

ALAMEDA COUNTY AGENDA INFORMATION & DISTRIBUTION WORKSHEET

AGENDA DATE: November 6, 2007 ESTIMATED TIME: 5 minutes SUBMITTING DEPT.:
 Tues. Thurs. Set Matter

CONTACT: Diamera Bach PHONE: (510) 670-5763 QIC: 51503

CAO ANALYST: Richard Conway PRESENTER: Daniel Woldesenbet

AGENDA TITLE: Proposal to create a financing mechanism (Community Facility District) to fund stormwater treatment facilities related services for new development.

Vote Required: 4/5 Majority Receive & File
 Signed Off By: County Counsel Yes NA Risk Management Yes NA Financial Resol. Required Yes NA

Other Information: Advance Agenda Material: _____ Date _____ Other: _____
 Impact if Delayed/Continued:

(SEE INSTRUCTIONS - REVERSE SIDE)

Agenda Packet:	General Distribution (Board Letter - Attachments)	Addition to Bd. Packet (Maps, Reports, etc. - 12 Copies Attached)	DO NOT Distribute (Agreements, Resolutions, Ordinances, etc.)
1. Board Letter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SPECIAL INSTRUCTIONS TO CLERK:
 Rush Processing! Contact _____ Phone _____ for pick up
 Special Instruct./Distrib. (copies attached with addresses or QIC Codes-additional space on reverse)
Two copies to QIC 51503

LEGAL NOTICING REQUIRED (See Reverse)

FOR CAO USE ONLY: REGULAR CONSENT CAO APPROVAL: RC

FOR CLERK'S USE: ORD. #: _____ RESO. #: _____ FIN. RESO. #: _____ CONT. #: _____
 MOTION/VOTE: Moved: S 2nd: M Ayes: 4 Noes: _____ Excused: H Abstain: _____

ALAMEDA COUNTY BOARD OF SUPERVISORS

** MINUTE ORDER **

The following was action taken by the Board of Supervisors on November 6, 2007

Approved as Recommended Other

Unanimous Carson Lai-Bitker Miley Steele Haggerty - 4

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Resolution(s) _____

Ordinance(s) _____

Contract(s) _____

File No. 22744

Item No. 42

Document to be signed by Agency/Purchasing Agent

Contract(s) _____

Copies sent to:

Diamera Bach

Special Notes:

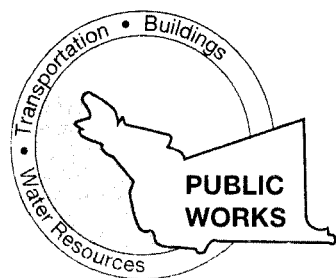


I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:

Crystal Hishida Graff, Clerk of the Board
Board of Supervisors

By: _____
Deputy



**COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY**

399 Elmhurst Street • Hayward, CA 94544-1395
(510) 670-5480

October 16, 2005

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, CA 94612

Dear Board Members:

**SUBJECT: PROPOSAL TO CREATE A FINANCING
MECHANISM (COMMUNITY FACILITY DISTRICT)
TO FUND STORMWATER TREATMENT FACILITIES
RELATED SERVICES FOR NEW DEVELOPMENT**

RECOMMENDATION:

- 1.) That Your Board authorize Public Works Agency to establish a legal framework and procedures for the creation of a Community Facility District (CFD) for new development sites in the Unincorporated Area of Alameda County.
- 2.) And that Your Board also authorize Public Works Agency to proceed with contracting out for financial consulting services to assist with the establishment of a CFD.

SUMMARY/DISCUSSION:

To comply with the New Development and Construction provisions in the municipal National Pollutant Discharge Elimination System (NPDES) stormwater permit, the County requires installation and maintenance of stormwater treatment facilities at residential development sites. The County is required to provide on-going inspection to ensure proper maintenance of these facilities. Most development sites have limited landscaping and little or no common area. These latter factors tend to preclude use of low maintenance, landscape-based treatment systems to meet the mandates.

In light of this situation, most developers prefer using underground mechanical stormwater treatment devices to meet stormwater requirements. These devices have the advantage of saving space at the development site. However, unlike other required features such as sidewalks and roadways, mechanical stormwater treatment devices require frequent and regular maintenance to clean out sediment and debris and to replace filter media. Maintenance is typically required several times per year and in no case less frequently than once every two years.

At present, most residential developments in the Unincorporated Area are created without homeowner associations (HOAs). As a result, these projects do not have functional administrative means to coordinate and fund maintenance work and inspections of the installed treatment devices. Many residential developments in the Unincorporated Area are created with a

Joint Maintenance Agreement (JMA). JMAs are limited in that they do not cover County inspection costs and are intended for large and long term projects like private road maintenance and lack the structure to coordinate the work and funding of providing frequent maintenance of a stormwater treatment facility. An Unincorporated Area CFD would provide an administrative means to fund and maintain and inspect stormwater treatment facilities.

There have been many CFDs created throughout California. In Contra Costa County, CFDs have been created for park maintenance as well as stormwater treatment maintenance. Most major cities and counties have formed CFDs for police, fire, parks, and drainage purposes.

A CFD is created by the Board's adoption of a Resolution of Intention, which would occur at tentative map approval. This action is followed by a subsequent public hearing to hear public protests and formally create the CFD. With the creation of a CFD, the Board would establish the maximum annual charges to future property owners in the development. The maximum charges would cover the costs of County inspection, maintenance and eventual replacement of the stormwater treatment devices.


The Unincorporated Area would form the CFD boundary. As new developments are created, they would be annexed into the CFD. Annual fees for each development would be based on the number of treatment devices and the number of parcels or units within the development and would be specific to a particular development. Total revenue for the CFD would be the aggregate amount of fees derived in this manner. There will be some upfront consultant costs to establish the legal and financial framework and procedures for the CFD. Once the CFD framework is created, the costs to annex developments into the CFD will be paid by the developer through the development approval process. If the CFD were not formed, the County would then be left with the responsibility to shoulder all recurring costs for future inspection and possibly maintenance of these privately-owned installations using County funds.

This item was approved at the February 5, 2007 meeting of the Transportation & Planning Committee. With the Board's approval to proceed, the County will begin the process to form the CFD including the process of choosing consultants to assist with the effort.

FINANCING:

The estimated cost for financial consulting services is \$20,000. There is no impact on the County's General Fund. Funding for the formation of the CFD is available within the FY2007/08 Clean Water Program budget in Flood Control District Org 270301.

Very truly yours,


Daniel Woldesenbet Ph.D., P.E.
Director of Public Works

DW/DB

Copy: County Counsel