



Staff Report

PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING COLLECTION OF BASIC AND ADDITIONAL CHARGES BY THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT TO FUND THE FY10 COUNTYWIDE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM AND ELECTION TO HAVE CHARGES COLLECTED ON THE TAX ROLL

Honorable Mayor and Council Members:

Summary

On June 18, 2009, the San Mateo County Flood Control District is expected to set the hearing for July 14, 2009 adoption of NPDES fees approved by the City and County Association of Governments (C/CAG) for its fiscal year 2010 budget. This will include fees for the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), also known as the Countywide NPDES general program. The total SMCWPPP program budget is expected to be \$1,410,323 and will be approved by C/CAG on June 18, 2009. The City of Belmont's share is expected to be approximately \$54,297.

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. These fees are distinct from the City NPDES fees, also on this agenda, in that they are to fund Belmont's share of the C/CAG SMCWPPP program. If approved, the City should forward this resolution to the County by June 26, 2009 to ensure that the County Supervisors have sufficient time to finalize documents needed to add the fees to the County tax roll.

Background

In 1999, the California Regional Water Quality Control Board (RWQCB) issued the City of Belmont and other San Mateo County municipalities a five-year NPDES stormwater discharge permit incorporating a stormwater pollution prevention workplan prepared by the members. Although scheduled to expire in 2004, this permit remains in effect until RWQCB issues a new permit. C/CAG formed the San Mateo Water Pollution Prevention Program (SMCWPPP) to manage the program activities for the member agencies. This SMCWPPP workplan includes both programmatic requirements and "performance standard" activities. SMCWPPP funding pays for a program manager, consultant support for a technical advisory committee and five subcommittees, training, workshops, and countywide watershed monitoring.

Discussion

The SMCWPPP budget is expected to be \$1,410,323. Belmont's share, based on population, is 3.85 percent or approximately \$54,297. The City may elect to have the County Flood Control District assess this fee on property owners and collect it on the tax roll for direct submission to C/CAG, as it has done in previous years. If the City so resolves, it should forward the attached resolution to the County by June 26, 2009.

The City Council is advised that this fee has two parts: basic and additional. The basic fee has not been adjusted since passage of Proposition 218 and is considered reasonably protected from challenge. SMCWPPP added the additional fee in FY02 in response to pressure from the RWQCB to increase program support for new development requirements, watershed monitoring, and staff training. On behalf of SMCWPPP, the County of San Mateo followed the Proposition 218 process for assessing new fees at that time including notifying all residents by post card and holding a public hearing.

In the past, C/CAG recommended that City Councils adopt resolutions authorizing the County Directors to collect the fee annually until such time that a Council rescinds its approval. This is intended to save the Cities the time and expense of adopting a new resolution every year for what is anticipated to be an ongoing regulatory requirement. Staff did not include this "indefinite period" authorization in the attached resolution because it has been the City's practice to approve fees each year. If so directed, staff will bring a revised resolution back to Council if Council wants to give the County Directors continuing authority to assess the annual fees.

General Plan/Vision Statement

The adoption of NPDES fee is consistent with the General Plan Public Facilities and Services Goals Section (Paragraph 2041), which states: "To provide public services at a level adequate to ensure public safety, health and welfare at the lowest possible cost."

Fiscal Impact

There is no fiscal impact to the City budget if the City directs the San Mateo County Flood Control District to collect the fees through the tax roll and remit directly to C/CAG. The City has followed this process to fund Belmont's portion of the NPDES General Program since program inception in 1993. The City would need to pay the fee from its budget if it decides not to have the County collect the fee on the tax roll.

The 2010 Countywide NPDES General Program Budget is expected to be \$1,410,323. The City of Belmont's share is expected to be approximately \$54,297. The fee is based on the following land use rate structure:

Basic Annual Fee:

Single Family Residence: \$3.44 per parcel

Miscellaneous, Agriculture, Vacant and Condominium: \$1.72 per parcel

All Other Land Uses: \$3.44 per parcel for the first 11,000 square feet plus \$0.32 per 1,000 square feet of additional parcel area.

Additional Annual Fee (Adjusted annually by CPI):

Single Family Resident: \$2.88 per parcel
Miscellaneous, Agriculture, Vacant and Condominium: \$1.44 per parcel
All Other Land Uses: \$2.88 per parcel for the first 11,000 square feet plus \$0.26 per 1,000 additional square feet of parcel area.

Single family residences will pay a total fee of \$6.32 per parcel in FY10. This is an increase of \$0.02 over last year's fee, based on adjustment to reflect the Consumer Price Index (CPI).

Public Contact

Notice was published for this item. The item was also posted with the Council agenda.

Recommendation

It is recommended that the City Council adopt the resolution imposing fees for funding the FY10 Countywide NPDES General Program budget; approve using the San Mateo County Flood Control District as the funding mechanism to support the NPDES general program; and direct the City Clerk to forward the resolution to the San Mateo County Board of Supervisors by June 26, 2009.

Alternatives

1. Continue the public hearing to July 14, 2009 and refer back to staff for additional information.
2. Deny approval. This alternative would require the City to fund SMCWPPP program fees from its budget.

Attachments

A. Resolution

Respectfully submitted,

Gilbert Yau, P.E.
Senior Civil Engineer

Karen Borrmann, P.E.
Interim Director of Public Works

Jack R. Crist
City Manager

Staff Contact:

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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING
COLLECTION OF BASIC AND ADDITIONAL CHARGES BY THE SAN MATEO
COUNTY FLOOD CONTROL DISTRICT TO FUND THE FY10 COUNTYWIDE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PROGRAM AND ELECTION TO HAVE CHARGES COLLECTED ON
THE TAX ROLL**

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

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; and,

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; and,

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; and,

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; and,

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; and,

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; and,

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 expired July 20, 2004; and,

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; and,

WHEREAS, with the complete and timely application by the San Mateo Countywide Stormwater Pollution Prevention Program for permit renewal submitted on January 23, 2004, the San Francisco Bay Regional Water Quality Control Board will administratively extend the expiration of said permit until such time as a Public Hearing is held and the application is considered; and,

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; and,

WHEREAS, the Basic Annual Charges and Additional Annual Charges, when adopted, would be necessary to fund a \$1,410,323 Budget for fiscal year 2010 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 \$ 0.32 per 1,000 square feet additional square feet of parcel area.

Additional Annual Charge (Adjusted Annually by CPI):

Single Family Resident: \$2.88/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.44/APN

All Other Land Uses: \$2.88/APN for the first 11,000 square feet plus \$0.26 per 1,000 additional square feet of parcel area.

WHEREAS, the charges are in the nature of a sewer service charge in that they are intended to fund a federally mandated program the purpose of which is to create waste treatment management planning processes to reduce the amount of pollutants in discharges from property into municipal storm water systems which in turn, discharge into the waters of the United States.

WHEREAS, the City of Belmont has held a public hearing upon the proposal to fund the Countywide NPDES General Program through the San Mateo County Flood Control District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belmont that:

1. The City of Belmont approves the amended 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 Countywide NPDES General Program.

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.

3. The City Clerk is hereby directed to forward a copy of this Resolution to the Clerk of the San Mateo County Board of Supervisors, the San Mateo County Flood Control District, the San Mateo County Engineer, 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 23, 2009, by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont