

**RESOLUTION 2026-###**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO TO (1) AUTHORIZE PARTICIPATION IN THE CONTRA COSTA COUNTY REGIONAL ALTERNATIVE COMPLIANCE (RAC) JOINT POWERS AUTHORITY (JPA); (2) APPROVE THE PROPOSED JOINT POWERS AGREEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT; (3) APPOINT THE ENVIRONMENTAL PROGRAM MANAGER AS THE JPA BOARD REPRESENTATIVE AND THE ENVIRONMENTAL PROGRAM ANALYST AS THE ALTERNATE; (4) DIRECT STAFF TO TAKE ALL NECESSARY ACTIONS TO PARTICIPATE IN THE RAC SYSTEM, INCLUDING AMENDING THE CITY'S STORMWATER ORDINANCE; (5) AUTHORIZE THE RAC JPA TO TAKE ALL NECESSARY ACTIONS TO ESTABLISH ONE OR MORE COMMUNITY FACILITIES DISTRICTS (CFD); AND (6) DIRECT STAFF TO DEVELOP REPORTS ON THE JPA/CFD PROGRESS TO BE PRESENTED TO THE CITY COUNCIL ANNUALLY**

WHEREAS, this proposed action is not a project as defined by CEQA;

WHEREAS, the Contra Costa Clean Water Program (CCCWP) was established in 1991 by Contra Costa municipalities in anticipation of municipal stormwater permitting requirements under the federal Clean Water Act and California water quality laws;

WHEREAS, the Contra Costa County Regional Alternative Compliance (RAC) System is an innovative, regionally supported approach to fulfilling state-mandated stormwater treatment obligations;

WHEREAS, the RAC System was developed through a partnership between CCCWP, the U.S. Environmental Protection Agency (EPA), and the San Francisco Bay Regional Water Quality Control Board ("San Francisco Bay Water Board"), the RAC System provides an off-site, alternate compliance mechanism for the Green Stormwater Infrastructure (GSI) that would normally be required on-site;

WHEREAS, the RAC System addresses long-standing challenges: constrained development sites, high costs of distributed GSI projects, and the need to target legacy pollutant areas;

WHEREAS, participation in the RAC System is enabled through a new JPA, which provides administrative support, financial mechanisms, and the governance structure necessary to manage Off-Site GSI projects and maintain ongoing compliance;

WHEREAS, the City of San Pablo is a "public agency," as defined in the Joint Exercise of Powers Act, California Government Code Section 6500, et seq., and is authorized to enter into an agreement to exercise powers common to the member public agencies;

WHEREAS, the City of San Pablo desires to participate in the Contra Costa County Regional Alternative Compliance (“RAC”) System, which is a program designed to offer a flexible, cost-effective, and scientifically defensible compliance option for the Municipal Regional Stormwater National Pollutant Discharge Elimination System (“NPDES”) Permit issued by the San Francisco Bay Regional Water Quality Control Board, Permit No. CAS612008;

WHEREAS, the proposed joint powers authority (“JPA”) is being formed to (i) establish a community facilities district (“CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (“Mello-Roos Act”) in order to finance on-going maintenance costs for “Off-Site GSI Projects” constructed pursuant to the RAC System, and (ii) take other actions in furtherance of the RAC System;

WHEREAS, a joint exercise of powers agreement between participating cities, Contra Costa County, and the Contra Costa Flood Control and Water Conservation District has been prepared to establish the proposed JPA that will implement the RAC System;

WHEREAS, the proposed agreement will take effect on the earlier of July 1, 2026, provided that two proposed member agencies have executed the agreement by such date, or when all proposed member agencies have executed the agreement;

WHEREAS, each member of the proposed JPA may appoint a representative to serve on the JPA’s Board and an alternative member to serve in the absence of the appointed representative;

WHEREAS, the City of San Pablo’s legislative body desires to participate in the RAC System and to adopt the Agreement; and

WHEREAS, with respect to the CFD:

(1) the JPA may establish the CFD to finance the maintenance of Off-Site GSI Projects pursuant to Section 53313.5(f) of the Mello-Roos Act, which authorizes community facilities districts to finance the acquisition, improvement, rehabilitation, or maintenance of any real or other tangible property, whether privately or publicly owned, for flood and storm protection services, including, but not limited to, storm drainage and treatment systems;

(2) the City of San Pablo desires to allow the owners (“Participating Owners”) of property being developed within its jurisdiction (“Participating Properties”) to participate in the CFD in order to finance on-going maintenance costs for Off-Site GSI Projects constructed pursuant to the RAC System, whether those Off-Site GSI Projects are located within the boundaries of the City of San Pablo or not, and to allow the JPA to conduct proceedings to form the CFD, annex Participating Properties to the CFD and levy special taxes on such Participating Properties;

(3) both the JPA and the City of San Pablo are “local agencies” under the Mello-Roos Act;

(4) the Mello-Roos Act permits two or more local agencies to enter into a joint community facilities agreement or joint exercise of powers agreement to exercise any power authorized by the Mello-Roos Act;

(5) the City of San Pablo desires to enter into such an agreement with the JPA to authorize the JPA to form the CFD and annex to the CFD Participating Properties located within the territorial limits of the City of San Pablo for the purpose of financing the maintenance of Off-Site GSI Projects, whether those Off-Site GSI Projects are located within the boundaries of the City of San Pablo or not; and

(6) the City of San Pablo will not be responsible for the conduct of any proceedings to form the CFD, annex Participating Properties to the CFD, levy or collect special taxes, or any required remedial action in the case of delinquencies in such special tax payments.

WHEREAS, on June 10, 2026, the Budget, Fiscal & Legislative Standing Committee (BFLSC), consisting of Mayor Pabon-Alvarado and Councilmember Ponce, were presented an overview and purpose of the RAC JPA which supports regional GSI planning efforts and broad sustainability policies that encourage multi-benefit infrastructure projects, pollutant reduction, and improvements in water quality. Following this presentation, the BFLSC recommended its formal consideration to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby determines, finds, and resolves as follows:

**SECTION 1.** The City Council of the City of San Pablo hereby approves the “Joint Powers Agreement Between Participating Cities, Contra Costa County, and the Contra Costa Flood Control and Water Conservation District for Implementation of the Contra Costa County Regional Alternative Compliance System,” attached hereto as Exhibit “A” to this Resolution.

**SECTION 2.** The City Council of the City of San Pablo authorizes the City Manager, or his designee, to execute the agreement in substantially the form attached, and to make such changes or additions prior to execution, with the concurrence of the City Attorney, as are necessary or appropriate.

**SECTION 3.** The City Council of the City of San Pablo appoints the City’s Environmental Program Manager as the representative on the JPA’s Board and the City’s Environmental Program Analyst as the alternative representative on the JPA’s Board.

**SECTION 4.** Direct staff to take such actions as necessary to participate in the RAC System, including preparation of an ordinance to revise the City’s stormwater

ordinance to incorporate participation in the RAC System as an approved alternative compliance for meeting applicable stormwater treatment requirements.

**SECTION 5.** Authorize staff to collaborate with the RAC JPA Administrator to support RAC System implementation.

**SECTION 6.** The Agreement, together with the terms and provisions of this Resolution, shall together constitute a separate joint community facilities agreement between the City of San Pablo and the JPA under the Mello-Roos Act for the CFD. The City Council of the City of San Pablo hereby authorizes the JPA to form one or more community facilities districts to accomplish the purposes of this Resolution, and each such community facilities district shall constitute a CFD as that term is used in this Resolution.

The adoption by the JPA of a resolution of intention to form the CFD under the Mello-Roos Act to finance on-going maintenance costs for Off-Site GSI Projects constructed pursuant to the RAC System shall constitute acceptance by the JPA of the terms of this Resolution with respect to such CFD.

This Resolution shall constitute full approval under Section 8.2 of the Agreement for the JPA to undertake and conduct proceedings under the Mello Roos Act to form the CFD with boundaries that include Participating Properties within the City of San Pablo's jurisdiction, to annex Participating Properties within the City of San Pablo's jurisdiction to the CFD, and to levy a special tax on such Participating Properties; provided that the Participating Owners, who shall be the legal owners of such property at the time of formation of the CFD or annexation to the CFD, as applicable, execute a ballot or unanimous approval in favor of the levy of the special tax in accordance with the Mello-Roos Act.

The City Council of the City of San Pablo hereby determines that the Agreement, together with the terms and provisions of this Resolution, are beneficial to the residents/customers of the City of San Pablo and of the future residents of the area within the CFD.

The City Council of the City of San Pablo hereby determines that all of the Off-Site GSI Projects constructed pursuant to the RAC System that will be maintained by Participating Properties within the City of San Pablo's jurisdiction are necessary to meet increased demands placed upon the City of San Pablo as a result of development occurring or expected to occur within the City of San Pablo.

The City of San Pablo hereby consents to the formation of, and annexation of Participating Properties to, the CFD in accordance with this Resolution, and consents to the assumption of jurisdiction by the JPA for the proceedings respecting the CFD with the understanding that the JPA will hereafter take each and every step required for or suitable for consummation of the proceedings to form the CFD or annex Participating Properties to the CFD, and the levy, collection and enforcement of the special tax, all at no cost to

the City of San Pablo and without binding or obligating the City of San Pablo's general fund or taxing authority.

The City Council of the City of San Pablo hereby authorizes and directs appropriate officials and staff of the City of San Pablo to execute and deliver such certificates, agreements and documents, and to take all such other lawful actions, as are reasonably required by the JPA in accordance with the formation of the CFD, the annexation of Participating Properties to the CFD, the levy of special taxes and the financing of on-going maintenance costs for Off-Site GSI Projects constructed pursuant to the RAC System.

**SECTION 7.** The Clerk shall certify to the adoption of this Resolution and shall forward a copy of it to the Contra Costa Flood Control and Water Conservation District.

**SECTION 8.** Direct staff to annually report on the progress of the RAC JPA to the City Council of the City of San Pablo.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included herein by reference as findings.

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ADOPTED this 15<sup>th</sup> day of June, 2026, by the following votes:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

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Dorothy Gantt, City Clerk

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Elizabeth Pabon-Alvarado, Mayor