateo County Board of Supervisors, acting as the governing board of the San Mateo County Flood Control District, to impose those basic and additional charges necessary to fund the County-wide NPDES General Program; and
2. The City of Belmont requests that all properties within the territorial limits of said City be charged the basic and additional annual charges in accordance with said charges stated above; and
3. The City Clerk is hereby directed to forward a copy of this Resolution to the San Mateo County Board of Supervisors, the San Mateo County Flood Control District and to the NPDES Coordinator of C/CAG.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at the regular meeting thereof held on June 22, 2004, by the following vote:

AYES, COUNCIL MEMBER(S): _____

NOES, COUNCIL MEMBER(S): _____

ABSTAIN, COUNCIL MEMBER(S): _____

ABSENT, COUNCIL MEMBER (S): _____

City Clerk of the City of Belmont

APPROVED:

MAYOR of the City of Belmont