



**San Mateo County Flood & Sea Level Rise
Resiliency District
BOARD OF DIRECTORS**

County Supervisors:

District 3 Don Horsley
At-Large Dave Pine - **Chair**

City Representatives:

North Donna Colson
Central Diane Papan
South Lisa Gauthier
Coast Debbie Ruddock – **Vice Chair**
At-Large Maryann Moise Derwin

SPECIAL BOARD MEETING

Due to the risk of COVID-19 transmission, and related local and State guidelines regarding social distancing and meetings of government bodies, this meeting will be held remotely.

To join the meeting, click on:

<https://us02web.zoom.us/j/87883684866?pwd=WmZqVXpwdWZYL3YwbUJsdDFTRncxQT09>

or call by phone: 669-900-6833, ID # 87883684866, Passcode: 081023

AGENDA

July 22, 2021

9:00 AM

1. **Roll Call**
2. **Public Comment** Persons wishing to address the Board on District-related matters not on this Agenda may speak for up to two minutes; comments on Agenda items shall be heard during that item for up to two minutes.
3. **Action to Set the Agenda**
4. **Regular Business**

Adopt Resolution 2021-07-22-A adopting FY 2021-22 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Resolution 2021-07-22-B adopting FY 2021-22 Water Pollution Control Service Charges Reports for Flood Zone Two - City of Pacifica
5. **Chair's Report***
6. **CEO's Report***
7. **Board Member Reports and Items for a Future Agenda***
8. **Adjournment**

* There is no written staff report for this item

Meeting information, and public access and communications

- During the meeting, public comment can be submitted at the appropriate time via Zoom Chat or by raising your hand, speaking if joining by phone, or email to board@onshoreline.org prior to 12:00 pm on the meeting day; please indicate the agenda item to which your comment applies and it will be read or summarized at the meeting by the Board Clerk.
- If you require assistance to participate in the meeting or wish to submit written communication to all Board Members regarding the meeting, please contact the Clerk of the Board by 9:00 am on the day of the meeting.
- Public records relating to an open session item on the agenda are available at least 72 hours prior to a Regular Board meeting or at least 24 hours prior to a Special Board meeting, when these records are distributed to Board members. Public records are available at the District office at 1700 South El Camino Real, Suite 502, San Mateo, CA 94402 and at www.onshoreline.org. To receive these documents electronically, please email board@onshoreline.org.

**San Mateo County Flood and Sea Level Rise Resiliency District
Agenda Report**

Date: July 22, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Adopt Resolution 2021-07-22-A adopting FY 2021-22 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Resolution 2021-07-22-B adopting FY 2021-22 Water Pollution Control Service Charges Reports for Flood Zone Two - City of Pacifica

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopt the attached Draft Resolution 2021-07-22-A and Draft Resolution 2021-07-22-B:

1. Adopting the FY 2021-22 Water Pollution Control Service Charges Report (“Charges Report”) for Flood Control Zone One - Countywide (“Flood Zone One”) and Flood Control Zone Two - City of Pacifica (“Flood Zone Two”);
2. Directing staff to file the Charges Reports with the County Controller;
3. Authorizing the District Chief Executive Officer (“CEO”) to refund any overcharges resulting from data, data entry, or computation errors; and
4. Authorizing the CEO to revise the Charges Reports 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:

The San Mateo County Flood and Sea Level Rise Resiliency District (“District”) manages Flood Zone One, which applies countywide, and Flood Zone Two, which applies in the City of Pacifica. Assembly Bill 825 authorizes the District to place service charges for the Flood Zones on the property tax rolls so the charges can be collected through property tax bills.

Flood Zone One is a countywide zone formed in 1993 (well before the District was established) for the purpose of carrying out pollution control requirements related to municipal stormwater management mandated through the federal National Pollutant Discharge Elimination System permitting program (“NPDES”) administered by the State’s San Francisco Bay Regional Water Quality Control Board (“Regional Water Board”). The San Mateo County Stormwater Management Plan was adopted as a Flood Zone One 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.

In 1994, at the request of the City of Pacifica (“Pacifica”), Flood Zone Two was formed for the purpose of financing NPDES pollution control requirements within Pacifica's city limits. The boundaries of Flood Zone Two are contiguous with those of Pacifica.

In 1995, the County Board of Supervisors, acting as the Governing Board of the former County Flood Control District, set charge rates for stormwater pollution control services in both Flood Zone One and Flood Zone Two. In 2001, at the request of C/CAG, the Flood Control District imposed additional fees in Flood Zone One to comply with stormwater pollution control requirements mandated by the Regional Water Board.

Since 1995, the former Flood Control District adopted annual resolutions (a) approving the Charges Reports based on the adopted rates for Flood Zone One and Flood Zone Two, and (b) authorizing the filing of the Charges Reports with the County Controller so that the charges could be placed on, and collected through, countywide property tax bills. On July 13, 2020, the District Board adopted Resolutions 2020-7-13-B and 2020-7-13-C, which set the FY 2020-21 rates, approved the Charges Reports for Flood Control Zones One and Two, and authorized the filing of the report with the County Controller so that the charges could be collected through countywide property tax bills.

Discussion:

A. Flood Zone One Charges

The Regional Water Board, through issuance and oversight of the Municipal Regional Permit (“MRP”), implements the NPDES in the County. The current MRP mandates specific compliance activities for all co-permittees. The County, the 20 cities and towns within the County, and the District are all co-permittees under the MRP (“San Mateo County Co-Permittees”). Municipalities in Santa Clara County, Alameda County, and Contra Costa County, along with the Cities of Vallejo, Fairfield, and Suisun City, are also co-permittees.

NPDES permits, including the MRP, are issued for five-year terms. The current MRP went into effect on January 1, 2016 and had an original expiration date of December 31, 2020, at which time a new MRP was expected to be issued. It was not issued, though discussions between all co-permittees and Regional Water Board staff regarding reissuance of the MRP have been ongoing for over two years. In the meantime, Regional Water Board staff have administratively extended the current MRP until a new MRP is issued, anticipated by early 2022 with an effective date of July 1, 2022.

The current MRP requirements mandate specific load reductions in trash, mercury, and PCBs in stormwater runoff, and require agencies to develop and begin implementing green infrastructure plans that gradually (over decades) shift current “gray infrastructure” to more sustainable drainage systems that capture, treat, infiltrate, and beneficially use stormwater using landscape-based and natural systems. C/CAG, through the Countywide Water Pollution Prevention Program, supports its member agencies in meeting MRP requirements by:

- Performing compliance activities 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;
- Contributing to regional compliance programs when it is more cost-effective to implement efforts in conjunction with other Countywide stormwater programs; and
- Providing technical support for member agencies in implementing local stormwater compliance programs.

In order to continue funding C/CAG’s San Mateo Countywide Water Pollution Prevention Program work, C/CAG requests that the District Board levy charges in Flood Zone One. The proposed charges would generate approximately \$1.73 million in FY 2021-22, based on the following rates:

Parcel Description	Rate Established in 1995	Additional Fees (established in 2001)*	Total Combined Rate
Single Family Resident	\$3.44/Parcel	\$3.96/Parcel	\$7.40/Parcel
Condominium Units, Vacant Land, Agriculture, Misc.	\$1.72/Parcel	\$1.98/Parcel	\$3.70/Parcel
Commercial, Retail, Manufacturing, Industrial	\$3.44/Parcel plus \$0.3127/1,000 s.f. for parcels over 11,000 s.f.	\$3.96/Parcel plus \$0.3593/1,000 s.f. for parcels over 11,000 s.f.	\$7.40/Parcel plus \$0.672/1,000 s.f. for parcels over 11,000

* The additional fees have been adjusted by the change in the Consumer Price Index as provided for in the County Ordinance No. 04054.

The charges are imposed in the County’s unincorporated area and 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, are also exempt.

All cities within the County, except Woodside, have passed resolutions 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 District collect only the basic fees as originally approved in 1995, and not the additional fees approved in 2001. C/CAG will bill these three cities directly for the additional fee component. Woodside opted to not have either of the fees placed on the tax rolls. C/CAG will bill Woodside directly for both fees.

The Flood Zone One 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.

B. Flood Zone Two Charges

Pacifica is again requesting that the following charges per parcel continue to be levied in Flood Zone Two:

Vacant	\$7.00
Single Family/Townhouse/Church/Condominium	\$14.00
All Other	\$28.00

The charges are imposed upon every parcel in Pacifica on the Assessor's roll, except for parcels owned by local, state and federal governments, and public school districts. Separately taxed improvements, such as mobile homes and underground utility improvements, are also exempt. The Flood Zone Two charges, which have been imposed since 1995, are an ongoing charge with no proposed increase and, therefore, are not subject to the Proposition 218 requirement of sending a separate notice to each individual property owner. The total amount to be generated is estimated to be \$172,000.

C. The Proposed Resolutions

The proposed resolutions adopt the Fiscal Year 2021-22 Charges Reports for Flood Zone One and Flood Zone Two, and direct staff to file the Charges Reports with the County Controller.

The resolutions allow the CEO to refund any overcharge resulting from data, data entry, or computation errors. Additionally, as of the date that the Charges Reports were developed, the data for the relevant tax rate areas was still being finalized by the County. Thus, the proposed resolutions authorize the CEO to revise the Charges Reports as a result of any parcel changes received from the Assessor and/or Controller on or after July 22, 2021, as well as to refund, during the fiscal year, any overcharges resulting from any such errors in the Charges Reports.

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 for Flood Zone One, and Pacifica will be responsible for similar errors in Flood Zone Two.

District Counsel has reviewed and approved the resolutions as to form.

Impact on District Resources:

There is no fiscal impact associated with the approval of the proposed resolutions, as all District costs associated with levying the charges in both Flood Zone One and Flood Zone Two will be reimbursed from the rates collected.

Specifically, the proposed Flood Zone One rates are estimated to generate \$1.73 million in revenue in FY 2021-22 that will be used to finance the Countywide Water Pollution Prevention Program and reimburse the District for all costs associated with levying the charges, including the per parcel charges levied by the County Controller, estimated at \$1.42 per parcel based on the Controller's rate schedule as approved by the County of San Mateo Board of Supervisors, or 5% of the total assessment, whichever is less.

Further, the proposed Flood Zone Two rates are estimated to generate \$172,000 in revenue in FY 2021-22 that will be used to finance the Pacifica's Community Program for NPDES and reimburse the District for all costs associated with levying the charges, including the per parcel charge levied by the County Controller, estimated at \$0.71 per parcel (5% of the total assessment) based on the Controller's rate schedule as approved by the County of San Mateo Board of Supervisors.

Attachments:

Draft Resolutions adopting FY 2021-22 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Flood Zone Two - City of Pacifica.



DRAFT RESOLUTION NO. 2021-07-22--A

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT**

- A. ADOPTING THE FY 2021-22 WATER POLLUTION CONTROL SERVICE CHARGES REPORT (“CHARGES REPORT”) FOR FLOOD CONTROL ZONE ONE - COUNTYWIDE (“FLOOD ZONE ONE”); AND**
- B. DIRECTING STAFF TO FILE THE CHARGES REPORT WITH THE COUNTY CONTROLLER; AND**
- C. AUTHORIZING THE CEO OF THE DISTRICT TO REFUND ANY OVERCHARGES RESULTING FROM DATA, DATA ENTRY, OR COMPUTATION ERRORS; AND**
- D. AUTHORIZING THE CEO OF THE DISTRICT 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**

RESOLVED, by the Board of Directors (“Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (“District”), that:

Assembly Bill 825 allows the District to collect fees and charges through the property tax roll;

District Flood Zone One is contiguous with the boundaries of the County of San Mateo (“County”), and rates have been established for Flood Zone One that are used to calculate specific charges for real property located in Flood Zone One; and

The District Chief Executive Officer (“CEO”) has prepared a written report relating to the collection of service charges on the tax roll for Flood Zone One (“Charges Report”); and

The Charges Report contains the description of the properties and charges to said properties within Flood Zone One; and

As of the date the Charges Report was developed, data for the relevant tax rate areas was still being finalized by the County.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED, as follows:

- A. This Board does hereby confirm and adopt the Charges Report and declares the charges set forth therein to be, and the same are hereby, established and set for Fiscal Year 2021-22.
- B. Staff is directed to file with the County Controller (“Controller”) an electronic copy of the Charges Report and a statement endorsed thereon that the charges as set forth in said electronic copy are the charges as adopted by this Board, and the Controller is hereby authorized to place the charges on the County’s property tax roll.
- C. The CEO is authorized to refund, as appropriate, any overcharge contained in the Charges Report to the owner of the parcel so overcharged when the overcharge resulted from data, data entry, or computation errors as determined by the CEO.
- D. The CEO is authorized to revise the Charges Report to reflect any parcel changes received from the County Assessor and/or Controller on or after July 22, 2021, and such revisions shall be certified and filed by the CEO with the Controller consistent with the processes set forth above.

PASSED AND ADOPTED by the District Board on the 22nd day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair of the Board of Directors



DRAFT RESOLUTION NO. 2021-07-22--B

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT**

- A. ADOPTING THE FY 2021-22 WATER POLLUTION CONTROL SERVICE CHARGES REPORT (“CHARGES REPORT”) FOR FLOOD CONTROL ZONE TWO - CITY OF PACIFICA (“FLOOD ZONE TWO”); AND**
- B. DIRECTING STAFF TO FILE THE CHARGES REPORT WITH THE COUNTY CONTROLLER; AND**
- C. AUTHORIZING THE CEO OF THE DISTRICT TO REFUND ANY OVERCHARGES RESULTING FROM DATA, DATA ENTRY, OR COMPUTATION ERRORS; AND**
- D. AUTHORIZING THE CEO OF THE DISTRICT 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**

RESOLVED, by the Board of Directors (“Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (“District”), that:

Assembly Bill 825 allows the District to collect fees and charges through the property tax roll;

District Flood Zone Two is contiguous with the boundaries of the City of Pacifica, and rates have been established for Flood Zone Two which are used to calculate specific charges for real property located in Flood Zone Two; and

The District Chief Executive Officer (“CEO”) has prepared a written report relating to the collection of service charges on the tax roll for Flood Zone Two (“Charges Report”); and

The Charges Report contains the description of the properties and charges to said properties within Flood Zone Two; and

As of the date that the Charges Report was developed, the data for the relevant tax rate areas was still being finalized by the County of San Mateo (“County”).

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED, as follows:

- A. This Board does hereby confirm and adopt the Charges Report and declares the charges set forth therein to be, and the same are hereby, established and set for Fiscal Year 2021-22.
- B. Staff is directed to file with the County Controller (“Controller”) an electronic copy of the Charges Report and a statement endorsed thereon that the charges as set forth in said electronic copy are the charges as adopted by this Board, and the Controller is hereby authorized to place the charges on the County’s property tax roll.
- C. The CEO is authorized to refund, as appropriate, any overcharge contained in the Charges Report to the owner of the parcel so overcharged when the overcharge resulted from data, data entry, or computation errors as determined by the CEO.
- D. The CEO is authorized to revise the Charges Report to reflect any parcel changes received from the County Assessor and/or Controller on or after July 22, 2021, and such revisions shall be certified and filed by the CEO with the Controller consistent with the processes set forth above.

PASSED AND ADOPTED by the District Board on the 22nd day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair of the Board of Directors