

RESOLUTION 2019-047

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ESTABLISHING THE STORMWATER UTILITY ASSESSMENT RATE FOR FY 2019/20 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, as a result of amendments to the Federal Clean Water Act, prescribed discharges of municipal stormwater require a permit from the San Francisco Regional Water Quality Control Board under the National Pollutant Discharge Elimination System (NPDES) program;

WHEREAS, the City of San Pablo NPDES permit requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwater;

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

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 93-47;

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

WHEREAS, in 1993 the City Council of the City of San Pablo adopted Resolution 93-21 establishing a maximum SUA rate of \$45 per ERU;

WHEREAS, the SUA rate adopted for the current fiscal year (2018/19) is \$45 per ERU and has remained at that rate for the last 8 years; and

WHEREAS, establishing the SUA does not trigger CEQA since it is not a project per Section 15378 which states that a project does not include continuing administrative or maintenance activities, or the creation of government funding mechanisms or other government fiscal activities.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of San Pablo hereby determines that the SUA rate for Fiscal Year 2019/20 shall remain at \$45 for each ERU.

BE IT FURTHER RESOLVED, that the City Council of the City of San Pablo hereby requests the District to adopt SUA levies based on the \$45 per ERU.

BE IT FURTHER RESOLVED, that the City Council of the City of San Pablo hereby declares that the foregoing recitations are true and correct, and are included herein by reference as findings.

ADOPTED this 1st day of April, 2019, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, Cruz and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor