



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
March 20, 2013**

TO: Mayor and City Council
FROM: Tim Tucker, City Engineer
SUBJECT: Establishing the rate per Equivalent Runoff Unit (ERU) for the 2013-14 Fiscal Year
DATE: March 13, 2014

RECOMMENDATION:

Adopt a resolution establishing the rate per Equivalent Runoff Unit for the Fiscal Year 2013-2014 and request the Contra Costa County Flood Control and Water Conservation District to adopt an annual parcel assessment for the NPDES Program.

BACKGROUND:

On March 15, 1993, the City Council adopted a resolution establishing the first yearly Storm Water Utility Assessment Fee, with a maximum permissible rate of \$30.00 per Equivalent Runoff Unit (ERU). Over the last several years the fee has been set at the maximum rate of \$30.00 per ERU. Proposition 218 requires this fee be set each year by each community.

Based upon past expenditures and projected costs through June 2013, staff recommends that the Storm Water Utility Assessment (SUA) fee again be set at \$30.00 per ERU. With a fee of \$30.00 for 2013-2014, the City's Storm Water Utility Area will generate revenues of approximately \$633,000. Program Costs (Group Costs), Auditor's Assessment fee and other miscellaneous costs will reduce the City's expected net revenue from the SUA to \$500,000. Each City's cost will continue to increase over time in order to fund the implementation of the Regional Water Quality Control District Board (Board) requirements. This will result in lower net revenues being available for the City unless additional funding sources are developed.

The approval of the San Francisco Bay and Central Valley Regional Water Quality Control Boards' Municipal Regional Permit (MRP) increased mandated requirements for Contra Costa County, its nineteen cities/towns and the Contra Costa County Flood Control & Water Conservation District. The financial impacts have substantially increased and will continue to escalate for the remainder of the five year permit. Additional revenue is needed to fully fund the program in future years. Currently we have had to reduce storm drain repair and replacement programs to meet our budget.

A regional ballot measure known as the Clean Water Initiative was introduced in 2012 to raise additional revenue to meet the mandates established by the Regional Water Quality Board. Ballots were mailed to all property owners in Contra Costa County asking to approve a \$20 maximum, per parcel per year assessment to fund the increasing program costs. It was defeated 60% to 40%. The measure required 55% approval.

The Clean Water Program's goal is to eliminate non-stormwater discharges to our creeks and bay. As staff has reported, the Water Quality Board has focused on trash reduction in the new MRP. Cities are required to reduce trash by 40% by July 1, 2014 and 70% by 2017 and 100% by 2022. Utilizing Land Use maps a trash load baseline was established based on our current street sweeping, inlet cleaning and similar trash reducing activities.

We are able to develop a short term trash reduction plan to reach our 40% reduction by installing trash capture devices in approximately 58 inlets and by taking credit for recently implemented litter pickup by Allied Waste as negotiated in the franchise agreement. **To reach the 40% reduction we will also need to phase in a ban of single-use carryout plastic bags.** All cities in the bay area will need to implement similar bans or take other drastic actions to meet the trash reduction requirements. As expected there is opposition to this ban from the plastic industry (American Chemistry Council).

Other Permit requirements include:

1. Public Education
2. Monitoring and testing
3. Construction and new Development controls
4. Commercial / Industrial inspection program
5. Municipal activities including new pesticide toxicity controls

FISCAL IMPACT:

The assessment will be maintained at its current maximum rate of \$30.00 per ERU. It is anticipated that if Group costs continue to rise, and as additional requirements are placed on our local program by the Regional Water Board, the assessment will not fully fund our local program. Program tasks such as storm drain replacement, ditch and catch basin cleaning and street sweeping may need to be funded partially or in full by gas tax revenues in future years.

ACTION:

Motion adopting a resolution establishing the rate per Equivalent Runoff Unit for the Fiscal Year 2013-2014 and request the Contra Costa County Flood Control and Water Conservation District to adopt an annual parcel assessment for the NPDES Program.

Attachments:
Resolution

APPROVED BY:


City Manager

RESOLUTION NO. -13

ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY
2013/2014 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL
ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM PROGRAM

WHEREAS, under Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Martinez (CITY) did apply for, and did receive, a NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, it is the intent of the CITY to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, at the request of the CITY, the Contra Costa County Flood Control & Water Conservation District (DISTRICT) has completed the process for formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, The SUA and Program Group Costs Payment agreement between City and DISTRICT requires that CITY annually, by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Martinez does determine that the rate to be assigned to a single ERU for Fiscal Year 2013-14 shall be set at \$30.00.

BE IT FURTHER RESOLVED, that the City Council does hereby request the DISTRICT to adopt SUA levies based on said amount.

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I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 20th day of March, 2013, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ