



CONTRA COSTA CLEAN WATER PROGRAM

MANAGEMENT COMMITTEE MEETING AGENDA

Wednesday, July 19, 2023

1:30 PM to 4:00 PM

Join Zoom meeting:

<https://us06web.zoom.us/j/87882250373?pwd=azFTaGQ2ajRZdmdveEoxQUFhZzNZUT09>

Meeting ID: 878 8225 0373

Passcode: 982003

Dial: +1 669 900 6833 US (San Jose)

If you require an accommodation to participate in this meeting, please contact Duanne Hernaez by phone at 925-313-2360, by fax at 925-313-2301, or by email at Duanne.Hernaez@pw.cccounty.us.

Providing at least 72 hours notice (three business days) prior to the meeting will help to ensure availability.

VOTING MEMBERS (authorized members on file)

City of Antioch	Phil Hoffmeister/ Scott Beuting
City of Brentwood	Brant Wilson/ Jigar Shah/ Meghan Oliveira
City of Clayton	Larry Theis/ Jason Chen
City of Concord	Bruce Davis/ Carlton Thompson
Contra Costa County	Brian Balbas/ Allison Knapp
CCC Flood Control & Water Conservation District	Tim Jensen/ Michele Mancuso
Town of Danville	Bob Russell/ Steve Jones
City of El Cerrito	Christina Leard/ Stephen Prée/ Yvetteh Ortiz
City of Hercules	Mike Roberts/ Jose Pacheco/ Jeff Brown
City of Lafayette	Matt Luttrupp/ Tim Clark
City of Martinez	Khalil Yowakim/ Frank Kennedy
Town of Moraga	Edriane Aguilar/ Shawn Knapp/ Frank Kennedy (Chair)
City of Oakley	Billilee Saengcalern/ Brianne Visaya/ Rinta Perkins
City of Orinda	Kevin McCourt/ Ryan O'Kane/ Frank Kennedy
City of Pinole	Misha Dhillon
City of Pittsburg	Jolan Longway/ Richard Abono
City of Pleasant Hill	Frank Kennedy/ Ryan Cook
City of Richmond	Mary Phelps
City of San Pablo	Amanda Booth/ Itzel Gomez/ Allan Panganiban
City of San Ramon	Kerry Parker/ Robin Bartlett/ Chen-hsuan (Shane) Hsieh
City of Walnut Creek	Lucile Paquette (Vice-Chair) / Neil Mock/ Steve Waymire

PROGRAM STAFF AND CONSULTANTS

Rinta Perkins, Interim Program Manager	Liz Yin, Consultant
Andrea Bullock, Administrative Analyst	Lisa Austin, Consultant
Duanne Hernaez, Clerical	Lisa Welsh, Consultant
Erin Lennon, Watershed Planner	Nicole Wilson, Consultant
Mitch Avalon, Consultant	

Contra Costa Clean Water Program
MANAGEMENT COMMITTEE MEETING AGENDA
Wednesday, July 19, 2023

AGENDA

Convene the Meeting /Introductions/Announcements/Changes to the Agenda: **1:30**

Public Comments: Any member of the public may address the Management Committee on a subject within their jurisdiction and not listed on the agenda. Remarks should not exceed three (3) minutes.

Regional Water Quality Control Board Staff Comments/Reports: **1:32**

Consent Calendar: **1:35**

All matters listed under the CONSENT CALENDAR are considered routine and can be acted on by one motion. There will be no separate discussion of these items unless requested by a member of the Management Committee or a member of the public prior to the time the Management Committee votes on the motion to adopt.

A. APPROVE Management Committee meeting summary (Chair)

- 1) June 21, 2023 Management Committee Meeting Summary

B. ACCEPT the following subcommittee meeting summaries into the Management Committee record: (Chair)

- 1) Administrative Committee
 - June 6, 2023
- 2) PIP Committee
 - June 6, 2023
- 3) Monitoring Committee
 - June 12, 2023
- 4) Municipal Operations Committee
 - May 16, 2023
- 5) Development Committee
 - May 24, 2023

Presentations: **1:40**

- A. Final Stormwater Funding Options Report Phase 2 (M. Avalon) **1:40**
 - a. See staff report on background information
- B. Final Trash Monitoring Plan (L. Welsh) **2:00**
 - a. See staff report for background information
- C. Draft Regional Unsheltered Homeless BMP Report (E. Yin) **2:20**
 - a. See staff report for background information
- D. Update on the MRP 3.0 Permit Amendment Language Comment Letter (E. Yin) **2:30**
 - a. See staff report for background information
- E. CCCWP FY 23/24 Budget Amendment– Development Committee Tasks (E. Lennon/ R. Perkins) **2:40**
 - a. See staff report for background information

Actions: **2:50**

- A. APPROVE the Final Stormwater Funding Options Report Phase 2
- B. APPROVE the Final Trash Monitoring Plan
- C. APPROVE the Budget Amendment Request Development Committee Tasks

Updates:**3:00**

- A. BAMSC Steering Committee meeting (R. Perkins)
 - a. Status of regional projects and working groups

Information:**3:05**

- A. Climate Change Adaptation Grant Opportunities (R. Perkins / E. Corwin)
- B. BAHM Model Update - Documentation & Training Opportunities (E. Lennon/Y. Hrovat)
- C. Contra Costa County Health Services Notification (E. Lennon)
- D. Mobile Business Inspection Template (E. Lennon)
- E. CASQA Conference Registration Dates (L. Welsh)
- F. Annual Report Update (E. Yin)
- G. Review MRP 3.0 5-yr workplan spreadsheet Report (E. Yin)
- H. Management Committee Workplan FY 23-24 Quarter 1 (E. Yin)

Old/New Business:**3:45**

Adjournment: Approximately 4:00 p.m.

Next Management Committee Meeting: Wednesday, August 16, 2023, 1:30 PM

Attachments*Consent Items*

1. *Management Committee Meeting Summary June 21, 2023*
2. *Administrative Committee Meeting Summary June 6, 2023*
3. *PIP Committee Meeting Summary June 6, 2023*
4. *Monitoring Committee Meeting Summary June 12, 2023*
5. *Municipal Operations Committee Summary May 16, 2023*
6. *Development Committee Meeting Summary May 24, 2023*

Presentation and Action Items

7. *Staff Report and Final Stormwater Funding Options Report Phase 2*
8. *Staff Report and Final Trash Monitoring Plan*
9. *Staff Report and Draft Regional Unsheltered Homeless BMP Report*
10. *Staff Report on MRP 3.0 Permit Amendment Language Comment Letter Updates*
11. *Staff Report on Budget Amendment Request – Development Committee Tasks*
12. *Staff Report and Climate Change Adaptation Grant Opportunities*
13. *Management Committee Workplan FY23-24 Q1*

UPCOMING DOCUMENTS FOR MANAGEMENT COMMITTEE REVIEW			
-- August 2023 --			
ACTION	AGENDA TOPIC/DOCUMENT	REVIEW BY:	SUBMITTAL DATE
REVIEW	Annual Report Documents: Municipal Annual Report forms, Permittee Timeline, AGOL Data Entry Timeline.	Ongoing	September 30
REVIEW	Draft Regional Unsheltered Homeless BMP Report	July 21	September 30
REVIEW	Draft MRP 3.0 Tentative Order Comment Letter	TBD	TBD
APPROVE	Final Stormwater Funding Options Report Phase 2	July 19	N/A
APPROVE	Final Trash Monitoring Plan	July 19	July 31

UPCOMING CCCWP MEETINGS	
All meetings will not be held at 255 Glacier Drive, Martinez, CA 94553, but will be held virtually	
July 26, 2023 4 th Wednesday	Development Committee Meeting, 1:30 p.m. – 3:30 p.m.
August 1, 2023 1 st Tuesday	Administrative and PIP Committee Meeting 9 a.m. – 12:00 noon
August 14, 2023 2 nd Monday	Monitoring Committee Meeting, 10 a.m. – 12 noon
August 16, 2023 3 rd Wednesday	Management Committee Meeting, 1:30 p.m. – 3:30 p.m.

BAMSC (BASMAA) SUBCOMMITTEE/ MRP 3.0 MEETINGS	
Times for the BAMSC (BASMAA) Subcommittee meetings are subject to change.	
July 1, 2022	Effective date of MRP 3.0
1 st Thursday	Development Committee, 1:30 – 4:00 p.m. (even months)
1 st Wednesday	Monitoring/POCs Committee, 9:30 a.m. – 3:00 p.m. (odd months)
4 th Wednesday	Public Information/Participation Committee, 1:30 – 4:00 p.m. (1 st month each quarter)
4 th Tuesday	Trash Subcommittee, 9:30 a.m.-12 noon (even month)



CONTRA COSTA
CLEAN WATER
P R O G R A M

MANAGEMENT COMMITTEE MEETING MINUTES

6-21-2023

Attendance:

MUNICIPALITY	ATTENDED	ABSENT
City of Antioch	Phil Hoffmeister	
City of Brentwood	Brant Wilson	
City of Clayton	Larry Theis	
City of Concord	Bruce Davis (Vice Chair)	
Town of Danville	Bob Russell,	
City of El Cerrito	Christina Leard	
City of Hercules	Jose Pacheco	
City of Lafayette		Matt Luttrupp
City of Martinez	Khalil Yowakim	
Town of Moraga	Edrienne Aguilar	
City of Oakley	Frank Kennedy	
City of Orinda	Kevin McCourt	
City of Pinole	Misha Dhillon	
City of Pittsburg	Jolan Longway	
City of Pleasant Hill	Frank Kennedy (Chair)	
City of Richmond	Mary Phelps	
City of San Pablo	Amanda Booth	
City of San Ramon	Kerry Parker	
City of Walnut Creek	Lucile Paquette	
Contra Costa County	Michele Mancuso, Allison Knapp	
CCC Flood Control and Water Conservation District	Tim Jensen	
Program Staff		
Interim Program Manager	Rinta Perkins	
Admin. Svcs Assistant III	Andrea Bullock	
Watershed Mgmt Planning Spec.	Erin Lennon	
Clerk	Duanne Hernaez	
Program Consultants:		
Larry Walker Associates	Liz Yin	
Larry Walker Associates	Nicole Wilson	
Geosyntec Consultants	Lisa Austin	
Haley & Aldrich	Yvana Hrovat	
Watershed Resources Consulting	Mitch Avalon	
Members of the Public/Others/Guests:		
City of Lafayette	Francine Kuykendall	



CONTRA COSTA CLEAN WATER PROGRAM

Introductions/Announcements/Changes to Agenda: Due to the Covid-19 pandemic, the meeting was conducted via video-conference call.

Allison Knapp (Contra Costa County) proposed having a BBQ with all the permittees. Suggested to take place sometime at the end of summer. More details to follow.

Allison introduced Rinta Perkins as the Interim Program Manager for the Clean Water Program.

Rinta proposed a couple of changes to the agenda:

- Moving Update Item A. (Draft Trash Monitoring Plan) up in the agenda to take place right after the Acceptance of Consent Items.
- Reorder the presentation items so that item F will occur before Item D.

There were no objections to these changes to the agenda.

Public Comments: No members of the public were called in.

Regional Water Quality Control Board Staff Comments/Reports: Regional Board staff did not call in.

Roll call was taken, and the meeting was convened by the Chair at 1:36 pm.

Consent Calendar:

1. APPROVE Management Committee meeting summary (Chair)

Bob Russell (Danville) motioned to approve the Management Committee meeting minutes as submitted, with no changes; Misha Dhillon (Pinole) seconded. The Chair called for a vote. There were no objections. The motion passed with no abstentions, and the Management Committee meeting minutes were approved.

2. ACCEPT the following subcommittee meeting summaries into the Management Committee record (Chair)

- Administrative Committee
 - May 2, 2023
- PIP Committee
 - May 2, 2023
- Monitoring Committee
 - May 8, 2023
- Municipal Operations Committee
 - April 18, 2023
- Development Committee
 - April 26, 2023



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Bruce Davis (Concord) motioned to approve the Sub-Committee meeting minutes as submitted, with no changes; Kerry Parker (San Ramon) seconded. The Chair called for a vote. There were no objections. The motion passed with no abstentions, and the Management Committee meeting minutes were approved.

Presentations

3. Draft Trash Monitoring Plan (L. Austin)

Lisa Austin (Geosyntec) shared an update on the trash monitoring plan. Background on the Trash Monitoring Plan was shared, which included new monitoring requirements:

- Provision C.8.e directs permittees to conduct trash monitoring at MS4 outfalls and in receiving waters.
- Provision C.8.e.v requires permittees to collectively submit a Trash Monitoring Plan to the Regional Water Board for Executive Office Approval by July 31, 2023.

Lisa shared details on the formation and responsibilities of the BASMC Trash Monitoring Workgroup, Trash Technical Advisory Group (TAG), and the Quality Assurance Project Plan (QAPP).

The details of tasks that will need to be completed are listed below:

- Outfall Monitoring
 - Beginning October 1st, 2023, a minimum of two outfalls in Contra Costa County must be monitored during a minimum of three weather events per year.
 - Monitoring must be conducted with netting (or equivalent) devices attached to the end of the outfall pipe or equivalent location.
 - Targeted outfalls must drain areas that are controlled to the low trash generation level.
 - Direct measurement of flow at the monitoring station is required.
- Receiving Water Monitoring
 - Beginning October 1st, 2024, it will be required for permittees to implement a pilot program to directly sample sections of receiving waters that receive runoff from MS4 outfalls that drain tributary areas controlled to the low trash generation level.

Lisa shared that the Trash Monitoring Plan will begin in Summer 2023 and will be supported by the Regional Water Quality Improvement Fund (WQIF) grant, in which \$3.35 million was awarded to the program to support this effort.

A summary of the Technical Advisory Group (TAG) and its members was shared. It was noted that the first TAG meeting was held on March 15th, and the second meeting was held on May 22nd. The draft Trash Monitoring Plan and QAPP were submitted to the TAG on May 15th. The BASMC Trash Monitoring Workgroup is revising the draft Trash Monitoring Plan and QAPP in response to TAG comments.



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Lisa mentioned that the Trash Monitoring Plan and QAPP were shared with interested stakeholders, which included EPA Region 9, Save the Bay, and Caltrans. Comments were requested by June 9th, and these comments will be considered in the revised draft monitoring plan and QAPP.

Lisa shared that from seventy locations considered, two priority locations have been identified to be safe and feasible to monitor. These locations include an outfall to Walnut Creek in Civic Park within the City of Walnut Creek and an outfall to Grayson Creek north of Center Avenue within the unincorporated County (Pacheco).

An anticipated schedule for review and approval of the BAMSC Trash Monitoring Plan and QAPP was shared:

- May 22nd – Draft Trash Monitoring Plan and QAPP shared with CCCWP Monitoring Committee for review.
- June 2/9 – Permittees comments due on draft Trash Monitoring Plan and QAPP (Completed)
- July 12th – the revised BAMSC Trash Monitoring Plan and QAPP will be shared for Management Committee Review
- July 19th – Management Committee meeting to approve the BAMSC Trash Monitoring Plan and QAPP
- July 31st – Submission of the BAMSC Trash Monitoring Plan and QAPP for RWB for Executive Officer approval.

4. Status of Alternative Compliance System Project (A. Booth)

Amanda Booth (San Pablo) gave an update on the Alternative Compliance System Project status. It was shared that the document has been submitted to SFRWQCB Staff. It was received but has not yet been reviewed, but they are likely to move forward with bringing this to the SFRWQCB. She noted that SFRWQCB Staff gave the green light to move forward with the pilot project and are waiting to hear back about the number of acres available for the pilot project. It was noted that Geosyntec has been working on the administrative aspects of the project.

5. Annual Report Update (E. Yin)

Elizabeth Yin (LWA/CCCWP) shared a presentation regarding Annual Report updates. A draft timeline for the Permittee Annual Report was shared, and key permittee deadlines were highlighted:

- June 30th
 - C.10 90% reduction compliance benchmark
 - AGOL Data Entry Deadline
 - C.3
 - C.10
 - PCBs in Building Demolition
- July 7th



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- AGOL Data Entry Deadline
 - C.3.j Completed Projects
- August 30th
 - AGOL Data Entry Deadline
 - C.17 Mapping.
- September 14th (proposed date)
 - Tentative Special Management Committee meeting.
 - Approval of Program Annual Report.
- September 30th
 - Submit to SMARTS
 - Permittee annual report.
 - Program annual report.
 - Program annual report attachments.
 - As Sept. 30th is a Saturday, guidance on whether the report can be submitted the day before on Friday or the following Monday will follow.
 - *After the meeting, the SFRWQCB confirmed that the deadline for submitting the 2023 Annual Report to SMARTS is Monday, October 2, 2023.*

Liz noted that the Sept. 14th deadline falls the week after CASQA, and as this is a very busy time, it was proposed that Sept. 14th meeting be moved to an earlier day to provide more time to get the annual report approved.

A Permittee AGOL Data Entry table was shared, which provides an overview of the deadlines, provision requirements, staff point of contact, and the subcommittee which oversees said provision.

It was highlighted that a link to the groupsite folder for annual report documents had been provided and included the following:

- Municipal Annual Report Forms
- Guidance Documents
 - Timeline/Instructions
 - Guidance for C.10 FTP Submittal
 - Guidance for SMARTs Uploads

It was asked how the C.3.h Vector Control will be submitted. It was answered that program staff would discuss internally if permittees can refer to the Group Program's section that contains notification to the district with a list of all newly installed C.3 projects.

Liz shared a couple of follow-up questions/answers that were asked in the May meeting.

6. Draft Stormwater Funding Options Report Phase 2 (M. Avalon)



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Mitch Avalon shared a presentation on the Stormwater Funding Options Report, which covered different methods that can be used to increase funding for stormwater programs. A summary of the recommended actions to take after reading the report was shared and included:

- Approving the report
- Implementing short-term actions
- Focusing on developing a Community Facilities District with Regional Alternative compliance.
- Identify any additional information needed.

An overview of the report's structure was shared, and each section was briefly explained.

Several methods for raising funds were covered, as well as their pros/cons. Mitch discussed the steps in moving forward regarding implementing these funding options. Mitch let committee members know that he is available to answer any questions and that the deadline to submit comments will be July 10th.

It was asked if the street sweeping fee could be implemented countywide. Mitch answered that, logistically, it can be done, but if a fee is going to be implemented, steps will need to be taken to show that it is required by the property and that there is a direct benefit to the property.

It was asked if an estimate could be given for the percentage of funds eligible for SUA funds. Mitch answered that he would need to investigate this question because it is hard to answer accurately at the moment and will follow up at the next management committee meeting.

Lastly, a permittee asked, before the 2012 report, how much time was spent preparing. Mitch answered that it took about two years, and around \$500k was spent on the branding program to inform the public about the clean water program.

Allison mentioned that the Board of Supervisors would like to have a ballot for Flood Control funding. It was noted that it would take years to develop and get in on the ballot, and careful planning will need to take place so that all the measures will not be submitted simultaneously. Mitch reiterated this point and noted that it should be coordinated internally to avoid conflict.

7. C.17 Unsheltered Homeless Mapping Conditional Budget Approval (E. Yin)

Liz shared details about MRP 3.0 provision C.17, which is a new provision. This Provision has three main reporting requirements, which were explained:

- 2023 Annual Report – Collective Permittee requirements
 - Regional Best Management Practices (BMP) Report
- 2023 Annual Report - Individual Permittee requirements
 - A map identifying approximate locations of unsheltered homeless populations.
 - Each permittee shall report on the implemented best management practices and include the effectiveness evaluation reporting required in Provision C.17.a.ii and additional actions or changes to existing actions that the permittee will implement to improve existing practices.



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A table was shared which illustrates who is responsible for what as far as following these requirements. The table is color-coded to show requirements for permittees, the CCCWP, and BAMSC. An estimated budget and schedule table were shared:

- Development of the C.17 mapping component
 - Psomas Budget - \$16,000
 - Estimated Completion Date – August 2023
- Coordination between Psomas and Municipal Operations Committee
 - LWA Budget - \$4000
 - Estimated Completion Date – August 2023

It was mentioned that there is no change to the amount spent on the budget. The only changes are what the money is being used for and the scope of work that has been developed. It was noted that the goal is to have the budget approved by Management Committee members so that work can get started. By mid-July, the module is expected to begin its testing phase and be ready for deployment by August.

It was asked if permittees will work with Psomas to add their city's homeless encampment map data. It was answered that the program has been working with the county's housing and homeless services department to implement the data they have collected; permittees are not required to submit any additional information unless they want to.

It was asked if the varying levels of storm drain data would affect the mapping effort. It was answered that the plan is to use the existing storm drain data submitted to Psomas in 2017. While this data is old at this point, the homeless encampment data is interpreted in a very general sense, so the overall data will be depicted as an approximation.

It was asked if the budget amount for this project was realistic. It was answered that the proposed budget amount should be enough, if not a bit generous, for the work that must be done. Since Psomas will be using existing data, most of the effort will be in coordinating the presentation of said data.

8. Draft Regional Unsheltered Homeless BMP Report (E. Yin)

Elizabeth shared with the committee that the Draft Regional Unsheltered Homeless BMP Report has been completed and has been reviewed by the BAMSC Work Group. It was shared that the next steps will be for the permittees and countywide programs to review and comment on the report and accompanying fact sheets. The report should be ready for review by June 30th. Following the draft report review, the BAMSC workgroup will review and finalize the report, which will be presented at the July 18th Management committee meeting. Following the review of the final draft, the program will seek approval in August and will include the report as an attachment to the program's annual report. Elizabeth will notify Management Committee once the report is reviewed and commented on.



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After the meeting, the draft Regional Unsheltered Homeless BMP Report was distributed to Management Committee on July 5, 2023. The Committee has been asked to provide comments and feedback by July 21, 2023.

9. Update on the Final Draft Cost Reporting Framework and Methodology (N. Wilson)

Nicole Wilson (LWA/CCCWP) opened by showing permittees where the cost reporting framework can be found on the groupsite file cabinet. The location of the final drafts and Response to Comment Letter (RCL) were highlighted. Nicole briefly shared an overview of the C.20 Cost Reporting Requirement presented in MRP 3.0. It was pointed out that the Cost Reporting Framework is due to the Regional Waterboard Executive Officer by June 30, 2023. The remaining important dates of the cost reporting timeline were shared:

- June 21st – CCCWP to APPROVE at MC Committee
- June 22nd – Approve Final Draft Framework and Methodology at BAMSC Steering Committee
- June 30th – Submit the Final Draft Framework and Methodology to the Regional Waterboard

Key updates in the final draft were shared, and two important points that address concerns from permittees about uncertainties in reporting were highlighted:

- A cover sheet template recommended for inclusion with the cost analysis in the annual report (see section 4.3 and Appendix A) was developed and included in the Guidance Manual. It includes suggested disclaimer language and a discussion of other general limitations to the cost-tracking and reporting process. Permittees can edit the language in the cover sheet as appropriate and as needed for their reports.
- A lot more detail has been added in the guidance manual on provision-specific cost reporting, including how to report capital and O&M expenditures under C.2, C.3, and C.10.

10. Annual Review/Update of Website Pages and Waste Disposal Information (Program Staff)

Elizabeth asked committee members to review the website and suggest changes or improvements they would like to see.

Actions

11. APPROVE the Homeless Mapping Budget

Michele Mancuso (CCC) motioned to approve, and Phil Hoffmeister (Antioch) Seconded. There were no abstentions or objections, and the Homeless Mapping Budget was approved.

12. APPROVE the Final Draft Cost Reporting Framework and Methodology



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Amanda Booth (San Pablo) motioned to approve, and Christina Leard (El Cerrito) Seconded. There were no abstentions or objections, and the Final Draft Cost Reporting Framework and Methodology were approved.

Updates

13. BAMSC Steering Committee meeting (R. Perkins)

Rinta shared updates that have taken place in the BAMSC Steering Committee:

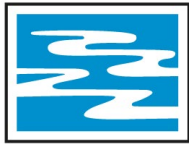
- The Permit Amendment Draft Tentative Order is scheduled to be released on June 23rd. Once released, a thirty-day comment period will commence.
- After the thirty-day comment period, the Waterboard will prepare a response to comments and release a Final Draft Tentative Order, with changes redlined.
- The Waterboard staff plans to go to their board for adoption at the Sept. 13th hearing.
- Collaboration with Caltrans
 - An update was provided regarding Caltrans funding opportunities from their State Highway Operation and Protection (SHOP) Program and the Clean California 2022/23 Round 2 Grant.
- Caltrans' Priorities were highlighted.
 - Full Trash Capture Systems
 - To meet their Mercury and PCBs TMDL
- Firefighting discharge workgroup Update
 - Workgroup met on June 1st.
- BAHM workgroup.
 - Clearwater and EOA have completed integrating Contra Costa County and updated the Model software.
 - There will be testing this afternoon. Once it's completed, there will be a chance to view the manual and test the software.
- PCB and building demolition.
 - Lisa Welsh has released the model packages. Beginning July 1st, permittees are to adopt this model.
- Asset management workgroup
 - Will be formed in October. Permittees to reach out to Rinta to join this work group.

Information

14. CASQA quarterly meeting (A. Bullock)

Andrea Bullock (CCCWP) reminded permittees that the CASQA Quarterly meeting will be held on July 13th. There will be login instructions provided the day before. The topic will be "Exploring Key Issues in Storm Water Management."

15. Brochure Update (N. Wilson)



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Nicole shared that one of the brochures has been finalized, which is the trash brochure. She noted that once finalized, additional brochures will be uploaded to the Clean Water Program website and will be found under the Business/Municipal Operations section.

It was shared that an additional four of the six brochures requiring updates are on their way to being finalized. They should be in the last stages of revisions. Nicole shared that she will work with permittees at a special meeting separate from the PIP committee to further discuss adjustments to the remaining brochures.

Nicole mentioned that brochure funds are running low but that contingency funds are available, which can be used to finalize the brochures that have already been started. There were no objections from the Management Committee regarding the use of PIP contingency funds to finalize this work effort.

Old/New Business:

Rinta shared that a C.3 consultant asked to share with permittees a reminder to review the second draft Hydromodification Application and Methodology Map. A link to the map was shared. Rinta encouraged permittees to leave comments.

Adjournment: The Chair adjourned the meeting at approximately 3:31 pm



ADMINISTRATIVE COMMITTEE MEETING

SUMMARY

Tuesday, June 6, 2023

10:30 am – 12:00 pm

Zoom Meeting

VOTING MEMBERS	ATTENDED	ABSENT
Contra Costa County	Michele Mancuso	
CCC Flood Control and Water Conservation District	Tim Jensen	
City of Lafayette	Tim Clark	
City of Martinez	Frank Kennedy	
City of Pittsburg		Jolan Longway (Vice Chair)
City of Pleasant Hill	Frank Kennedy (Chair)	
City of Richmond	Mary Phelps	
NON-VOTING MEMBERS		
City of Walnut Creek	Lucille Paquette	
City of Danville	Bob Russell	
PROGRAM STAFF		
Interim Program Manager	Rinta Perkins	
Administrative Analyst	Andrea Bullock	
Clerical	Duanne Hernaez	
Consultant	Elizabeth Yin	
Consultant	Nicole Wilson	

1. Convene Meeting and Roll Call (Chair)

The Chair convened the meeting at 10:34am

2. Announcements or Changes to the Agenda (all)

Elizabeth Yin announced that the Regional Water Board is extending the deadline for the approval of the permit amendment language. The new deadline is yet to be announced but is expected to take place in September.

3. Approval of May 2, 2023 Meeting Minutes (Chair)

There was no correction or revisions to the May 2, 2023, meeting minutes. Mary Phelps (Richmond) motioned to approve the Administrative Committee meeting minutes as submitted, with no changes, and accept subcommittee minutes. Michele Mancuso (CCC) seconded. The Chair called for



ADMINISTRATIVE COMMITTEE MEETING

SUMMARY

Tuesday, June 6, 2023

10:30 am – 12:00 pm

Zoom Meeting

a vote. There were no objections or abstentions. The motion passed with no abstentions, and the items were approved.

4. Draft June 21, 2023 Management Committee Agenda (E. Yin)

Elizabeth shared the upcoming Management Committee agenda for approval by the Administrative Committee

There were no changes or corrections to the June 12, 2023 Management Committee Agenda. Frank Kennedy (Martinez) motioned to approve the Management Committee Agenda as submitted, with no corrections. Mary Phelps (Richmond) seconded. There were no objections or abstentions and the Management Committee Agenda was approved.

5. Old/New Business (Committee)

None

6. Adjournment

The Meeting adjourned at 10:50 am



**PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING SUMMARY**

**Tuesday, June 6, 2023, 9:00 am – 10:30 am
Zoom Meeting**

PIP Committee Voting Members	Attended	Absent
City of Antioch	Julie Haas-Wajdowicz (Vice Chair)	
CCC Flood Control District	Michelle Giolli Jennifer Joel	
City of San Ramon	Kerry Parker (Chair)	
Admin Committee Members acting as PIP Voting Members	Attended	Absent
Contra Costa County	Michele Mancuso	
CCC Flood Control and Water Conservation District	Tim Jensen	
City of Lafayette	Tim Clark	
City of Martinez	Frank Kennedy	
City of Pleasant Hill	Frank Kennedy	
City of Pittsburg	April Chamberlain	
City of Richmond	Mary Phelps	
Non-Voting Members		
Town of Danville	Bob Russell	
Program Staff		
Interim Program Manager	Rinta Perkins	
Administrative Assistant	Andrea Bullock	
Watershed Mgmt. Planning Spec.	Erin Lennon	
Clerical	Duanne Hernaez	
Consultants		
Stephen Groner Associates (SGA)	Stephan Groner, Michelle Dissel, Katie Galla	
Larry Walker Associates	Nicole Wilson, Elizabeth Yin	
Guests		

1) Convene Meeting and Roll Call (Chair)

The Chair Convened the meeting at 9:01 am.

2) Introductions, Announcements, and Changes to Agenda (Chair)

Kerry Parker (San Ramon) suggested that the July 5th PIP Committee meeting be moved to July 11th since both the Chair and Vice Chair will be out of town during that time. Committee Members agreed to hold the July meeting on the 11th.

**PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING SUMMARY**

**Tuesday, June 6, 2023, 9:00 am – 10:30 am
Zoom Meeting**

Rinta Perkins (Interim Program Manager) was introduced to the group and it was announced that she will be serving as the Interim Program Manager for the Clean Water Program.

Lucile Paquette (Walnut Creek) suggested that for the July PIP Committee meeting, there could be an agenda item to discuss and review the outreach workplan for the next fiscal year. Stephen Groner (SGA) acknowledged this point and noted that SGA is planning to present their budget workplan for the next fiscal year at the July PIP Committee meeting.

There were no changes to the agenda.

3) Consent Items Approval (Chair)

- May 2, 2023 PIP Meeting Minutes.
- June 2023 Facebook and Instagram Posts

A correction to the May 2, 2023 PIP meeting minutes was suggested, it was pointed out that the cost allocation is said to be rounded to the nearest 1000th and should be corrected to be rounded the nearest 1000. There were no corrections or revisions to the April 2023 Social Media Posts. Julie Haas-Wajdowicz (Antioch) motioned to approve the PIP Committee meeting minutes as submitted, with revisions, and accept the subcommittee minutes. Michele Mancuso (Contra Costa County) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed with no abstentions, and the items were approved.

4) Brochure Updates (SGA, Nicole)

Michele Dissel (SGA) shared updates that have been made to the BMP brochures and opened up the conversation for feedback. A lengthy discussion was held about various suggested revisions for each of the draft brochures that were reviewed during the meeting. Examples of suggested revisions include the following:

- Pool Owners & Cleaners brochure suggestions:
 - Drain to sanitary sewer can be better highlighted.
 - Better clarify to not drain pool water down the storm drain
- Auto Body Shop brochure suggestions:
 - Outside cleaning can be better illustrated to show that workers should not allow water to reach the storm drain.
- Restaurant brochure suggestions:
 - Can be better clarified that only storm water should go down the storm drain.
 - Illustration for tallow bin can be adjusted to better differentiate from the garbage dumpsters.

**PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING SUMMARY**

**Tuesday, June 6, 2023, 9:00 am – 10:30 am
Zoom Meeting**

- Hazmat bin can be removed.

It was suggested that to preserve time and budget, that it would be a good idea to hold a small group meeting consisting of program staff and permittees outside of PIP to thoroughly review each of the brochures. PIP Committee members agreed to hold a special meeting and Nicole mentioned she would send an email out after the meeting to request volunteers to participate.

5) CCCWP Website Review (Nicole)

Nicole Wilson reviewed PIP related items on the Contra Costa Clean Water website. It was pointed out where finalized BMP brochures will be located on the website when they are complete. Nicole asked committee members to review the website to see if there are any improvements that can be made for the next fiscal year.

6) Cost Reporting (Nicole)

Nicole shared important dates for the Cost Reporting Framework:

- June 2nd – Final Draft Cost Reporting Framework and Methodology documents transmitted to Permittees
- June 6th - CCCWP to recommend MC APPROVAL at PIP Committee
- June 12th – Final Comment Due
- June 21st - CCCWP to APPROVE at MC Committee
- June 22nd – Approve Final Draft Framework and Methodology at BAMSC Steering Committee
- June 30th – Submit Final Draft Framework and Methodology to the Regional Water Board

Key updates to the Cost Reporting Framework and Methodology was shared:

- A coversheet template will be included which includes suggested disclaimer language along with a discussion of other general limitations to the cost tracking and reporting process. Permittees can edit the language in the cover sheet as appropriate and as needed for their reports.
- Two program areas have been included under “Other Related Municipal Activities” – Street Sweeping and Other Sediment/Trash Removal – to allow Permittees to account for costs of programs that are not specifically required by the MRP but provide significant water quality benefits.
- More detail has been provided in the Guidance Manual on provision-specific cost reporting, including how to report capital and O&M expenditures under C.2, C.3, and C.10.
- Percentages for countywide program contributions for all programs have been included. CCCWP and SMCWPPP percentages will be allowed to be updated each fiscal year if needed, while the other programs are fixed percentages.



**PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING SUMMARY**

**Tuesday, June 6, 2023, 9:00 am – 10:30 am
Zoom Meeting**

Nicole noted that within the transmittal email of the final cost reporting documents, a Response to Comments letter was provided which includes the first and second round of comment requests combined. It was also mentioned that an excel spreadsheet which includes comments specifically aimed at the CCCWP is available on Groupsite.

Julie Haas-Wajdowicz (Antioch) motioned to APPROVE the recommendation to present the Cost Reporting Framework and Methodology to June 21st Management Committee meeting. Michele Mancuso (CCC) seconded. There were no objections or abstentions and the recommendation to present the Cost Reporting Framework and Methodology at the June 21st Management Committee meeting was approved.

7) Adjournment (Chair)

The meeting adjourned at 10:16 am

Monitoring Committee Meeting Summary June 12, 2023

VOTING MEMBERS	ATTENDED	ABSENT
CCC Flood Control District	Beth Baldwin (Chair)	
City of Walnut Creek	Lucile Paquette (Vice-Chair)	
City of Pittsburg	Jolan Longway	
City of Antioch		Phil Hoffmeister
City of Pinole	Misha Dhillon	
City of Richmond	Bradley Harms	
NON-VOTING MEMBERS		
City of San Pablo	Amanda Booth	
PROGRAM STAFF		
Watershed Management Planning Specialist	Erin Lennon	
PROGRAM CONSULTANTS		
Geosyntec Consultants	Lisa Welsh	
Geosyntec Consultants	Lisa Austin	

- **Introductory Remarks, Announcements, and Changes to the Agenda.** There were no changes to the agenda. Lucile Paquette (Walnut Creek) made an announcement that registration is now open for the 2023 Annual CASQA Conference in San Diego on September 11-13.
- **May Meeting Summary.** Lucile Paquette (Walnut Creek) made a motion to approve the May meeting summary. Misha Dhillon (Pinole) seconded, and Beth Baldwin (CCC Flood Control District) abstained.
- **Trash Monitoring Update.** Lisa Welsh (Geosyntec Consultants) provided an update on the WQIF grant, trash outfall monitoring site selection, permitting, and Trash Monitoring Plan and QAPP comments and revisions (see Slides #3 to #7 in Attachment 01a).
 - Coordination with EPA for the regional trash monitoring WQIF grant to support receiving water monitoring is ongoing and expected to be approved at the C/CAG board meeting in July.
 - CCCWP must do trash outfall monitoring at two locations. One identified location is in Walnut Creek, and the second potential location is in Unincorporated County (Pacheco). CCCWP is coordinating with Contra Costa County Public Works, Oldcastle (the trash net vendor), and a concrete contractor to assess the feasibility of monitoring at the Pacheco location. This site is more complex because the pipe is metal and likely requires a concrete collar to attach the net.

- Permitting conversations with CA Fish & Wildlife is also underway. We should have more information about permit requirements at the Walnut Creek site the week of June 12 or 19.
- The draft Trash Monitoring Plan has been shared with BAMSC MPC, CCCWP Permittees, Trash TAG members, and Other Interested Parties for review and comments. Written comments were requested from all parties by June 9. As of June 12, comments from most TAG members had been received; the remaining are expected the week of June 12. The Trash Monitoring Plan co-authors will meet on June 15 to coordinate responses to comments. Lisa W. to send a draft Trash Monitoring Plan to Bradley Harms (Richmond).
- **LID Monitoring Update.** Lisa A. provided an update on LID monitoring (see Slide #8 in Attachment 01a). The LID Monitoring Plan and QAPP were submitted to RWB on May 1 and there was a meeting with RWB Staff on June 9 to discuss preliminary approval of the monitoring plan so that equipment could be purchased as soon as possible, and Programs could move forward with site set-up to meet the October 1 start to the monitoring season. CCCWP will conduct monitoring at the site in El Cerrito and will have to collect samples at approximately six events annually (minimum of three annually) to meet the permit term requirement of twenty-five events.
- **2023 SPLWG Annual Meeting Summary.** Lisa W. presented a summary of the proposed special studies and project prioritization (see Attachment 01b). Lisa W. will post the 2022 special study project summaries on GroupSite and present the outcome of the special studies project selected at the July Mon Com meeting. She will also review the ECWG-SPLWG meeting notes and assess if the Permittees' \$100k is funding a specific project.
- **Mercury and PCBs Control Measures Update Report.** Lisa A. presented the Mercury and PCBs Control Measures Update Report outline. The report will be included as an attachment to the Program's Annual Report and address multiple provisions in C.11 and C.12. For C.11.a/12.a, the Committee weighed the benefits of including maps at the county scale versus referencing table summaries in Permittee Annual Reports – CCCWP will do the latter. Lisa A. will reach out to Selina for an update on the C.11.b/C.12.b Source Property referrals and coordinate directly with the applicable Permittees. For C.11.c/C.12.c, Lisa A. will contact Permittees for an update on project progress (e.g., soil remediation is completed). A preliminary draft report will be shared at the July Monitoring Committee meeting.
- **Other C.11/C.12 Provisions.** Lisa W. reviewed other C.11/C.12 requirements that the CCCWP technical consultant team will be working on over the next few weeks/months (see Slide #9 in Attachment 01a).

- Geosyntec has contacted the applicable sanitation/waste management districts to obtain the quantities of mercury-containing equipment recycled in FY22/23. Quantities will be converted to an estimated mass of mercury recycled.
- For PCBs in bridges, BAMSC MPC is tracking the release of the Caltrans specification which is required by June 22, 2023. Lisa W. shared a spreadsheet with the draft inventory for each Permittee to review and update for their Annual Report. The draft inventory was developed using the National Bridge Inventory (NBI) database, which includes bridges open to the public and vehicular traffic. The committee agreed that Permittees should add any concrete pedestrian bridges greater than 20 ft to their inventory. Lisa W. will email the spreadsheet by EOD on June 12 with the revisions discussed.
- For PCBs in electrical utilities, Lisa S. is leading a regional workgroup and Lisa A. and Lisa W. are coordinating with the City of Pittsburgh.
- For PCBs in Building Demo, Permittees were asked to provide information by June 30 on Applicable Structures via the SharePoint spreadsheet).
- **New / Old Business**
 - Geosyntec will reach out to the City of Richmond to coordinate the source property referral.
 - KEI is waiting for continuous flow to stop to complete the final MeHg sample event of the season.
 - CCCWP sampled three events for BOD in Marsh Creek. KEI will draft a summary of results in Summer 2023 for internal review.
- **Next Steps / Action Items**
 - Lisa W. to send draft Trash Monitoring Plan to Bradley Harms (Richmond).
 - Lisa W. to email the spreadsheet with the draft bridge inventory by EOD on June 12.
 - Lisa W. to post the 2022 SPLWG special study project summaries on GroupSite.
 - Lisa A. to contact applicable Permittees with updates on C.11/12.b and C.11/12.c for the POCs Update Report.
- **Adjournment.** The meeting was adjourned at 12:00 pm.

Next Scheduled Monitoring Committee Meeting: Monday, July 10, 2022, 10:00 AM-12:00 PM, Zoom meeting.

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CCCWP Monitoring Committee Meeting

June 12, 2023

Lisa Welsh

1

Monitoring Committee Meeting Agenda

1. Trash Monitoring
2. LID Monitoring
3. SPLWG Meeting Summary
4. FY2022-23 Annual Report Attachment
5. Other C.11/C.12 Provisions
 - Mercury Recycling
 - PCBs in Infrastructure (Bridges)
 - PCBs in Electrical Utilities
 - PCBs in Building Demo – Applicable Structures

2

Trash Monitoring Update

Topics Covered

- Regional WQIF Grant Application
- Outfall Selection & Permitting
- Trash Monitoring Plan Comments and Revisions
- Schedule and Next Steps

3

Trash Monitoring Update




Update on Outfall Selection

Site ID	Location	Treatment Area (ac)	Treatment Type	Outfall
CC-WC	Drainage to Walnut Creek, east of Civic Park Parking lot	1.0	Basket	15-inch RCP
CC-PCH	Drainage to Grayson Creek, north of Center Ave, Pacheco	3.9	Basket/CPS	18-inch CMP

- Next Steps
 - Awaiting response from F&W about permitting (CC-WC)
 - Assess if site modifications to secure net insert are feasible (CC-PCH)

4

CC PCH Grayson Creek

- Location: Unincorporated County
- Receiving Water: Grayson Creek
- Treatment Area: 3.9-acre commercial and ROW
- Treatment Type: Basket and Connector Pipe Screen
- Pipe type and diameter: 18" CMP
- Net Design: Net Tech Flange (requires new mount for netting device)
- Net Landing: Concrete (coarse with embedded small diameter rip-rap)
- Access: Flood control access road
- High-water mark has been observed within five feet of mouth of outfall

Example concrete mount for trash capture netting device

5

Trash Monitoring Update

- Comments/Revisions on Trash Monitoring Plan
 - TAG Comments
 - Tom Mumley
 - Tony Hale
 - Others expected this week
 - Permittee Comments
 - Other Interested Parties
 - Save the Bay
 - Trash Monitoring Plan authors meeting on June 15

6

Trash Monitoring Schedule

May 15

- Prep for Trash TAG Meeting #2
- Draft Trash Monitoring Plan (MP) and QAPP to TAG and Permittees

May 22 – TAG Meeting #2

- June 2/9 – TAG/Permittee/Stakeholder Comments due
- July 12 – Final Trash MP and QAPP for Approval
- July 31 – Submit Trash MP and QAPP to RWB

7

LID Monitoring Update

Figure 2. Offsite Greenway Rain Garden drainage management area and points of inlet to the low impact development facility.

8

Other C.11/C.12 Provisions

- **Mercury Recycling**
 - Contacted: Central Contra Costa Sanitary District, Delta Sanitation District, West Contra Costa Integrated Waste Management District
- **PCBs in Infrastructure**
 - Draft bridge inventory shared with Permittees on June 9
- **PCBs in Electrical Utilities**
 - Lisa S. leading a regional workgroup
 - Lisa A./Lisa W. working with the City of Pittsburg
- **PCBs in Building Demo**
 - Provide information on Applicable Structures by June 30

9

New/Old Business

- **POCs Monitoring – Source Property Referral in Richmond**
- **East County Mercury Monitoring**
 - Waiting for continuous flow to stop to do the last monitoring event
- **Marsh Creek SSID Monitoring**
 - Sampled three events for BOD
 - Concentrations decreased over time
 - Background site was elevated relative to MS4 locations for recent event
 - Draft summary of results for RWB in Summer
- **AGOL/PCBs in Building Demo Data Request – June 30**

10

SPLWG 2024 Proposal Summaries from the May 23, 2023, SPLWG Annual Meeting

#	Proposal Title	Funding Requested	Project Description	Notes
RMP Special Study Proposal (\$300k)				
1	Integrated Monitoring and Modeling to Support PCBs and Mercury Watershed Loads Uncertainties Assessment and Monitoring Design	\$261k - \$382k	Continue integrated monitoring and modeling efforts on PCBs and Hg by conducting stormwater monitoring to support loads estimation, estimating model uncertainty, evaluating model sensitivities to parameters and data gaps, and providing PCBs and Hg monitoring design recommendations. There are two phases proposed. Addresses all five Management Questions (MQs). Prioritized #2 (with a reduced budget) in Closed Session.	Focus on legacy pollutants, for loads and trends, with benefits for CECs
2	Pilot Study Using a Detection Dog Team for Source Tracing of PCBs in Old Industrial Areas of the San Leandro Bay Watershed	\$25k (revised down from \$77k)	This study will assess the feasibility of incorporating PCB detection dogs into routine practice to help facilitate PCB source tracing efforts in the Bay Area. SFEI staff will collaborate with various partners to gather the necessary information to determine if canine PCB detection is a viable and efficient tool to incorporate into Bay Area source tracing efforts. The combination of these collaborative efforts will allow us to determine if using detection dogs in PCB source tracing efforts in the Bay Area is resource efficient. Prioritized #3 in Closed Session, and recommend to complete as a proposal.	Focus on legacy pollutants and finding sources
3	Tidal Area Remote Sampler Pilot - Year 2	\$62k	Deploy the SFEI Mayfly - a remote sampler that addresses the challenges of sampling in tidal areas - at eight sites to capture water samples for PCB and Hg analysis. Will solidify our experience in field deployment of these samplers and an SOP will be developed to transfer to the municipalities. Primarily addresses MQ1. Prioritized #1 in Closed Session.	Focus on legacy pollutants, loads and finding sources
Requested from the RMP but not as a Special Study				
4	Remote Sampler Purchase	\$180k	Funds the purchase of remote samplers for RMP stormwater work to support CECs monitoring in Bay Area watersheds and urban runoff monitoring in tidal zones. This proposal is a placeholder until this summer when the Stormwater CECs Stakeholder-Science Advisor Team (SST) will decide on whether to use the SFEI Mayfly, the ISCO, or neither. Sampler purchase/construction will be done under the oversight of the SST.	CECs, for concentrations and loads
5	Watershed Dynamic Model (WDM) Maintenance	\$100k	Funds maintenance of the Watershed Dynamic Model (WDM). Provides a list of tasks that can be done with the maintenance fund and proposes a process to decide on which of the maintenance activities and documentation are needed each year.	Legacy pollutants and CECs, loads and trends



MUNICIPAL OPERATIONS COMMITTEE (MOC) MEETING

SUMMARY

Tuesday, May 16, 2023

10:00 am – 12:00 pm

Zoom Meeting

VOTING MEMBERS	ATTENDED	ABSENT
Contra Costa County	Michelle Giolli (Chair), Beth Baldwin	
City of Antioch	Phil Hoffmeister, Jeff Cook	
City of Brentwood	Melissa Barcelona	
City of Concord		Jesse Crawford, William Gallagher
City of El Cerrito	Christina Leard	
City of Hercules	Jeff Brown	
City of Martinez	Andrew J. (A.J.) Kennedy	
City of Orinda	Andrew J. (A.J.) Kennedy	
City of Pittsburg	Jolan Longway (Vice Chair)	
City of Richmond	Mary Phelps	
City of San Pablo	Amanda Booth	
City of Walnut Creek	Lucile Paquette	
NON-VOTING MEMBERS	ATTENDED	ABSENT
Town of Danville	Bob Russell	
PROGRAM STAFF		
Program Manager	Karin Graves	
Watershed Planner	Erin Lennon	
PROGRAM CONSULTANTS		
LWA	Elizabeth (Liz) Yin	



**MUNICIPAL OPERATIONS COMMITTEE (MOC) MEETING
SUMMARY**

Tuesday, May 16, 2023

10:00 am – 12:00 pm

Zoom Meeting

1. Convene Meeting and Roll Call (Chair)

The Chair convened the meeting at 10:00 am.

2. Announcements or Changes to the Agenda (all)

The agenda item for discussing C.17 Workgroup was moved to preceding the C.17 Mapping Budget and Scope of Work agenda item. An announcement occurred later in the meeting.

3. Approval of April 18, 2023 Meeting Summary (Chair)

There were no corrections or revisions to the April 18, 2023, meeting summary. Amanda Booth (San Pablo) motioned to approve and accept the submitted Municipal Operations Committee meeting summary. A.J. Kennedy (Martinez) seconded. Lucile Paquette (Walnut Creek) abstained. There were no objections. The motion passed with no objections, and the item was approved.

4. Program Update (Erin Lennon)

Erin Lennon (Watershed Planner) summarized previous meeting items and discussed other Program updates.

- Overview of Previous Action Items
 - *Outreach (MRP C.4, C.5)* – Reviews were due to Nicole Wilson at LWA by 4/19/23 for the Mobile Cleaners Best Management Practices (BMPs) and Restaurant BMPs brochures.
 - *Pest Control Operator (PCO) letter (MRP C.9)* – CCCWP staff mailed the final PCO letter to registered, active PCOs within the County of Contra Costa on 5/9/23
 - *CCCWP website reviews* – Website reviews from previous meetings were saved as comments in the PDF agenda attachment. Members noted that it might be helpful to cross-reference the Copper page under the Residents section of the website.
- C.4/C.5 Stormwater Inspection Items
 - *C.4/C.5 Inspector Training Workshop* –
 - The workshop took place on 5/3/23 via Zoom, with the option to attend as a group (e.g., for a hybrid in person experience). A link to the workshop recording was included in the agenda packet and will be sent to attendees.
 - The MOC discussed the advantages and tradeoffs for different workshop formats, including in-person, hybrid, and online. It was noted that pre- and post-workshop surveys had been sent out to solicit preferences and feedback from attendees about the format and timing of the training.
 - *C.4 Stormwater Inspections Billing Packet* – The 3rd quarter billing packet was received and will be distributed to municipalities.
 - *Business Inspection Plans (BIPs)* – The inclusion of mobile businesses in BIPs was discussed. Resources regarding the extent and approach to including mobile businesses within BIPs and Enforcement Response Plans (ERPs) have been saved in Groupsites. The concept of Maximum Extent Practicable (MEP) was discussed regarding the scope of mobile business inspection planning, tracking and enforcement activities.



**MUNICIPAL OPERATIONS COMMITTEE (MOC) MEETING
SUMMARY**

Tuesday, May 16, 2023

10:00 am – 12:00 pm

Zoom Meeting

- C.9 Pesticide Toxicity Control items
 - *County Agricultural Commissioner (MRP C.9.d.)* – Erin Herbst is the new Contra Costa Deputy Agricultural Commissioner and will speak at the June MOC meeting.
- Calendar – The CCCWP Schedule of Committee and Subcommittee Meetings for Fiscal Year 2023-2024 was attached to the meeting agenda.
- Action Items:
 - MOC will send any pesticide toxicity control-related questions they would like addressed at the June MOC meeting to Erin L., to forward to Erin H. of County Agriculture.
 - MOC to send any additional website reviews to Erin via email. Note that both PDF and Word versions of the website text are saved in the Groupsite folder: [2023-05-16 meeting](#).
 - Erin to draft updated website text with Track Changes and share it with MOC.
 - CCCWP to distribute the 3rd quarter billing packet to municipalities.

5. C.17 Regional Work Group (Liz Yin)

Liz Yin (LWA, Program Consultant) updated the MOC on the discussion and outcome of the recent C.17 Regional Workgroup (WG), which met on 5/2/23.

- To meet the Annual Report submittal deadline, the WG decided to proceed with a single regional C.17 BMPs report that may be referenced by Permittees rather than as countywide BMP reports. The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) said that BMPs may cover various activities, and they also expressed an interest in funding the report.
- Next WG meeting is anticipated for the end of July.
- The MOC asked whether privacy concerns from previous MOC meetings were discussed at the regional WG meeting and if water quality impacts/milestones were considered. The WG did not.

6. Action Item: C.17 Mapping Budget, Scope of Work (Liz Yin)

This action item was a continuation of the action item from the April 18, 2023, MOC meeting. Liz Yin (LWA, Program Consultant) shared the updated C.17 Mapping Requirement Scope of Work, which incorporated budget, scheduling, and task-related feedback from the previous two MOC meetings. Liz also addressed the concerns brought up at previous MOC meetings.

- *Locations/Privacy concerns* – Contra Costa Health, Housing and Homeless Services (H3) provided location data at the census tract level. H3 plans to publish a report in mid-July, and H3 requests that CCCWP refrains from sharing/publishing their data until then.
- *Inlet maps* – A storm drain layer was used in 2017 to create maps for a separate MRP compliance purpose. The MOC discussed the accuracy of Municipal Separate Storm Sewer System (MS4) data and the entities responsible for budgeting for and updating Permittee MS4 data. It was noted that the C.17 Mapping conditional budget line item was created to assist Permittees with complying with the MRP Provision C.17.a.ii.(1) requirements, and it was acknowledged that this project would need to move forward. There may be future opportunities to discuss map updates and refinements.



**MUNICIPAL OPERATIONS COMMITTEE (MOC) MEETING
SUMMARY**

Tuesday, May 16, 2023

10:00 am – 12:00 pm

Zoom Meeting

There were no corrections or revisions to the C.17 Mapping Budget and Scope of Work. Lucile Paquette (Walnut Creek) motioned to approve the C.17 Mapping Budget and Scope of Work as submitted and to recommend moving forward with this item at the June Management Committee meeting. Amanda Booth (San Pablo) seconded. There were no objections or abstentions. The motion passed with no abstentions, and the item was approved.

Action Items:

- CCCWP to add this as an action item to the June Management Committee meeting agenda.

7. Illicit Discharge Conference notable takeaways

Due to time constraints, this item was not discussed. It was tabled to be discussed at the June MOC meeting.

8. Open Discussion (Committee)

The MOC discussed whether two trash generation rates could be assigned to a single parcel. Tradeoffs and cost/benefit considerations were discussed, and it was noted that it might be useful to ask the GIS consultant, Psomas, directly to determine the possible impact of reassessing unusual parcels.

9. Action Items/Next Steps

- Upcoming events, deadlines, and due dates were included at the end of the agenda packet.
- Karin Graves (Program Manager) announced this would be her last MOC meeting, as she has accepted a job offer with the EPA. MOC members expressed appreciation for Karin's efforts and contributions to CCCWP.

10. Adjournment

The Meeting adjourned at 12:03 pm.



DEVELOPMENT COMMITTEE MEETING

SUMMARY

Wednesday, May 24, 2023

1:30 pm – 3:30 pm

Zoom Meeting

VOTING MEMBERS		ATTENDED	ABSENT
Contra Costa County		John Steere	
City of Antioch		Phil Hoffmeister (Chair)	
City of Brentwood			Aman Grewal, Allen Baquilar
City of Clayton		Larry Theis	
City of Concord		Mitra Abkenari	
Town of Danville		Bob Russell	
City of Lafayette			Matt Luttropp, Tim Clark (Vice Chair)
Town of Moraga		Edrienne Aguilar	
City of Oakley		Frank Kennedy	
City of Pittsburg		Jolan Longway	
City of Pleasant Hill		Ryan Cook, Frank Kennedy	
City of San Ramon		Roderick Wui	
City of Walnut Creek		Joel Camacho, Lucile Paquette	
PROGRAM STAFF			
Program Manager		Karin Graves	
Watershed Planner		Erin Lennon	
PROGRAM CONSULTANTS			
LWA, Program Consultant		Elizabeth (Liz) Yin	
MEMBERS OF THE PUBLIC/OTHERS/GUESTS			
Haley and Aldrich, Technical Consultant		Yvana Hrovat, Nancy Gardiner, Nick Machairas	
Lotus Water, Technical Consultant		Rachel Kraai, Elai Fresco	
Dubin Environmental, Technical Consultant		Tony Dubin	
City of San Pablo		Amanda Booth	



DEVELOPMENT COMMITTEE MEETING

SUMMARY

Wednesday, May 24, 2023

1:30 pm – 3:30 pm

Zoom Meeting

1. Convene Meeting and Roll Call (Chair)

The Chair convened the meeting at 1:30 pm.

2. Announcements or Changes to the Agenda (all)

A topic was added within the Open Discussion agenda item to discuss the C.3.j. Mapping component and development. An announcement occurred later in the meeting.

3. Approval of April 26, 2023 Meeting Summary (Chair)

There were no corrections or revisions to the April 26, 2023, meeting summary. Bob Russell (Danville) motioned to approve the Development Committee meeting summary as submitted, with no changes, and accept the subcommittee meeting summary. Ryan Cook (Pleasant Hill) seconded. The Chair called for a vote. There were no objections. Jolan Longway (Pittsburg) abstained. The motion passed with no objections, and the items were approved.

4. Program Update (Erin Lennon)

Erin Lennon (Watershed Management Planning Specialist) presented a summary status of previous meeting items and discussed other Program updates:

- C.3 Item
 - GI Design Workshop series – a draft attendance list and a link to the recording and slides were shared with attendees.
 - C.3 workshop training 5/31/23 – The Committee was reminded to register and share the link with others in the development community.
 - MRP 3.0 Provision C.3 Amendment, individual comments related site-visit –
 - On April 15th, private developer Chris Koenig emailed Administrative Draft comments to Zach Rokeach of SFBRWQCB, and CC'd 45 participants in the Alternative Treatment Systems Regional Work Group email list. Chris said that the draft amendment language would financially burden developers.
 - On May 5th, Zach coordinated a field visit to one of Chris' potential development sites at 344 Diablo Rd., Danville. Zach invited Chris, Derek Beauduy of SFBRWQCB, Luisa Valiela of EPA, and staff from CCCWP and the Town of Danville.
 - Erin attended the site visit as an observer in place of Karin Graves, CCCWP Program Manager. Erin did not get the impression that substantial MRP language decisions would be made based on this individual site visit.
 - Development Committee members requested further details on the project site.
 - Bay Area Hydrology Model (BAHM) Work Group – The BAHM workgroup met on 5/18/23. The BAHM and BAHM manual updates are in progress and near completion. Regional training will be provided for municipal staff and consultants on BAHM.
- C.6 Inspection Enhancement – The PCBs Demolition Applicant Package (C.12.g.) was distributed to the Management Committee via Groupsite.



DEVELOPMENT COMMITTEE MEETING

SUMMARY

Wednesday, May 24, 2023

1:30 pm – 3:30 pm

Zoom Meeting

- Calendar – Development Committee meetings for FY23-24. The July GI Design 2nd workshop will take place after the July 26th Development Committee meeting.
- Action Items:
 - Erin to forward the May 5th site visit communication to the Development Committee.

5. IMP Calculator (Yvana Hrovat, Nick Machairas)

Yvana Hrovat and Nick Machairas (Haley and Aldrich, C.3 Technical Consultants) reviewed updates to the IMP Calculator, including new figures, report generation options, and calculations. It was noted that there had been issues with downloading the older version of the IMP Calculator from the CCCWP website. It was asked whether the IMP Calculator would be used for Hydromodification Management (HM). Yvana said that this updated tool is separate from HM.

- Action Items:
 - Yvana and Erin will discuss the IMP Calculator project data format.

6. HM Applicability Map

Rachel Kraai and Elai Fresco (Lotus Water, Technical Consultants) reviewed the HM Applicability Map's update status and next steps.

- Action Items:
 - Permittees to review HM Applicability Map updates by May 29th [note: later this date was revised to May 30th to account for the holiday]

7. Website walk-through

Due to time constraints, this agenda item was not covered in-depth at this meeting.

- Action Items:
 - Permittees to review the CCCWP Development webpage, its five subpages, and 13 subcategories within those subpages by a week before the next Development Committee meeting. A Word document with the text is available on Groupsite.

8. Old/New Business (Committee)

None

9. Action Items/Next Steps

Upcoming events, deadlines, and due dates were included at the end of the agenda packet.

10. Adjournment

The Meeting adjourned at 3:30 pm.



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: July 19, 2023

To: Management Committee

From: Mitch Avalon, Consultant

Subject: Final Stormwater Funding Options Report, Phase 2

Recommendation:

Approve the final Phase 2 Stormwater Funding Options Report.

Background:

Final Review. At the June 21, 2023, Management Committee meeting, the Committee had an opportunity to review the final draft of the Phase 2 report. The following three key questions were raised at the meeting.

- **SUA Funds.** The Program attorney has indicated that SUA funds, as restricted funds, cannot be used to fund the development of a stormwater funding measure. However, some activities to develop a funding measure could be funded with SUA funds if the activities were justified as necessary to manage a stormwater program. The question is: what percentage of the project cost could be funded with SUA funds, and how much outside funding will be required? This question is difficult to answer as it will be based on a legal analysis of the funding measure development process to determine what aspects can be legitimately funded with SUA funds. Using the structure of developing the 2012 Initiative, about two-thirds of the project cost is in outreach-related activities, which probably cannot be funded with SUA funds. After a legal analysis of the funding measure development process, it seems likely that SUA funds could be used for perhaps 10% to 25% of the project costs. As this is an important question, one of the first orders of business should be to perform a legal analysis of the funding measure development process and activities to determine how much SUA funds can be used, if any, and how much outside funding will be required.
- **Advanced Work.** A question was asked if any advance work or preparatory work was done with the 2012 Initiative. For several years prior to the 2012 Initiative, the Program conducted a "branding" campaign through radio announcements, bus shelter posters, bus ads, and other media. The purpose of the branding campaign was to convey to the public who the Program was, what the Program did, and what benefit the Program provided to the citizens of Contra Costa County. A branding campaign before the Initiative was thought

to increase the number of property owners voting and result in a more favorable vote outcome.

- **Other Ballot Measures.** If the Management Committee decides to pursue a ballot measure, it will have to determine the timing based on other competing ballot measures. The 2012 Initiative had to work around some competing library funding measures that were being discussed during the ballot measure planning period. At the meeting, it was mentioned that the Flood Control District was considering a ballot measure to increase funding for services and projects. Any ballot measure contemplated by the Management Committee would have to be coordinated with a potential Flood Control District ballot measure or ballot measures proposed by other organizations and agencies.

Pathway Forward. The report recommends that the Management Committee take a short-term and long-term approach to providing additional funding. The report provides recommended actions for the Management Committee to consider that will implement a short-term strategy and recommended actions to consider that will implement a long-term strategy. Generally, short-term actions would be considered in FY 23/24, while long-term actions would be considered in FY 24/25 and beyond. However, all recommended actions should be reviewed to determine which ones should be considered and when they should be considered. In doing so, additional steps and actions will likely be identified and considered as the Management Committee slowly works towards a decision on which funding option to choose, if any.

The report recognizes that deciding whether to pursue a funding measure requires approval from a host of individuals at different levels within permittee organizations and provides recommendations on how that could be done. There will be a lot of engagement with the permittee's upper management and elected officials, with presentations before the City-County Engineers, PMA, Mayors Conference, and City/Town Councils, and the Board of Supervisors. It will be critical to understand the questions, concerns, and any reluctance upper management and elected officials may have and develop an effective response. One recommended action is developing a communication plan laying out the message and the various types of presentations, which presentation would be given to each of the involved groups, and when they would be given.

This report is densely packed with data, charts, analysis, and recommendations. It may seem to the Management Committee that there are too many things swirling around to allow for a measured consideration and make a decision on which funding option, if any, to choose. One of the more important recommendations, as a short-term action, is to conduct a workshop with the Management Committee to go over the pathway forward in detail. This would provide everyone with a clear picture of the steps necessary to make that funding option decision.

The report concludes with the next steps, recommending the Management Committee approve the report and implement the short-term actions. This includes developing a Community Facilities District in coordination with the Regional Alternative Compliance System project and waiting for the cost reporting data before deciding which funding option to choose. After the Management Committee meeting, staff will be briefing the City-County Engineering Advisory Committee at its meeting on July 20, and briefing the PMA MRP 3.0 Subcommittee later that same day.

Fiscal Impact:

None at this time, but there may be an increase or decrease in the budget depending on the final decision of whether to move forward with a funding option or not.

Attachments:

Phase 2 Stormwater Funding Options Report

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Stormwater Funding Options Report

Phase 2: The Pathway Forward

Prepared for

Contra Costa Clean Water Program

By

Mitch Avalon, Watershed Resources Consulting

Approved on

July 19, 2023

By

Contra Costa Clean Water Program Management Committee



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Stormwater Funding Options Report

Phase 2: The Pathway Forward

July 19, 2023

1. Report Overview

1.1 Overview. This report, building off the recommendations of Phase 1, begins by summarizing the financial difficulties that permittees find themselves in and how any potential Monsanto settlement funds will not resolve all their financial problems. The three funding options that provide ongoing revenue are described in detail, followed by a discussion of the five options that provide sources of one-time revenue, and finally a look at a "do nothing" option. Each section includes an analysis of implementation costs and projected revenue and provides recommendations. The report then looks at several policy type issues related to implementing the funding options, the most significant being the restricted use of stormwater utility assessments (SUA) to fund development of a ballot measure. The report then distills all the analysis to develop a short-term approach and a long-term approach with concluding recommendations for each approach. Finally, the report concludes with a list of next steps for the Management Committee to take. Concluding recommendations and next steps are in the form of action items for the Management Committee to consider. Key next steps are to approve the report, implement some short-term actions, and wait until the required cost reporting data is available.

1.2 Introduction. At its July 20, 2022, meeting, the Contra Costa Clean Water Program (CCCWP) Management Committee directed staff to prepare a Stormwater Funding Options Report. The report was developed in two phases. The first phase analyzed all possible options to fund a stormwater program and then identified those viable for further evaluation. This report represents the second phase, which expands the analysis of those viable options, describes the process to implement the options and potential challenges, and recommends a pathway forward. The first phase covered viable options for both permittees and the CCCWP; however, this second phase focuses solely on viable options that would be implemented through the CCCWP. The information provided in Phase 1 and Phase 2 of this report provides the Management Committee with the information needed to decide on a pathway to fund the CCCWP's stormwater projects and services.

Phase 1 recommended further evaluation of eight funding options; three of which would provide ongoing revenue (property-related fee, litter/trash property-related fee, and community facilities district), and five of which would provide one-time funding (grants, state revolving fund loans, regional approach, California's water supply strategy, and alternative compliance). Phase 2 focuses primarily on the top three options that provide ongoing revenue, following the Management Committee's direction for the report. However, since implementing one of the three ongoing revenue options will likely take several years, the report also explores a short-term approach using one-time revenue options. Additionally, the report considers the implications of selecting none of the options, a "do nothing" option.

A separate "roadmap" report is being developed through another project, sharing similarities with but distinct from this report. As of the writing of this report, CCCWP staff applied for and received

a USEPA Water Quality Improvement Fund (WQIF) grant that will fund development of the Contra Costa County Regional Alternative Compliance (RAC) System. The WQIF grant work will build on work completed by three permittees utilizing a previous WQIF grant. The RAC project team is considering a countywide Community Facilities District (CFD) to provide ongoing maintenance and operations funding for green infrastructure projects funded by the RAC System. Developing this funding mechanism could dovetail with the CFD option discussed in this report. One of the next steps in developing the RAC System will be analyzing various funding options and preparing a RAC Roadmap for funding RAC System projects. While similarities exist between the RAC Roadmap and this report, particularly regarding one-time funding options, the RAC Roadmap will focus on identifying funding options for project-level implementation. In contrast, this report evaluates funding options for CCCWP-level implementation to support ongoing services.

2. Financial Implications

2.1 Funding Shortfall. What is the magnitude of the "funding problem"? In 2012, as part of the 2012 Community Clean Water Initiative (2012 Initiative), two members of the project consulting team visited each permittee to gather information on their stormwater expenditures, available resources, and operational practices. The consulting team utilized the most comprehensive cost information from select permittees for implementing key Municipal Regional Permit (MRP) requirements to create a predictive cost model for the entire 5-year permit (MRP 1.0). Based on the information gathered and the future cost modeling, the consulting team projected the revenue versus costs for each permittee and the CCCWP during MRP 1.0 (see Attachment 4, Task 1 and 2, Table 4-1, page 8 of Phase 1 report). In FY 10/11 (the first full year of MRP 1.0), the total annual revenue from stormwater utility assessments was about \$17 million, including estimated contributions from Brentwood and Richmond. Concurrently, the total annual expenditures for all permittees were about \$29 million, comprising \$18.6 million in existing costs, \$3.6 million in street sweeping costs, \$4.1 million in modeled MRP 1.0 additional costs, and \$2.7 million in CCCWP costs. Comparing the total revenue of \$17 million to the total expenditures of \$29 million results in a funding gap of about \$12 million. Table 1 displays the revenue and expenditure information for each permittee.

Table 1: Permittee Revenue and Expenditures FY 10/11

Permittee	SUA Revenue FY 10/11	Existing Costs FY 10/11 (no S.S.)	Street Sweeping Costs FY 10/11	Modeled Costs FY 10/11	CCCWP Costs FY 10/11	Total Costs FY 10/11
Antioch	\$ 1,162,817	\$ 1,257,000	\$ -	\$ 670,710	\$ 247,066	\$ 2,174,776
Brentwood	\$ 822,025	\$ 638,000	\$ 507,900	\$ 563,495	\$ 105,809	\$ 1,815,204
Clayton	\$ 129,939	\$ 98,000	\$ -	\$ 121,702	\$ 30,426	\$ 250,128
Concord	\$ 2,097,694	\$ 2,352,000	\$ 533,483	\$ -	\$ 358,716	\$ 3,244,199
Danville	\$ 573,213	\$ 295,000	\$ 141,000	\$ 747,978	\$ 122,826	\$ 1,306,804
El Cerrito	\$ 407,099	\$ 206,000	\$ 145,000	\$ 181,507	\$ 66,998	\$ 599,505
Hercules	\$ 325,412	\$ 372,000	\$ 5,000	\$ 103,455	\$ 64,566	\$ 545,021
Lafayette	\$ 463,596	\$ 399,000	\$ 65,405	\$ 50,830	\$ 70,028	\$ 585,263
Martinez	\$ 622,053	\$ 410,000	\$ 114,115	\$ 141,317	\$ 112,186	\$ 777,618
Moraga	\$ 293,665	\$ 226,000	\$ 5,000	\$ 107,967	\$ 46,813	\$ 385,780
Oakley	\$ 496,015	\$ 308,000	\$ 70,000	\$ 385,526	\$ 84,761	\$ 848,287
Orinda	\$ 383,280	\$ 324,000	\$ 24,438	\$ -	\$ 50,547	\$ 398,985
Pinole	\$ 321,957	\$ 274,000	\$ -	\$ 222,576	\$ 47,077	\$ 543,653
Pittsburg	\$ 843,622	\$ 1,040,000	\$ 200,000	\$ 20,104	\$ 157,447	\$ 1,417,551
Pleasant Hill	\$ 502,362	\$ 318,000	\$ 81,600	\$ 254,644	\$ 102,649	\$ 756,893
Richmond	\$ 1,654,166	\$ 2,369,000	\$ 1,086,592	\$ -	\$ 236,678	\$ 3,692,270
San Pablo	\$ 422,670	\$ 373,000	\$ 72,500	\$ 7,233	\$ 72,480	\$ 525,213
San Ramon	\$ 1,165,347	\$ 931,000	\$ 246,735	\$ 81,089	\$ 170,833	\$ 1,429,657
Walnut Creek	\$ 1,280,085	\$ 1,143,000	\$ 184,344	\$ 473,225	\$ 162,680	\$ 1,963,249
Uninc. County	\$ 2,836,135	\$ 5,283,000	\$ 150,000	\$ -	\$ 420,355	\$ 5,853,355
Total	\$ 16,803,151	\$ 18,616,000	\$ 3,633,112	\$ 4,133,358	\$ 2,730,941	\$ 29,113,411

Notes: 1. Information in Table 1, except for revenue, taken from the 2012 Initiative report, Task 1 and Task 2. Contributions from Brentwood and Richmond estimated based on population.

2. "Existing Costs" do not include street sweeping.

This funding gap calculation factored in street sweeping costs, which was a permit requirement in earlier stormwater permits but not included in MRP 1.0. Although it was no longer a requirement, the consultant team incorporated street sweeping expenses since the data was readily available, and many permittees were using stormwater fees to fund their street sweeping program. The 2012 Initiative's analysis was based on MRP 1.0 requirements and did not include estimated future compliance costs of MRP 2.0 or MRP 3.0, as those permit requirements were unknown then. The following analysis uses the FY 10/11 annual cost of \$25 million (excluding street sweeping costs).

Without comprehensive cost data from permittees, it is challenging to determine the increased costs over the past decade since the 2012 Initiative. Using the CCCWP budget as a surrogate for estimating percentage increases over time, Table 2 demonstrates that the average annual budget increase from MRP 1.0 was about 31% for MRP 2.0 and 76% for MRP 3.0. However, approved CCCWP budget amounts do not always correspond with the final costs, as unspent budgets often return to reserves at the end of the fiscal year.

Table 2: CCCWP Budget Totals 2009-2023				
Fiscal Year	Permit	Total Net Group Program Budget	Average budget	Percent increase from MRP 1.0
2006-2007		\$2,968,638		
2007-2008		\$2,952,972		
2008-2009		\$3,990,615		
2009-2010		\$4,098,140		
2010-2011	MRP 1.0	\$2,250,079		
2011-2012	MRP 1.0	\$2,497,856		
2012-2013	MRP 1.0	\$2,528,966		
2013-2014	MRP 1.0	\$2,449,793		
2014-2015	MRP 1.0	\$2,503,621		
2015-2016	MRP 1.0	\$2,579,372	\$2,468,281	0.00%
2016-2017	MRP 2.0	\$2,625,516		
2017-2018	MRP 2.0	\$3,053,432		
2018-2019	MRP 2.0	\$3,085,545		
2019-2020	MRP 2.0	\$3,499,213		
2020-2021	MRP 2.0	\$3,497,338		
2021-2022	MRP 2.0	\$3,705,837	\$3,244,480.16	31%
2022-2023	MRP 3.0	\$4,489,187		
2023-2024	MRP 3.0	\$4,203,121	\$4,346,154	76%
Total		\$42,863,897		

It should be noted that the average budget for MRP 3.0 is calculated using only two years, FY 22/23 and FY 23/24. If the total annual costs for all permittees of \$25 million for the first year of MRP 1.0 (without street sweeping) are increased by these percentages, then the total annual costs would be about \$33 million (31%) for MRP 2.0 and about \$45 million (76%) for MRP 3.0. Meanwhile, total stormwater utility assessment (SUA) revenue for FY 21/22, the last year with complete numbers, is about \$19 million (including estimated equivalent SUA revenue from Brentwood and Richmond). The \$12 million shortfall during MRP 1.0 then grows to \$14 million for MRP 2.0 and \$26 million for MRP 3.0. The trend is an increase in total costs from one MRP to the next, with essentially no increase in total dedicated revenue (through the SUA) and revenue that will not keep up with inflation. It should be noted that using the rate of growth of the CCCWP budget as a surrogate to estimate the rate of growth of permittee budgets admittedly results in a rough projection. Still, all permittees report an increase in compliance costs with MRP 2.0 and 3.0. Beginning in 2025, implementing MRP 3.0 Provision C.20 will produce more detailed and valid compliance cost estimates. In the first year of implementing MRP 3.0 there is a projected shortfall of \$26 million, which may seem somewhat excessive. It is therefore recommended to reassess the projected shortfall following implementation of Provision C.20 cost tracking and reporting.

Table 3 shows the projected cost increases for each permittee when transitioning from MRP 1.0 to 2.0 and 3.0, using FY 10/11 as the base year for MRP 1.0 costs and revenue. It also includes a projected shortfall based on MRP 3.0 cost projections. Permittees should review these estimates to assess their accuracy. It is important to note that these figures represent approximate

estimates and will be refined once Provision C.20 data becomes available, allowing the Management Committee to make a better-informed high-level planning decision.

Table 3: Permittee Revenue and Expenditures FY 10/11					
Permittee	SUA Revenue FY 10/11	Total Costs FY 10/11	Estimated MRP 2.0 Costs (31%)	Estimated MRP 3.0 Costs (76%)	Estimated Shortfall MRP 3.0
Antioch	\$ 1,162,817	\$ 2,174,776.00	\$ 2,848,956.56	\$ 3,827,605.76	\$ 2,664,788.35
Brentwood	\$ 822,025	\$ 1,307,304.00	\$ 1,712,568.24	\$ 2,300,855.04	\$ 1,478,830.04
Clayton	\$ 129,939	\$ 250,128.00	\$ 327,667.68	\$ 440,225.28	\$ 310,286.27
Concord	\$ 2,097,694	\$ 2,710,716.00	\$ 3,551,037.96	\$ 4,770,860.16	\$ 2,673,166.34
Danville	\$ 573,213	\$ 1,165,804.00	\$ 1,527,203.24	\$ 2,051,815.04	\$ 1,478,601.74
El Cerrito	\$ 407,099	\$ 454,505.00	\$ 595,401.55	\$ 799,928.80	\$ 392,830.21
Hercules	\$ 325,412	\$ 540,021.00	\$ 707,427.51	\$ 950,436.96	\$ 625,025.21
Lafayette	\$ 463,596	\$ 519,858.00	\$ 681,013.98	\$ 914,950.08	\$ 451,354.24
Martinez	\$ 622,053	\$ 663,503.00	\$ 869,188.93	\$ 1,167,765.28	\$ 545,712.60
Moraga	\$ 293,665	\$ 380,780.00	\$ 498,821.80	\$ 670,172.80	\$ 376,507.67
Oakley	\$ 496,015	\$ 778,287.00	\$ 1,019,555.97	\$ 1,369,785.12	\$ 873,770.40
Orinda	\$ 383,280	\$ 374,547.00	\$ 490,656.57	\$ 659,202.72	\$ 275,923.18
Pinole	\$ 321,957	\$ 543,653.00	\$ 712,185.43	\$ 956,829.28	\$ 634,872.27
Pittsburg	\$ 843,622	\$ 1,217,551.00	\$ 1,594,991.81	\$ 2,142,889.76	\$ 1,299,267.90
Pleasant Hill	\$ 502,362	\$ 675,293.00	\$ 884,633.83	\$ 1,188,515.68	\$ 686,153.38
Richmond	\$ 1,654,166	\$ 2,605,678.00	\$ 3,413,438.18	\$ 4,585,993.28	\$ 2,931,827.28
San Pablo	\$ 422,670	\$ 452,713.00	\$ 593,054.03	\$ 796,774.88	\$ 374,104.43
San Ramon	\$ 1,165,347	\$ 1,182,922.00	\$ 1,549,627.82	\$ 2,081,942.72	\$ 916,596.21
Walnut Creek	\$ 1,280,085	\$ 1,778,905.00	\$ 2,330,365.55	\$ 3,130,872.80	\$ 1,850,787.94
Uninc. County	\$ 2,836,135	\$ 5,703,355.00	\$ 7,471,395.05	\$ 10,037,904.80	\$ 7,201,769.49
Total	\$ 16,803,151	\$ 25,480,299.00	\$ 33,379,191.69	\$ 44,845,326.24	\$ 28,042,175.15

Notes: 1. The total population of Contra Costa County in 2010 was 1,073,055 people. This included Brentwood at 52,492 and Richmond at 105,630 (158,122 together), and 914,933 for everyone else. Dividing total SUA revenue of \$14,326,960 by the population of the 18 permittees receiving SUA funds (914,933), results in an average of \$15.66 per person, allowing an estimation of SUA equivalency for Brentwood and Richmond.

2. Total FY 10/11 costs includes existing expenditures, additional modeled costs for MRP 1.0, and CCCWP costs, but does not include street sweeping costs.

2.2 Monsanto Settlement Funds. In 2016, the City of Long Beach filed a lawsuit against Monsanto for damages created by PCBs. In July 2020 several similar lawsuits around the nation were combined into a class action complaint, which led to a settlement agreement that would pay class members specified costs associated with the impacts attributed to PCBs. Contra Costa County permittees, except Clayton and Danville, were named as class members. The settlement agreement distributed a total of \$550 million to all class members nationwide, based on their varying funding needs and size.

On March 14, 2022, the court granted preliminary approval of the settlement agreement, with a specified deadline for class members to decide whether to accept the terms or opt out. If a class member planned to file a separate claim against Monsanto, then they would have to opt out. Agreeing to the terms of the settlement agreement would prevent the class member from filing future lawsuits against Monsanto, except under very limited situations. Prior to the deadline,

CCCWP staff and permittee attorneys explored options of suing Monsanto separately, discussing this collaboratively through the Bay Area Municipal Stormwater Collaborative (BAMSC) Steering Committee and with private attorneys willing to estimate potential settlements. In the end, all named class members in the county, except Antioch and El Cerrito, decided to opt out of the settlement agreement. All permittees (including Clayton and Danville) that did not opt out of the settlement are currently pursuing a separate claim against Monsanto. The separate complaint, filed in Superior Court on December 21, 2022 (and accepted by the Superior Court on February 1, 2023), requests that the court order Monsanto to either cleanup the damages caused by PCBs or to pay permittees the cost of cleanup.

The complaint does not include a specific demand for damages; however, the reasonable assurance analysis (Contra Costa PCBs and Mercury Total Maximum Daily Load (TMDL) Control Measure Plan and Reasonable Assurance Analysis Report, 2020) conducted by CCCWP during MRP 2.0 estimated total PCBs load reduction costs to meet TMDL requirements at about \$1 billion across the Bay Area. In the best-case scenario, if Monsanto agrees to pay all the PCBs load reduction costs, then PCBs costs associated with MRP Provision 12 would be paid for with settlement funds. Costs associated with MRP Provision 11 for mercury controls would also be covered since reducing PCBs loads reduces mercury loads. The total cost for implementing the requirements of MRP Provisions 11 and 12 in the adopted FY 22/23 budget is \$460,914, representing 10.3% of the total budget for the current fiscal year. The final budget for FY 23/24 has a total cost for Provisions 11 and 12 of \$396,500, or 9.4% of the total estimated budget for the fiscal year. This includes \$161,500 of CCCWP budget funds and \$235,000 of the RAC System WQIF funds. The CCCWP delayed spending an estimated \$200,000 annually to fund the treatment of PCBs contaminated areas using Green Stormwater Infrastructure (GSI) until FY 24/25. If the CCCWP moves forward with funding a regional project to treat PCBs, it could cost an estimated \$127,000 per acre treated (design and construction). While some of the funding to treat PCBs could come from grants, CCCWP staff and permittees understand that the current level of investment in PCBs load reduction will not meet TMDL requirements.

Assuming a total PCBs cost equaling 10% of the total CCCWP budget, then having settlement funds from Monsanto would reduce the CCCWP budget funded by permittees by 10% for the costs associated with PCBs. The SUA funding gap (over the \$3.5 million threshold) for the current fiscal year is approximately \$700,000. A 10% reduction in the budget would reduce the SUA funding gap by about half, but a drawdown from the reserves would be required to pay for the other half.

If the claim against Monsanto is settled and the funds are received, those settlement funds would certainly extend the time left before the reserve funds are depleted. However, these funds would only pay about 10% of the current budget, and the remaining 90% would still exceed the \$3.5 million threshold. Any settlement funds would help the shortfall but would not resolve the need for additional funding. The next section provides additional detail about the CCCWP's options for additional funding.

3. Property-related fee

3.1 Description. As described in Phase 1 and reiterated here for reference, a property-related fee must comply with Proposition 218, be voted on by property owners within a specified service area, and require a simple majority to approve. Alternatively, the fee could be approved by two-thirds of the registered voters residing in the specified service area. However, as a two-thirds

vote is difficult to achieve, the focus has always been on a majority of property owners rather than a super majority of the electorate. The property owner option was chosen in 2012 to establish a fee to fund stormwater services, the failed 2012 Initiative. It is assumed that the property-related fee amount would be more than enough to cover the CCCWP budget shortfall, with a balance of revenue distributed back to permittees similar to the SUA. A two-dollar per residential parcel (equivalent runoff unit [ERU]) would generate enough to cover the current CCCWP budget shortfall.

3.2 Popular Approach. As shown in Table 4, since 2002 there have been 34 proposed measures to fund stormwater services and projects in California, 28 balloted property-related fees (with a 57% success rate) and six special taxes (with a 100% success rate). Table 4, provided by SCI Consulting Group, is an updated version of the chart included in their report for the 2012 Initiative. This demonstrates that property-related fees are a popular method to fund stormwater services, although the success rate is lower than a special tax. In addition, the process is fair, the threshold for approval is a simple majority, and the voters are those directly affected by the fee, which makes this fee more politically appealing.

Table 4: List of Post-Proposition 218 Stormwater Funding Efforts in California

Municipality	Status	Rate	Year	Mechanism
San Clemente	Successful	\$ 60	2002	Balloted Property Related Fee
Carmel	Unsuccessful	\$ 38	2003	Balloted Property Related Fee
Palo Alto	Unsuccessful	\$ 57	2003	Balloted Property Related Fee
Los Angeles	Successful	\$ 28	2004	Special Tax - G. O. Bond
Palo Alto	Successful	\$ 120	2005	Balloted Property Related Fee
Rancho Palos Verde	Successful , then recalled and reduced	\$ 200	2005, 2007	Balloted Property Related Fee
Encinitas	Unsuccessful	\$ 60	2006	Balloted Property Related Fee
Ross Valley	Successful, Court of Appeals Overturned, Supreme Court Decertified	\$ 125	2006	Balloted Property Related Fee
Santa Monica	Successful	\$ 87	2006	Special Tax
San Clemente	Successfully renewed	\$ 60	2007	Balloted Property Related Fee
Solana Beach	Non-Balloted, Threatened by lawsuit, Balloted, Successful	\$ 22	2007	Non-Balloted & Balloted Property Related Fee
Woodland	Unsuccessful	\$ 60	2007	Balloted Property Related Fee
Del Mar	Successful	\$ 163	2008	Balloted Property Related Fee
Hawthorne	Unsuccessful	\$ 30	2008	Balloted Property Related Fee
Santa Cruz	Successful	\$ 28	2008	Special Tax
Burlingame	Successful	\$ 150	2009	Balloted Property Related Fee
Santa Clarita	Successful	\$ 21	2009	Balloted Property Related Fee
Stockton	Unsuccessful	\$ 35	2009	Balloted Property Related Fee
Contra Costa	Unsuccessful	\$ 22	2012	Balloted Property Related Fee
SC Valley Water Dist	Successful	\$ 56	2012	Special Tax
Berkeley	Successful	varies	2012	Measure M - GO Bond
San Clemente	Successfully renewed	\$ 75	2013	Balloted Property Related Fee
Vallejo San & Flood	Successful	\$ 23	2015	Balloted Property Related Fee
Culver City	Successful	\$ 99	2016	Special Tax
Palo Alto	Successfully renewed	\$ 164	2017	Balloted Property Related Fee Reauthorization of 2005 Fee
Moraga	Unsuccessful	\$ 120	2018	Balloted Property Related Fee
Berkeley	Successful	\$ 43	2018	Balloted Property Related Fee
Los Angeles County	Successful	\$ 83	2018	Special Tax
Los Altos	Unsuccessful	\$ 88	2019	Balloted Property Related Fee
Cupertino	Successful	\$ 44	2019	Balloted Property Related Fee
Alameda	Successful	\$ 78	2019	Balloted Property Related Fee
Davis	Successful	\$ 157	2021	Balloted Property Related Fee
San Bruno	Unsuccessful	\$ 154	2021	Balloted Property Related Fee
Sacramento	Successful	\$ 207	2022	Balloted Property Related Fee
Vallejo San & Flood	Unsuccessful	\$ 54	2022	Balloted Property Related Fee

Note: The information on this table is from SCI Consulting Group, updated October 2022. "Rate" is the annual cost.

3.3 Proposition 218 Process. Proposition 218 was approved by California voters in 1996, and its requirements are embedded in Chapter 13 of the State Constitution. The proposition provided detailed requirements for establishing any tax, assessment, or fee. For example, all property owners must vote to adopt a property-related fee, except fees for water, sewer, or refuse collection. In the case of a property-related fee, property owners who vote are owners of each and every parcel in the county, including privately-owned residential, commercial, and industrial parcels as well as public parcels owned by cities, towns, the county, schools, etc. There are two steps to establishing a property-related fee. The first step is a notice, mailed to each property owner upon which the fee is proposed to be imposed, of the proposed funding measure and the date of a public hearing set at least 45 days after the date of the mailing of the notice. If a majority of property owners protest the fee at the public hearing, then the proposed fee cannot move forward. If there is no majority protest, then ballots can be sent to all property owners.

The second step is sending out the ballots at least 45 days after the public hearing. The mailed ballot must contain, among other information, the amount of the proposed fee to be imposed on the property and a place on the ballot to indicate support for or opposition to the proposed fee. The amount of the fee for each parcel is determined in the fee report. The Fee Report, sometimes referred to as the Engineers Report, establishes the methodology to calculate the fee on each parcel. Normally the amount of impervious surface on the parcel is the foundation for calculating the fee. Parcels are grouped by land use and size, or some other attribute, and an average impervious surface is assigned to each group to facilitate fee calculation. So, typically, parcels of similar size and use will have the same fee amount.

It might be worthwhile to review the specific requirements for adopting a fee. California Constitution Article XIIIID Section 6(b) describes "Requirements for Existing, New or Increased Fees and Charges" and states that a fee or charge cannot be extended, imposed, or increased by any agency unless it meets five specific requirements. These requirements are discussed below:

- **Total Service Cost Limitation.** "Revenues derived from the fee or charge shall not exceed the funds required to provide the property-related service." Annual fees are usually estimated based upon revenue requirement estimates, but no more than a maximum fee amount determined by surveys that voters would approve.
- **Use Limitation.** "Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed." This requirement is met by adopting restrictions that would be put in place to ensure that fees generated for the stormwater program would not be used for purposes outside the program. The 2012 Initiative proposed an oversight committee to ensure transparency and verify that restricted revenue was spent only on applicable services.
- **Proportional Cost Limitation.** "The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel." Fees are calculated using an average cost to provide services to parcels and are typically based on parcel size and land use designation. These formulas are based on a study of impervious surface quantities that exist on typical parcels in various land use designations.
- **Future Services Prohibition.** "No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property

in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4 ((section on assessment procedures))". The Fee Report describes the fee supported services.

- **General Government Service Prohibition.** "No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance, or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article." The impacts on stormwater from impervious surfaces are directly related to property development by property owners, not to the public at large.

During the development of the 2012 Initiative, these requirements specified in Proposition 218 were reviewed to determine the viability and legality of using a property-related fee to fund stormwater services. That review determined that a property-related fee was appropriate, and it is assumed that conclusion remains valid.

3.4 Lessons Learned. There were several lessons learned from the property-related fee proposal in 2012. After the 2012 Initiative failed, the CCCWP identified lessons learned, noted them in a document dated April 24, 2012, and updated them on November 14, 2013 (see Attachment 5). The lessons learned were compiled after interviewing Flood Control District and CCCWP staff involved in the funding initiative. There are 20 lessons learned statements in Attachment 5. To provide a more effective analysis, the lessons learned statements are aggregated and addressed by theme rather than discussing them individually. The problems and shortcomings of the 2012 Initiative, described in these lessons learned, must be addressed if any future ballot measure has a chance of success. The following is an analysis of the themes identified by these lessons learned and steps that can be taken to minimize or eliminate them.

3.4.1 Planning the Approach. In deciding the right approach to develop a ballot measure with a properly related fee, more due diligence would have been helpful in 2012, along with a more critical analysis of the survey results. Four lessons learned statements were included in this theme (see statements 2, 3, 4, and 5 in Attachment 5).

- a. Due Diligence.** During the project planning phase, staff should take time to call or meet with other agencies that have recently undergone a property-related fee process to understand their issues and challenges. The CCCWP learned many lessons through the 2012 Initiative, but those lessons are now ten years old and likely will be 15 years old when, and if, another property-related fee is attempted. Things change with time, so discussing recent fee processes with one or two agencies would be prudent.
- b. Flood Control District Act.** A property-related fee is explicitly provided for in Proposition 218. Nonetheless, there were threatened challenges to the legitimacy of using a property-related fee in 2012. Though none of those challenges were

pursued because the 2012 Initiative failed, it was felt that strengthening language in the Flood Control District Act would defuse future challenges. This should be discussed with an attorney specializing in this area of the law and County Counsel before pursuing any statutory changes, especially since the District has the authority to adopt a fee and legislative changes to the Act would require a significant effort.

- c. Success Safety Factor.** Does a survey showing 54% overall support provide enough confidence, enough of a safety factor, to go forward with an election? The survey results in 2012 showed a thin margin of success with several caveats and left no safety factor for anything that might go wrong. The outcome, of course, was an opposition vote of 60%. More effort must be spent on the surveys to

Table 5: Mailed Ballot Survey Results 2011

Permittee	Support for Funding Measure	Return Rate
East County		
Antioch	39	17
Brentwood	41	20
Oakley	35	16
Pittsburg	48	16
Unincorporated East	44	16
Central County		
Clayton	52	26
Concord	58	26
Danville	55	22
Lafayette	63	23
Martinez	46	21
Moraga	58	27
Orinda	63	26
Pleasant Hill	61	25
San Ramon	49	22
Walnut Creek	59	26
Unincorporated Central	55	21
Unincorporated South	55	23
West County		
El Cerrito	60	24
Hercules	42	16
Pinole	48	22
Richmond	45	17
San Pablo	43	13
Unincorporated West	58	23

determine the likelihood of success. In 2012 surveys were mailed to property owners in each permittee jurisdiction, with the unincorporated county divided into four units. Table 5 shows the varied level of support throughout the county for the 2012 Initiative. West county permittees and the west unincorporated county

unit varied in support from 43% to 60%, central county permittees and the central and south unincorporated county units from 46% to 63%, and in five east county permittees and the east unincorporated county unit from 35% to 48%. Admittedly, there can be no certainty of the outcome. Still, all factors that may lower the support level should be considered, and a realistic assessment of success be determined.

- d. Countywide Model.** Was a countywide approach a viable model? There have been 28 balloted property-related fee measures since 2002, with 16 passing (three were a reauthorization/renewal) and 12 not passing. Of the 16 that passed, all were cities or special districts. Of the 12 that did not pass, one was a county (Contra Costa County through its Flood Control District) and 11 were cities or special districts. During the same time period six parcel tax measures were processed and all were successful; one for a county (Los Angeles County through its Flood Control District), one for a special district (Santa Clara Valley Water District), and four for cities. See Table 4 from SCI Consulting Group for a breakdown of all the attempted ballot measures to fund stormwater services. One salient observation is that Contra Costa County is the only county to attempt a balloted property-related fee measure to fund stormwater services in the last 20 years, and only one other county, Los Angeles County (Measure W), was successful in getting a parcel tax measure passed.

Are counties too large a political unit to have a successful property-related fee measure? The size and diversity within Contra Costa resulted in dividing the County into three sections with three different base fees in 2012. Certainly, a countywide fee is more cost-effective, easier on the cities and towns (especially the smaller ones), and those areas of the county that have greater support will carry those areas of the county with less support. In 2012, only one city (a small West County city) exceeded 50% support level in the election. Eight jurisdictions had a support level between 40% and 50%, and 11 jurisdictions had a support level between 30% and 40%. The fundamental difference between the failed 2012 Initiative and the successful Los Angeles County Measure W is that Measure W was a parcel tax voted on by registered voters and the 2012 Initiative was a property-related fee voted on by property owners. Any future ballot measure proposal should complete a detailed and comprehensive survey to determine if a countywide fee is viable or appropriate. Los Angeles County should also be contacted to determine the factors that went into their successful parcel tax. As of the writing of this report several counties are investigating a property-related fee, but none have yet attempted a ballot measure. These counties should be consulted if a future ballot measure is attempted in Contra Costa.

3.4.2 Election Process. Confusion and misinformation were circulating about the election process, providing fodder for the opposition. There were several lessons learned statements around this issue (see statements 1, 7, 8, 9, and 20 in Attachment 5).

- a. Elections Office.** Not submitting ballots to the Elections Office became a problem in 2012. Either the balloting needs to go through the County Elections Office, or

more outreach messaging is needed to better inform property owners about the balloting process. The 2012 Initiative followed Proposition 218 procedures for a property-related fee, however many property owners were not familiar with this process and there was confusion and questions of process legitimacy. Opponents of the ballot measure questioned the legitimacy of the process primarily because it did not go through the Elections Office. This created confusion, concern, and doubt among property owners. Property owners were surprised that an election process could be conducted independently of the County Elections Office. Explaining the ballot process in detail before the election would be critical to the success of future ballot measures.

- b. Internal Expert.** At least one staff person needs to develop a good understanding and knowledge of the overall election processes, both those managed by the Elections Office and those run through the alternative property fee processes and managed by a team of consultants. That staff person should be included in the consultant interview panel to discern each consultant's experience running this type of election. Most elections are conducted at the municipal level, but an election at the county level has some added complexity. Some of the problems encountered in the 2012 election process could have been avoided if a more knowledgeable staff had been involved when planning the election with the consultant team.
- c. The Ballot.** Ballots had to be signed by the property owner per law, which created a problem for some people. CCCWP staff received phone calls from property owners questioning why their ballot had to be signed and why this ballot was different from other elections. It would have been helpful to have better informational material explaining the ballot requirements in advance of the election and comparing this process with other similar processes with signature requirements that people may be more familiar with (e.g., mail-in ballot). There was also no pro/con argument in the ballot packet, which was not required by Proposition 218. However, interested parties from both sides of the issue could present pro-con arguments. In the case of the 2012 Initiative, it was decided not to provide a pro/con argument in the ballot material, partly because there was no advocate or champion to write the pro argument and the person or entity writing the opposing argument would have to be identified and coordinated with. There was no well-known process conducted by the Election's Office to provide for the coordinated development of pro/con arguments. Opponents of the 2012 Initiative pointed out the lack of a pro/con argument as another example of why the election was not legitimate.
- d. Fee Amount.** There was some reported confusion by people needing help determining their fee amount from the ballot package. This might have been a problem more for commercial parcels than residential parcels, as commercial property involved a calculation rather than pulling a number off a table. The ballot language must be crystal clear on calculating the property fee, including a detailed description of the calculation methodology.

3.4.3 Legitimate Process. Opponents of the 2012 Initiative pointed to several aspects of the process they disputed, claiming the ballot measure was not legitimate. Two lessons learned statements mentioned this (see statements 13 and 19 in Attachment 5).

- a. Legality.** Many questions were asked about the legality of the election process. From an administrative and legal perspective, one way to address the confusion and challenges to the ballot process would be an analysis by an attorney regarding the Flood Control District's authority to levy the fee that could be provided as part of the outreach materials. This would, hopefully, boost the legitimacy of the process in the minds of the property owners.
- b. Property-Related Fee.** It was not clear to the public why a property-related fee rather than an assessment or a tax was proposed. There are good arguments for why a property-related fee is the best choice, which should be explained clearly to the property owners. The rationale for choosing a property-related fee should be clearly explained to the property owners before the election.

3.4.4 Building Support. Having an effective, comprehensive, and strategic outreach effort is essential to building support for a ballot measure. Several lessons learned statements describe key elements of a successful outreach approach (see statements 6, 10, 11, 12, 15, 16, 17, and 18 in Attachment 5).

- a. Outreach Campaign.** The public relations campaign for the 2012 Initiative started late (it should have started long before the notice of a public hearing) and was never able to catch up. The outreach campaign was hampered by project leadership changes at the county and the consultant team. The 2012 Initiative campaign should have more effectively tapped into the CCCWP's connections with creek groups earlier and considered holding public debates or a voter's forum. Hindsight is 20/20, of course, but additional effort was needed to be focused on the ballot materials and the differences between this ballot and other types of elections. If another fee initiative is pursued in the future, more time and resources will be needed for the outreach and advocacy part of the process. There are natural allies to this type of project, such as local creek groups, open space councils, and other environmental groups that must be brought in early to actively advocate for environmental needs and benefits that will be derived from the fee. Another improvement for a future fee initiative would be increased informational meetings, aside from the required public hearings. Getting the word out on a countywide scale would require conducting meetings in several locations around the County. As a caution, public funds cannot be used to support, advocate, or otherwise campaign for passage of the fee at the ballot. Still, public funds may be used to educate and inform voters about the proposed fee on a limited basis. So it is helpful to find allies, such as nonprofit organizations, to help advocate for the environmental and financial benefits of the fee. Los Angeles County benefited from support from environmental organizations when Measure W passed in 2018.

- b. Advocate and Champion.** The 2012 Initiative had no champion. The project team needs to engage creek groups and cities/towns early in the election process to be champions of the ballot measure, articulate the benefits of the ballot measure, and advocate for its passage (with the caveat that cities/towns/County may not use public funds for advocacy). CCCWP staff cannot advocate for a ballot measure; they can only provide information. In 2012 creek groups would have been a natural ally but were not engaged in a meaningful way. Likewise, City elected officials would also have been natural allies but also were not engaged.
- c. Talking Points.** The 2012 Initiative had no succinct talking points that resonated with the property owners who would vote on the ballot measure. Three simple, key talking points, explaining the need for the fee, what the fee would be used for, and why it's important, need to be developed for everyone's use and they need to be repeated over and over. Anyone who attends a public meeting, fields a phone call, or talks to a reporter, whether that person is an elected official, staff, creek group, or another supporter, would have these talking points to use. This provides a unified and cohesive approach to communicating the need for the ballot measure.
- d. Regional Water Board.** There was some sentiment in 2012 that the Regional Water Board was unreasonable and that the MRP should be made more reasonable and less expensive. Instead of the CCCWP charging a fee, the thinking went, the CCCWP should be pushing the Regional Water Board to change the permit and reduce compliance costs. To offset this thinking, the CCCWP should engage the Regional Water Board and bring them in to discuss creek and stormwater protection and the regulations like the MRP that protect public and creek health in public forums. It would be beneficial for the voting property owners to hear the root cause of the fee from the agency that issues the MRP. With the adoption of MRP 1.0, 2.0, and 3.0, it is evident that the MRP requirements will continue to evolve and increase to achieve water quality objectives.
- e. Project List.** There needed to be more clarity in 2012 as to what the fee would be spent on. CCCWP staff talked about "improvements" that would be done and that the fee was to pay for costs associated with the MRP. Most property owners think an "improvement" means a tangible project that provides some real benefit. Transportation agencies successfully pass ballot measures because they promise tangible projects that provide tangible benefits. Some of the projects mentioned in the 2012 Initiative were converting existing drainage inlets into full trash capture devices, work that did not change the outside appearance of the inlet, improve drainage performance, or extend infrastructure service life. The 2012 Initiative would have primarily paid for stormwater services and program costs rather than building projects, with about two-thirds of the proposed budget for services and about one-third for projects. People tend to support services and programs less than projects because services and programs are viewed as more government without a tangible benefit. In 2012, specific projects were not identified or presented to the voters prior to the ballot. When property owners received the ballot and ballot material, there was no project-specific information. For example, the ballot guide for the 2012 Initiative in South County indicated "local clean water

projects in Alamo, Blackhawk, Danville, Diablo, and San Ramon." The ballot guide went on to state, "If this measure is approved, services and projects in your area will benefit the following local creeks and water bodies: Alamo Creek, Bollinger Canyon Creek, Coyote Creek, Green Valley Creek, Norris Creek, Oak Creek, San Ramon Creek, Sycamore Creek, Tassajara Creek." MRP 3.0 includes requirements for many physical projects that would match well with a property-related fee and provide property owners with a tangible benefit. A good strategy might be using existing SUA funds to pay for stormwater services and a future proposed fee to pay for stormwater project development and implementation. Any future ballot measure must develop and communicate a list of projects that resonate with the public for which the fee will pay.

- f. Existing SUA.** There was no full disclosure during the election in 2012 of the existing SUA and how it related to the proposed fee; however, the local newspaper brought up the issue. There should be full disclosure of the total dedicated revenue available (through the SUA) for funding MRP compliance, the total budget necessary to pay for all compliance costs, the derived shortfall, and how the shortfall is funded. This fiscal message, which can get fairly complex, must be accurately distilled and simplified for easy consumption by the layperson.
- g. Permittee Support.** Not all cities supported the 2012 election. A ballot was sent to every property owner in the County, including properties owned by permittees. When permittee staff brought the item to their council for approval to vote "yes" on the ballots, several city councils declined and voted "no" due to negative public comments and pressure. Early in the planning process for the 2012 Initiative, CCCWP staff met with and discussed the ballot measure with the management staff at each permittee jurisdiction to gauge support for the proposal. At the time, all permittees supported the proposed ballot measure. Any future ballot measure should include a public process at each City/Town Council and County Board of Supervisors to discuss, consider, and approve a resolution of support for the ballot measure during the planning process.
- h. Cost Data.** Better ways are needed to track the costs of MRP activities so the need for funding can be explained and supported. The report for the 2012 funding initiative included a detailed analysis of estimated permittee costs. However, many permittees at the time did not have comprehensive costs readily available, as costs were spread out through various departments, and the 2012 report remains the best estimate. It is unlikely that a future property-related fee would be proposed before permittees are required to complete their cost reporting work required by MRP 3.0 Provision C.20. If the cost reporting data is gathered to provide a comprehensive view of compliance costs, then this issue will be resolved.

3.4.5 Media. The local media fanned the flames of opposition during the 2012 Initiative, and this was a key lesson learned (see statement 14 in Attachment 5).

- a. Print Media.** The most widely read newspaper in the County mounted a vigorous opposition to the 2012 Initiative, publishing 11 major opinion columns and ten

letters to the editor against the proposal, and none in favor or objectively neutral. The newspaper had a consistent message in its opposition. This was the most critical and damaging element of the 2012 Initiative process that was not addressed. The newspaper interviewed CCCWP staff several times and was never dissuaded from their strong opposition to the ballot measure. The media must be approached in advance to determine their position on any future ballot measure. If there is opposition, there needs to be a thorough understanding of that opposition and the development of an approach to turn that opposition into support or to provide a consistent counterpoint through other trusted sources. If that cannot be achieved, then the margin of support shown in surveys must be enough to overcome that opposition.

In conclusion, the issues outlined in the lessons learned above, taken together, defeated the 2012 Initiative. However, there is potential for a new ballot measure to be successful if problems identified in these lessons learned are addressed.

3.5 Implementation Costs: Ballot Measure. The best way to determine the cost for a proposed property-related fee would be to request bids from consultants to plan, develop, and execute a ballot measure. Aside from that, the clearest data point we have is from the 2012

Table 6: Costs for 2012 Initiative		
Task	Description	Total Cost
1	Program Background Analysis and Reserch	\$ 39,668
2	Future Program Cost Analysis	\$ 114,982
3	Potential Funding Resources	\$ 20,568
4	Opinion Research and Survey	\$ 95,422
5	Stormwater Funding Needs And Options Report	\$ 57,360
6	Engineers (Fee) Report	\$ 47,330
7	Revenue Enhancement Plan	\$ 28,220
8	Implementation and Educational Outreach	\$ 1,038,580
	SubTotal	\$ 1,442,130
	Project Management	\$121,100
	Total	\$ 1,563,230

Initiative. As Table 6 shows, the Initiative cost about \$1.5 million (in 2012), with \$1,442,130 in consultant costs and \$121,100 in CCCWP project management costs, and does not include costs for a branding program that spanned several years prior to the ballot measure. The SCI Consulting Group led a project consultant team that included True North Research, Tramutola, Larry

Walker Associates, and Dan Cloak Environmental Consulting. This team developed the work products to implement the 2012 Initiative. Today's question is whether a new project to implement a property-related fee needs the same work products as those produced in 2012. The following is a breakdown of the tasks and work products developed for the 2012 Initiative and how the need might change with a new ballot measure.

- **Background analysis and research.** The first task for the 2012 Initiative was to collect and analyze revenue and expenditure information for the CCCWP and permittees. Two members of the consultant team visited each permittee to gather information on their stormwater expenditures, resources available, and business practices. A new initiative would still require collecting data but with the cost reporting information required by Provision C.20, this effort should be minimal. The 2012 cost for this task was about \$40,000, but for a new ballot measure this work could probably be completed for about \$10,000.

- **Future CCCWP cost analysis.** This task reviewed and analyzed projected future annual costs and sources of funding for each permittee. A predictive model was developed to estimate future permit compliance costs. A new initiative would need to complete this task as well, as this is the basis for determining the need for the property-related fee. The 2012 cost for this task was about \$115,000 and the work effort for a new ballot measure would be a similar cost.
- **Potential funding source analysis.** This task analyzed and evaluated various mechanisms to fund stormwater services. This work would not be needed, as it has been completed with the development of Phase 1 of this Stormwater Funding Options Report. The 2012 cost for this task was about \$20,500, which would not be needed for a new ballot measure.
- **Opinion research and survey.** This task evaluated voters' interest in supporting a local revenue measure and provided guidance on how to structure the measure. Given the information needed to address some of the lessons learned, the need for surveys to launch a new ballot measure will exceed the effort in 2012. One of the biggest issues is tailoring a ballot measure that covers the entire County. It is hard to gauge accurately the support for a ballot measure with so many pockets of diverse communities throughout the County. For example, the 2012 Initiative sent 24,765 surveys to property owners throughout the county, reaching 2.3% of the population (1,056,064 people in 2011). By contrast, Cupertino, planning a ballot measure in 2019, sent out 12,000 surveys reaching 15.7% of the population (76,362 people in 2021). Smaller jurisdictions can inherently provide an enhanced level of detail and confidence. The 2012 cost for this task was about \$95,000, but additional and more extensive surveys would need to be conducted with a future ballot measure to address some of the lessons learned. Increasing this budget by about 50% to \$150,000 would seem appropriate.
- **Stormwater funding needs and options report.** This task analyzed both a parcel tax (requiring two-thirds passage) and a property-related fee (requiring a majority passage if the voters are property owners) and recommended using a property-related fee. This work is covered by Phase 2 of this Stormwater Funding Options Report. The 2012 cost for this task was about \$57,000, which would not be needed for a future measure covered by this Phase 2 report.
- **Fee report.** This task developed the analysis, justification, and structure to implement an annual property-related fee. This work would be needed with any new ballot measure. The 2012 cost for this task was about \$47,000 and the work effort for a new ballot measure would be a similar cost.
- **Revenue enhancement plan.** This task developed the process and steps involved in conducting the election. This work would be needed with any new ballot measure. The 2012 cost for this task was about \$28,000 and the work effort for a new ballot measure would be similar.
- **Implementation and educational outreach.** This task developed outreach materials, mailers, and a webpage to inform the public about the election and the balloting process, prepared the ballots, mailed the ballots to property owners, and tabulated the returned

votes. A new proposed ballot measure would also need this work, but likely with enhancements to address some lessons learned. The 2012 cost for this task was about \$1,038,500, but additional and more extensive outreach would need to be performed with a future ballot measure to address some of the lessons learned. Increasing the outreach budget by 50% would seem appropriate. The costs for outreach and conducting the ballot were lumped together, but assuming the outreach budget was 75% of the total then the estimated increase would be about \$390,000.

- **Balloting results and final perspectives.** This final task reported on the balloting process and provided perspectives on the results. A final report such as this would also be needed with a new ballot measure. The 2012 cost for this task was included in the implementation and educational outreach task.

An estimated cost can be determined by looking at each individual task from the 2012 Initiative and comparing them to what would be needed for a new initiative. The costs for the 2012 Initiative are 12 years old, so they should be escalated by approximately 36% based on cost-of-living adjustments. Table 7 shows the increase in the consumer price index since 2012 in the

Year	Annual Average Percentage Change	Cumulative Change From 2012
2022	5.60%	1.36
2021	3.40%	1.29
2020	1.70%	1.25
2019	3.20%	1.23
2018	4.00%	1.19
2017	3.20%	1.14
2016	3.10%	1.11
2015	2.60%	1.07
2014	2.80%	1.05
2013	2.30%	1.02
2012	2.70%	1.00

Bay Area. The cost-of-living adjustment would increase the consultant costs from \$1,442,130 to \$1,961,300 and the project management costs from \$121,100 to \$164,700 for a total project cost of \$2,125,000. There will be savings where some of the 2012 Initiative tasks are unnecessary, but there will also be some extra costs from new items described in

the lessons learned. For example, modifying the Flood Control District Act and creating a legal white paper on a property-related fee would require additional legal expertise and effort. Likewise, coordinating with the Regional Water Board to respond to public questions regarding the MRP, developing a project list, and educating a staff person to be knowledgeable on the election process will all take additional time and cost. The problems noted in the lessons learned could be addressed under the same tasks performed in the 2012 Initiative, providing the task descriptions are modified, particularly the Implementation and Educational Outreach task where most issues would be addressed. Based upon the added or deleted costs noted in the list of tasks above, the total overall budget for a fee initiative would increase by about \$340,000. Adding that to the cost of the 2012 Initiative, then adding in project management costs and increasing it all by 36%, results in today's total fee initiative project estimate of \$2,590,000. If it takes five years before the project starts, then costs could be increased by another 15%, pushing the estimate to about \$2,970,000. It should be noted and reiterated that the best way to estimate these costs is to advertise a Request for Proposal to do the work. However, costs are estimated here based on the 2012 Initiative costs to provide the Management Committee with information to consider and compare various funding options. Table 8 shows the cost for each task for a new funding

measure using the tasks from the 2012 Initiative, adjusting the costs based on the above analysis, and adding a 36% increase.

Table 8: Costs for a New Funding Initiative

Task	Description	2012 Cost	Adjusted Cost	Today's Cost
1	Program Background Analysis and Reserch	\$ 39,668	\$ 10,000	\$ 13,600
2	Future Program Cost Analysis	\$ 114,982	\$ 114,982	\$ 156,375
3	Potential Funding Resources	\$ 20,568	\$ -	\$ -
4	Opinion Research and Survey	\$ 95,422	\$ 150,000	\$ 204,000
5	Stormwater Funding Needs And Options Report	\$ 57,360	\$ -	\$ -
6	Engineers (Fee) Report	\$ 47,330	\$ 47,330	\$ 64,369
7	Revenue Enhancement Plan	\$ 28,220	\$ 28,220	\$ 38,379
8	Implementation and Educational Outreach	\$ 1,038,580	\$ 1,430,000	\$ 1,944,800
	SubTotal	\$ 1,442,130		\$ 2,421,523
	Project Management	\$121,100		\$ 164,696
	Total	\$ 1,563,230		\$ 2,586,219

3.6 Projected Revenue. Projected revenue from each permittee is determined by the number of parcels within their jurisdiction, the land-use designation of the parcels and their equivalent runoff units, and the amount of the fee approved by a ballot measure. This can be calculated, assuming

Table 9: Property Related Fee Revenue Projection (FY 22/23 Data)

Jurisdiction	Fee Rate	Parcel Count	Total ERU	SUA Fees	Unit Rate	Unit Fee
City of Antioch	\$25.00	31,948	49,922	\$1,248,044	\$1.00	\$49,922
City of Brentwood	N/A					
City of Clayton	\$29.00	4,091	4,403	\$127,691	\$1.00	\$4,403
City of Concord	\$35.00	36,792	60,171	\$2,105,993	\$1.00	\$60,171
Town of Danville	\$30.00	15,632	19,053	\$571,583	\$1.00	\$19,053
City of El Cerrito	\$38.00	8,469	10,895	\$414,004	\$1.00	\$10,895
City of Hercules	\$35.00	8,416	9,170	\$320,943	\$1.00	\$9,170
City of Lafayette	\$35.00	8,495	13,500	\$472,499	\$1.00	\$13,500
City of Martinez	\$30.00	12,689	23,524	\$705,727	\$1.00	\$23,524
Town of Moraga	\$35.00	5,638	8,372	\$293,026	\$1.00	\$8,372
City of Oakley	\$30.00	12,480	16,812	\$504,346	\$1.00	\$16,812
City of Orinda	\$35.00	7,032	11,072	\$387,524	\$1.00	\$11,072
City of Pinole	\$35.00	6,288	9,260	\$324,107	\$1.00	\$9,260
City of Pittsburg	\$30.00	18,484	42,009	\$1,260,260	\$1.00	\$42,009
City of Pleasant Hill	\$30.00	11,361	16,714	\$501,418	\$1.00	\$16,714
City of Richmond	N/A					
City of San Pablo	\$45.00	6,538	9,621	\$432,966	\$1.00	\$9,621
City of San Ramon	\$35.00	24,841	35,330	\$1,236,547	\$1.00	\$35,330
City of Walnut Creek	\$35.00	24,304	37,290	\$1,305,162	\$1.00	\$37,290
Unincorporated County	\$30.00	54,268	122,063	\$3,661,896	\$1.00	\$122,063
Totals		297,766	499,181	\$15,873,736		\$499,181

the SUA impervious surface methodology is used to determine the new fee amount and assuming the parcels paying the new fee are the same parcels paying the SUA fee. Table 9 shows the amount of revenue (the "Unit Fee" amount) that would be generated for each permittee based on the permittee's current SUA fee rate and the total equivalent runoff units (ERU) for the parcels charged a SUA fee. The "SUA Fees" are calculated by multiplying the "Fee Rate" by the "Total ERU", and the "Unit Fees" are calculated by dividing the "SUA Fees" by the "Fee Rate". The

projected revenue for a new fee can then be calculated for any proposed fee rate by simply multiplying the proposed fee rate by the unit fee. For example, a fee rate of \$12 per ERU for a single-family residential parcel would generate $(12) \times (\text{unit fee})$ in revenue. For the unincorporated county, a proposed fee of \$12 would generate \$1,464,756 ($12 \times \$122,063$). Countywide (excluding Brentwood and Richmond), a \$1.00 fee rate generates about \$500,000 in revenue, so a \$12 fee rate would generate about \$6 million. Brentwood and Richmond are not included in Table 9, as they do not receive SUA revenue. To calculate their expected revenue, each of the two municipalities would have to determine the total ERU of all parcels within their jurisdiction.

3.7 Recent Ballot Measures. While each ballot measure is unique, reviewing the particulars of some recent ones may be instructive. Since the 2012 Initiative, 12 balloted property-related stormwater fee efforts have been successful except for four. The following is a short discussion of the seven ballot measures since and including 2019. Information was gathered for this section through an internet search of city websites, project staff reports, and newspaper articles. Some of these ballot measures focus more on storm drainage projects and maintenance than MRP-related services.

- **City of Los Altos (unsuccessful, 2019):** The Council had been discussing having a dedicated funding source for stormwater projects for years, leading to the adoption of a stormwater master plan in April 2016. In June 2019, at the conclusion of a funding measure, City consultants and City staff counted the ballots from property owners who voted 56% "no" and 44% "yes" to increase stormwater fees for storm drainage maintenance and improvements. The fees ranged between \$72 and \$117.59 annually for a single-family home or condo owner. The City could have increased the fee to 3% annually to correspond with inflation. There was some concern among property owners that "the people who did the sales pitch" for the fee, referring to the consultant team who branded the project the Clean Water and Sustainable Storm Drainage Initiative, had been involved in counting the ballots.
- **City of Cupertino (successful, 2019):** In July 2019, the City received a majority of "yes" votes on ballots returned by property owners for a stormwater fee to fund clean water and storm drainage improvements and services. To offset inflation, the fee may be increased by not more than 3% per year. However, the amount of the fee can never exceed the cost of the services provided, as verified by the findings of a citizen oversight committee after conducting an annual audit of the City's finances. The new fee for an average-sized residential parcel is \$44.42 per year in addition to the annual \$12 storm drainage fee established in 1992. The combined total of the 1992 fee and the new fee for an average-sized residential parcel is \$56.42 per year (or \$4.70 per month).
- **City of Alameda (successful, 2019):** The City's stormwater system consists of 11 pump stations, 26 pumps, 126 miles of storm drains, two lagoon systems, 278 outfalls, 2,879 catch basins, and 1,967 manholes. The drainage and related pumps were old; some pump stations were built in the 1940s and needed replacing. Homeowners had paid \$56 per year for storm drain maintenance for 15 years before the ballot measure. A rate study showed the storm drain fee should be increased by \$78, for a total of \$134 per year. The fee increase was passed in 2019 and can be adjusted annually for inflation, not to exceed 3%. The fee has no sunset date. Success in Alameda was likely assisted by

every homeowner residing at the same elevation and needing a functioning storm drain system to protect their property.

- **City of Davis (successful, 2021):** The City proposed a property-related fee in 2020 through a transparent process with extensive outreach that included review of a detailed rate study prepared by an independent expert at hearings before their independent citizen Utilities Commission and at noticed public forums. The City held four virtual community meetings to provide additional opportunities for the public to receive information and provide input regarding the stormwater protection system. Each meeting covered the same material, followed by a question-and-answer session. In June 2021, the ballots were counted, resulting in 61% voting "yes" and 39% voting "no".
- **City of San Bruno (unsuccessful, 2021):** The City Council adopted a Storm Drain Master Plan in 2014, which analyzed the storm system to determine current and future problem areas. With much of the City's stormwater system dating back to the early 1900s, a more recent infrastructure study showed that the fees paid by property owners could not effectively manage the system. These fees had not increased in nearly 30 years. The current Storm Drainage fee of \$46 for single-family residential land use was proposed to be increased to \$154 annually, or about \$9.00 monthly. The City sent four mailers to property owners explaining the proposed fee and the required public hearings. Residents voiced their concern with the proposal, suggesting that any increase was too much and that the City should look elsewhere to fund needed improvements. Voting on the funding measure resulted in a 64.4% "no" vote.
- **City of Sacramento (successful, 2022):** A ballot measure was proposed by the Sacramento Department of Utilities, as the City had not changed the fee it charged residents to use sewer and stormwater services since 1996. Under the new schedule, an average single-family homeowner would pay \$70 more per year in storm drain fees (about \$6 more per month), from about \$135 to \$205 per year, based on the amount of impervious surfaces. Approximately 52 percent of property owners approved the measure, which was voted on through a special mail-in ballot election. The Utilities Rate Advisory Commission would oversee planning for the funds and review how they are spent. Property owner Dessins LLC sued the City in June 2022, alleging that the City violated state tax law by casting over 2,000 ballots supporting the ballot measure. The City voted "yes" on each of its 2,007 properties, influencing the measure's outcome, which passed by 1,949 votes.
- **Vallejo Flood and Wastewater District (unsuccessful, 2022).** A stormwater fee was established in 1997, covering all parcels in the service area. In 2015 the District successfully passed a property-related fee, sending ballots out to all property owners that increased commercial rates by \$23 but did not change residential rates. In April 2022 the District attempted a \$54 increase in the property-related fee on all parcels, including residential parcels, but was unsuccessful with 68% voting "no" and 32% voting "yes". Timing may have been a factor in having so many "no" votes, as the economy was weakening and inflation was rising.

If the Management Committee decides to pursue a funding measure at some future date, the project team could interview staff with the above jurisdictions to get more detailed information

on the success or failure of their fee. For example, did the surveys support the proposed fee amounts? Why do they think the fee was successful/unsuccessful? Did the fee have active opposition, particularly from the media? Did the fee have active advocacy and a champion to rally voter support? Was there any confusion in the election process when it was not conducted through the County Elections Office?

3.8 Assumptions. To develop recommendations for the CCCWP related to a future property-related fee, certain assumptions must be made to reduce the number of variables to be considered.

- **Countywide.** It is assumed that any property-related fee ballot measure would be conducted on a countywide basis. That was the direction and approach for the 2012 Initiative and is the assumed approach for any future ballot measure. A countywide ballot measure placed on the ballot by the Flood Control District is the most cost-effective, saves the repetitive costs for 20 ballot measures done by permittees individually, and is mutually supportive by ensuring all permittees receive additional funding. It is also assumed that the County Board of Supervisors would support this countywide effort and approve a countywide property-related fee.

3.9 Grand Jury Report. After the 2012 Initiative failed, the Contra Costa County Grand Jury chose to investigate and report on the underlying problems with funding stormwater permit compliance in the County. The report from the 2012/13 Grand Jury, Report No. 1305 dated May 21, 2013, entitled "Getting to Clean Water in Contra Costa County – Where's the Plan and Where's the Money?" describes the methodology of their investigation and overview of the information they gathered, and their findings and recommendations. The Grand Jury found no agreement between permittees, the Regional Water Board, and environmental groups on permit requirements regarding what should be achieved, how they should be achieved, when they should be achieved, and what happens when they are not achieved. The Grand Jury also found that some permittee management felt the 2012 Initiative was poorly conducted and that accurate information was not communicated to the public. There was no alternative plan to the failed initiative. If the Management Committee chooses to pursue another property-related fee funding measure, then Grand Jury Report No. 1305 should be reviewed in detail, and a plan developed to address the issues and problems identified in the report. The Grand Jury report is included in Attachment 7.

3.10 Recommendation: Implementation Plan. Many of the issues and problems identified in the above analysis from the 2012 Initiative, and those inherent in the process, could be managed to facilitate a potentially different outcome. If the CCCWP chooses to move forward with a new property-related fee ballot measure, then the CCCWP should develop an Implementation Plan that can be used as a roadmap over the next several years to develop the ballot measure in a progressive, stepwise fashion. The first step in developing the Implementation Plan would be agreement on a purpose statement, project objectives, desired outcomes and expectations. A good objective, for example, might be directing all property-related fee revenue to develop and build projects in conjunction with existing SUA funding for stormwater services. The second step would be conducting a survey to determine the level of support for a ballot measure at the present time, under what future conditions voters would support a fee (e.g., lower inflation), and if a countywide approach is still feasible, to inform development of the Implementation Plan. In addition, the Implementation Plan should have the following sections.

3.10.1 Financial Plan. Develop a plan to provide the financing and justification for a property-related fee ballot measure that includes the following key elements.

- **Budget.** Set aside \$200,000 per year in the CCCWP budget, in SUA funds and outside funds, to build up a separate reserve fund account for financing the project.
- **Cost Data.** Work collectively to generate the cost reporting data needed to explain the total compliance costs for MRP 3.0, the total dedicated SUA funds that could be used for a ballot initiative, the resulting shortfall, and how each permittee funds the shortfall.
- **Outreach.** Develop the financial messaging and visual aids from the cost reporting data and begin discussing this issue with upper management and the governing bodies in each permittee organization.

3.10.2 Administrative Plan. Develop a plan that will provide a strategy for resolving identified issues with the 2012 Initiative that includes the following key elements.

- **Countywide Issues.** Determine how to communicate the various aspects of a ballot measure to a large County area with many pockets of diverse viewpoints. Determine if breaking the County into three sections is still the best way to address the balance between the amount of support for a ballot measure and the fee amount people are willing to pay. Identify any other counties that have gone through a ballot measure process and discuss with them what went well and what did not.
- **Election Ballot Issues.** Determine the requirements and cost to process an election through the County Elections Office and decide if that is the best course to take. Develop a process to prepare pro/con arguments for the ballot. Develop information pieces that clearly describe the differences between a voter ballot election and a property-related fee election and explain how to calculate the fee amount.
- **Media.** Determine local media's position on a proposed ballot measure, the degree of interest they would have in the topic, and how much energy they would likely spend expounding their position.
- **Timing.** Develop an overall master schedule for all elements of the Implementation Plan, so it is clear what steps can be done concurrently, what steps must be done sequentially, and the optimal time gap between steps.

3.10.3 Outreach Plan. Develop a plan that will identify what outreach materials are needed, who the target audience(s) is(are), and how the outreach program will change from the beginning stages of the project to the end of the project.

- **Project Champion.** Identify those individuals or organizations with a shared interest in the project and are willing to speak out in favor of and support the project throughout the process.
- **Advocacy.** Identify willing partner communication outlets, such as city/town/County newsletters, Board/council community updates, utility bill inserts, etc., and commit to utilizing those outlets for continuous updates supporting the ballot measure.

- **Messaging.** Develop a concise and coherent message for the project and prepare talking points for project team members who interact with anyone interested in the project (property owners, media, elected officials, etc.). Develop a list of opportunities to communicate the project's benefits to property owners, such as community meetings, open forums, tables at local events, social media, television, and any other relevant digital messaging, etc.
- **Supporters/Partners.** Identify all individuals and entities that would support the project or be willing to participate as a partner. Conversely, identify all individuals, entities, and organizations that would oppose the project, note their arguments and the basis of those arguments, and plan ways to neutralize the opposing points of view.
- **Materials.** Develop handouts, brochures, and flyers that address the outreach-related issues in the lessons learned, such as describing why a property-related fee is proposed.

3.10.4 Legal Plan. Develop a plan to identify where a legal analysis would be beneficial and/or mandatory.

- **Partner Resolutions.** Develop a sample resolution of support for the fee and distribute it to permittees for adoption by city/town councils and the Board of Supervisors.
- **Legal Backup.** Develop a white paper for the media and other detail-oriented parties, and brochures for the public describing the balloting process, Proposition 218 requirements, and why the proposed ballot measure is valid. Also review if there is a need to modify the Flood Control District Act.
- **General Support.** Review outreach materials and communications to ensure they bolster the legitimacy and legality of the project process. Review the use of revenue, especially restricted revenue (e.g., SUA funds), to ensure it is used appropriately.

The Implementation Plan should include everything needed by the CCCWP to plan and execute all the steps required to have a ballot measure in place by a planned date in the future.

4. Litter/Trash Property-Related Fee

4.1 Description. This funding option is similar to the all-inclusive property-related fee option above; however, while that property-related fee option provides funding for all stormwater services and programs, a litter/trash property related fee would only cover a subset of costs, for services related to litter and trash. The process to establish this fee would be the same as the property-related fee option described above, unless the alternative process for adopting a litter/trash property-related fee described below is feasible and utilized. One advantage of this option is its reduced scope, focusing solely on litter and trash. This allows more detailed surveys on a limited topic, a better-tailored outreach program, and partnering with organizations heavily involved in trash reduction, such as Save the Bay. Litter and trash in the landscape are highly visible, making it easier to demonstrate the need for funding. The fee adoption process is the

same as a property-related fee, and the challenges are also the same. The lessons learned from the 2012 Initiative would have to be addressed with this funding option, similar to the all-inclusive property-related fee option. If feasible, this option could be expanded to include cleaning out catch basins. It is assumed that the fee amount would be more than enough to cover any CCCWP budget shortfall related to litter and trash, with a balance of revenue distributed back to permittees similar to the SUA. Since this fee would be for a specific subset of stormwater services, it must be accounted for separately.

4.2 Possible Alternative Process. Recent court rulings may permit certain limited services related to this option to move forward without an election. In October 2022, the Court of Appeals reached a decision regarding a stormwater permit issued to San Diego County (Department of Finance et al. v. Commission on State Mandates (San Diego County), 3rd District Court of Appeal Case No. C092139). The court's decision was certified for publication. On March 1, 2023, the California Supreme Court denied the Water Boards and Department of Finance petition for review and de-publication, making the ruling a valid law. The case involved the County and other permittees filing a test claim with the Commission on State Mandates, arguing that some provisions in their 2007 stormwater permit constituted new programs or an increased level of service and therefore, should be reimbursed by the state. The Commission agreed that several requirements were new programs and should be reimbursed, prompting the State to file a lawsuit.

The stormwater permit required the County to, in part, "sweep streets at certain times, depending on the amount of debris they generate, and report the number of curb miles swept and tons of material collected" and to "inspect, maintain, and clean catch basins, storm drain inlets, and other stormwater conveyances at specified times and report on those activities". In its test claim to the Commission, the County combined the street sweeping requirement and the catch basin cleaning requirement into one item. As part of their decision, the court of appeal held that street sweeping qualified as refuse collection, falling under the exemption to voter approval requirements specified in Proposition 218 and therefore subject to the majority protest process. Under this "no vote" scenario, the County Board of Supervisors would hold a noticed public hearing, and the fee can only be adopted if less than 50% of the parcels in the fee area protest the fee. If over 50% protest the fee, then the fee cannot be adopted.

Exempt from voting requirements or not, a street sweeping fee must meet the substantive tests outlined in Proposition 218. The fee cannot be used for any purpose other than street sweeping, the amount of the fee must be proportional to the cost of street sweeping attributable to the parcel charged, the street sweeping directly benefits the charged parcel, and the street sweeping paid for by the property is not a general government service enjoyed by the public at large. The court held that the County had the authority to adopt a street sweeping fee without a vote but did not consider whether the County could realistically meet the tests specified in Proposition 218. The court expressly declined to address whether the permittees, as a matter of law and fact, could promulgate a fee that satisfies the substantive requirements of Proposition 218, including structuring the fee to avoid becoming a fee for general governmental services. The court also did not consider the issue of cleaning catch basins in their decision.

The Department of Finance case points to the need for a diligent review of legal requirements should this alternative process, adopting a fee exclusively for street sweeping services without a vote, be chosen. If it was desired to add catch basin cleaning to the proposed fee, the legal review would need to examine this also. In addition, the fee would have to be structured to address the substantive requirements outlined in Proposition 218. A proportional nexus could be shown for a street sweeping fee, for example, based on the amount of frontage a parcel has

along a street being swept. If a legal analysis indicates that picking up litter before it gets to the street is also exempt from voting requirements, then a study would need to be done to show the link between picking up trash in the landscape and all property owners in the county or property owners on a neighborhood-by-neighborhood basis. There may be some difficulties here, as trash is not evenly dispersed throughout the County. If a permittee was already conducting street sweeping services in a portion of their jurisdiction, they would have to terminate that service to meet the "general government service" test (see the property-related fee section above). This would likely be politically unpopular. If the County chose to pursue such a street sweeping fee without voter approval, it would be the first of its kind in the State and would almost certainly be challenged by taxpayer advocacy groups. It is helpful that a published court decision, which the Supreme Court declined to overturn or de-publish, supports this approach. While the alternative approach may be feasible and may be restricted to street sweeping, the analysis in the rest of this section is for a property-related fee voted on by property owners with no restrictions on the litter/trash services it would pay for.

4.3 Implementation Costs: Ballot Measure. The same process used to develop a cost estimate for the property-related fee can be used here to develop a cost estimate for this option. For the rest of the analysis for this option, it is assumed that the chosen process is a mailed ballot measure to all property owners. The following is a breakdown of the tasks and work products developed for the 2012 Initiative and how the need might change with a new ballot measure for a litter/trash property-related fee (see Attachment 11).

- **Background analysis and research.** The first task for the 2012 Initiative was to collect and analyze revenue and expenditure information for the CCCWP and permittees. A new initiative would still require gathering data, but with the cost reporting information required by provision C.20, this effort should be minimal. The 2012 cost for this task was about \$40,000, but for a new litter/trash fee ballot measure this work could probably be completed for about \$10,000.
- **Future CCCWP cost analysis.** This task reviewed and analyzed projected future annual costs and sources of funding for each permittee. A new initiative would need to complete this task as well, as this is the basis for determining the need for the property-related fee, but the cost would be less due to the reduced scope. The 2012 cost for this task was about \$115,000 but the work effort for a new ballot measure would be less, maybe 50% less or about \$60,000, due to the reduced scope of services analyzed.
- **Potential funding source analysis.** This task analyzed and evaluated various mechanisms to fund stormwater services. This work would not be needed, as it has been completed with the development of Phase 1 of this Stormwater Funding Options Report. The 2012 cost for this task was about \$20,500, which would be a savings for a new ballot measure.
- **Opinion research and survey.** This task evaluated voters' interest in supporting a local revenue measure and provided guidance on how to structure it. Surveys will still be important and will be needed with a new ballot measure, but with a reduced scope, the necessary work will be somewhat less. The 2012 cost for this task was about \$95,000. Additional and more extensive surveys would need to be conducted with a future ballot measure to address some lessons learned. With a reduced scope, it would seem logical that the cost of surveys would also be reduced. However, the cost to send out a survey

for a project with ten items is about the same as a project with five items, so the survey budget would still have to be increased. Increasing this budget by about 50% to \$150,000 would seem appropriate.

- **Stormwater funding needs and options report.** This task analyzed both a parcel tax (requiring a two-thirds passage) and a property-related fee (requiring a majority passage) and recommended using a property-related fee. This work is covered by Phase 2 of this Stormwater Funding Options Report. The 2012 cost for this task was about \$57,000, which would not be needed for a future measure.
- **Fee report.** This task developed the analysis, justification, and structure to implement an annual property-related fee. This work would be needed with any new ballot measure. The 2012 cost for this task was about \$47,000 and the work effort for a new ballot measure would be a similar cost.
- **Revenue enhancement plan.** This task developed the process and steps involved in conducting the election. This work would be needed with any new ballot measure. The 2012 cost for this task was about \$28,000 and the work effort for a new ballot measure would be a similar cost.
- **Implementation and educational outreach.** For the 2012 Initiative, this task developed outreach materials, mailers, and a webpage to inform the public about the election, and managed the balloting process. A new proposed ballot measure would also need this work, but likely with enhancements to address some lessons learned. The reduced scope for the ballot measure will make this work easier and more effective. The 2012 cost for this task was about \$1,038,500, but additional and more extensive outreach would need to be performed with a future ballot measure to address some of the lessons learned. However, with a reduced scope, the outreach can be laser-focused and more cost-effective, so the budget shouldn't be increased as much as the all-inclusive property-related fee. Increasing the outreach budget by 25% would seem appropriate. The costs for outreach and conducting the ballot were lumped together, but assuming the outreach budget was 75% of the total, the estimated increase would be about \$200,000.
- **Balloting results and final perspectives.** This final task reported on the balloting process and provided perspectives on the results. A final report such as this would also be needed with a new ballot measure. The 2012 cost for this task was included in the implementation and educational outreach task.

An estimated cost for a new ballot measure can be determined by looking at each individual task from the 2012 Initiative and comparing them to what would be needed for a new initiative. The costs for the 2012 Initiative are 12 years old, so they should be escalated by approximately 36% (see Table 7) based on cost-of-living adjustments. That would increase the consultant costs from \$1,442,130 to \$1,961,300, and the project management costs from \$121,100 to \$164,700 for a total project cost of \$2,125,000. There will be savings where some of the 2012 Initiative tasks are unnecessary, but there will also be extra costs from new items described in the lessons learned. The problems noted in the lessons learned could be addressed under the same tasks performed in the 2012 Initiative, providing the task descriptions are modified, particularly the Implementation and Educational Outreach task where most issues would be addressed. Based

upon the added or deleted costs noted in the list of tasks above, the total overall budget would increase by about \$90,000. Adding that to the cost of the 2012 Initiative, then adding in project management costs and increasing it all by 36%, results in today's total project estimate of \$2,300,000. If it takes five years before the project starts, then costs could be increased by another 15%, pushing the estimate to about \$2,650,000. It should be noted that the best way to estimate these costs is to advertise a Request for Proposal to do the work. However, costs are estimated here based on the 2012 Initiative costs to provide the Management Committee with information to consider and compare various funding options.

4.4 Projected Revenue. Similar to the all-inclusive property-related fee option above, projected revenue for each permittee is determined by the number of parcels within their jurisdiction, the land-use designation of the parcels and their equivalent runoff units, and the amount of the fee approved by a ballot measure. This can be calculated, assuming the Stormwater Utility Assessment impervious surface methodology is used to determine the new fee amount and assuming the parcels paying the new fee are the same parcels paying the SUA fee. Attachment 13 shows the unit fee for each permittee, based on the permittee's SUA fee rate and the total equivalent runoff units (ERU) for the parcels charged a SUA fee. The projected revenue can then be calculated for any proposed fee rate by multiplying the proposed fee rate by the unit fee. For example, a fee rate of \$12 per ERU for a single-family residential parcel would generate $(12) \times (\text{unit fee})$ in revenue. Countywide, a \$1.00 fee rate generates about \$500,000 in revenue, so a \$12 fee rate would generate about \$6 million. Brentwood and Richmond are not included in Attachment 13, as they do not receive SUA revenue. To calculate their expected revenue, the two municipalities would have to determine the total ERU of all parcels within their jurisdiction.

4.5 Assumptions. To develop recommendations for the CCCWP related to a future property-related fee, certain assumptions are made to reduce the number of variables to be considered.

- **Countywide.** It is assumed that any property-related fee ballot measure would be conducted countywide. That was the direction and approach in 2012 and is the assumed approach for any future ballot measure. Although the CCCWP has very little budget associated with street sweeping or litter pickup, it would still be advantageous to do a countywide ballot measure for the same reasons as the all-inclusive property-related fee, by ensuring revenue for all permittees, areas with strong support can carry areas with weaker support, etc. It is also assumed that the County Board of Supervisors would support this countywide effort and approve a countywide property-related fee.
- **Balloted Fee Measure.** For the analysis provided, it is assumed that this option will be implemented with a property-related fee voted on with ballots sent to all property owners in the County. If an alternative process is decided upon, the analysis provided in this report would need to be adjusted for the issues associated with that alternative process.

4.6 Recommendation: Implementation Plan. To move forward with a new property-related fee ballot measure for litter and trash, the CCCWP should first decide whether to go through a vote of property owners to fund all litter/trash-related services or approve a street sweeping fee (and possibly other services) without a vote. If there is a serious consideration to adopting a fee without a vote, then the legal analysis in the "Legal Plan" section below should be done before making a decision. Once a decision has been made on the approach to take (with or without a vote), the CCCWP should develop an Implementation Plan that can be used as a roadmap over the following several years to develop the ballot measure in a progressive, stepwise fashion. The first step in developing the Implementation Plan would be agreement on a purpose statement,

project objectives, desired outcomes, and expectations. The second step would be surveying to determine the level of support for a ballot measure at the present time, under what future conditions would support an increase (e.g., lower inflation), and if a countywide approach is feasible to inform development of the Implementation Plan. The Implementation Plan and the sections within the plan would be the same as the all-inclusive property-related fee option described above and are duplicated here but in a condensed format. Please refer to the all-inclusive property-related fee section above for more detailed descriptions of the Implementation Plan sections.

4.6.1 Financial Plan. Develop a plan to provide the financing and justification for a property-related fee ballot measure that includes the following key elements.

- **Budget.** Set aside \$200,000 per year in the CCCWP budget, in SUA funds and outside funds, to build up a separate reserve fund account for financing the project.
- **Cost Data.** Work collectively to generate the cost reporting data needed to explain the total compliance costs for MRP 3.0, the total dedicated SUA funds that could be used for a ballot measure, the resulting shortfall, and how each permittee funds the shortfall. Total costs and dedicated revenue are needed to show there are no extra funds to pay for litter/trash pickup.
- **Outreach.** Develop the financial messaging and visual aids from the cost reporting data and begin discussing this issue with upper management and the governing bodies in each permittee organization.

4.6.2 Administrative Plan. Develop a plan that will provide a strategy for resolving identified issues with the 2012 Initiative that includes the following key elements.

- **Countywide Issues.** Determine how to communicate the ballot measure to a large County area with many pockets of diverse viewpoints and varying levels of trash generation. Determine if breaking the County into three sections is still the best way to address the balance between the amount of support for a ballot measure and the fee amount people are willing to pay. Because litter/trash is not evenly distributed around the County, some other division of the County may be needed. Identify any other counties that have gone through a ballot measure process and discuss with them what went well and what did not.
- **Election Ballot Issues.** Determine the requirements and cost to process an election through the County Elections Office and decide if that is the best course to take. Develop a process to prepare pro/con arguments for the ballot. Develop information pieces that clearly describe the differences between a voter ballot election and a property-related fee election.
- **Media.** Determine local media's position on a proposed ballot measure, their interest in the topic, and how much energy they would likely spend expounding their position.
- **Timing.** Develop an overall master schedule for all elements of the Implementation Plan so it is clear what steps can be done concurrently, what steps must be done sequentially, and the optimal time gap between steps.

4.6.3 Outreach Plan. Develop a plan that will identify what outreach materials are needed, who the target audience(s) is(are), and how the outreach program will change from the beginning stages of the project to the end of the project.

- **Project Champion.** Identify those individuals or organizations with a shared interest in the project and are willing to speak out in favor of and support the project throughout the process. Save the Bay may be willing to take this on, for example.
- **Advocacy.** Identify willing partner communication outlets, such as city/town/County newsletters, Board/council community updates, utility bill inserts, etc., and commit to utilizing those outlets for continuous updates supporting the ballot measure.
- **Messaging.** Develop a concise and coherent message for the project and prepare talking points for project team members who interact with anyone interested in the project (property owners, media, elected officials, etc.). Develop a list of opportunities to communicate the benefits of the project to property owners, such as community meetings, open forums, tables at local events, social media, television, and any other relevant digital messaging, etc.
- **Supporters/Partners.** Identify all individuals and entities that would support the project or be willing to participate as a partner. Conversely, identify all individuals, entities, and organizations that would oppose the project, note their arguments and the basis of those arguments, and plan ways to neutralize the opposing points of view.
- **Materials.** Develop handouts, brochures, and flyers that address the outreach related issues in the lessons learned, such as describing why a property-related fee is proposed.

4.6.4 Legal Plan. Develop a plan to identify where a legal analysis would be beneficial and/or mandatory.

- **Fee by Exemption or Ballot.** One of the first items of work is to analyze the legality of a litter/trash fee meeting the substantive requirements of Proposition 218, both under a "no vote" (lack of majority protest) scenario with limited services and a "vote" scenario with more robust services. Given the current court case, it appears the fee under a "no vote" scenario may only be able to fund street sweeping services. If it is desired to add litter/trash pickup (outside of street sweeping) and/or drainage inlet cleaning to a "no vote" scenario fee, then this also needs to be analyzed to determine if it is legally viable.
- **Partner Resolutions.** Develop a sample resolution of commitment to the project and distribute it to permittees for adoption by city/town councils and the Board of Supervisors.
- **Legal Backup.** Develop a white paper for the media and other detail-oriented parties, and brochures for the public describing the balloting process, Proposition 218 requirements, and why the proposed ballot measure is valid. Also, review if there is a need to modify the Flood Control District Act.

- **General Support.** Review outreach materials and communications to ensure they bolster the legitimacy and legality of the project process. Review the use of revenue, especially restricted revenue (e.g. SUA funds), to ensure it is used appropriately.

The Implementation Plan should include everything needed by the CCCWP to plan and execute all the steps required to have a ballot measure in place by a planned date in the future.

5. Community Facilities District

5.1 Description. Many permittees are currently utilizing community facilities districts to fund the maintenance of such things as lighting, landscaping, and park maintenance. The district charges a special tax on properties that have been included in the district to pay for services and projects on the district's work program. It is assumed that the countywide CFD would be established in partnership with the RAC System, which has been developed and for which coordination for a pilot exchange is underway. In this option, the CFD work program would include both local stormwater services and projects and RAC System project operation and maintenance. Properties would be added to the district through the development process, where properties are voted into the district by developers before the properties are sold. The future annual special tax amount that subsequent property owners would pay into the community facilities district depends on whether their development mitigation is for just local requirements or both local requirements and RAC System requirements. All development projects would pay local stormwater costs, but only a subset would likely utilize the RAC System and pay regional costs. As this option would be applied countywide, the CFD would be adopted by the County Board of Supervisors through the Flood Control District, an entity with countywide jurisdiction and a mission that includes stormwater. It is assumed that property owners would vote on the countywide CFD for development projects rather than registered voters in whole neighborhoods. Under this assumed scenario, "countywide" means a CFD that applies to all development projects throughout the county. All parcels in the county would be within the district's boundary, but the only parcels that would pay a fee are those that were voted into the district, usually as a condition of development.

5.2 Formation Process. A multi-step process, described in Phase 1 and repeated here for easy reference, is required to form a viable Community Facilities District. There are some process differences between a CFD set up for development projects and voted on by property owners, as opposed to a CFD set up for whole communities and voted on by registered voters in those communities:

- **Initiation of CFD.** A property owner or local government agency identifies the need for a CFD and begins the process of forming one. In this case, initiation would proceed in conjunction with developing the RAC System. The services must be above and beyond any current services provided to the property owners in the district or district sub-zone service area.
- **Local Goals and Policies.** The agency proposing this special tax district must develop and adopt local goals and policies. The local government agency must follow these policies in the prospective CFD and meet both the RAC System needs and local permittee stormwater needs.

- **Rate and Apportionment.** The Rate and Method of Apportionment (RMA) outlines how a tax will be levied or charged, on which property, under what conditions, for how long, and at what rate. The RMA would need to accommodate both the RAC System and local stormwater requirements.
- **Resolution of Intention.** Following the adoption of goals and policies, the local government agency can formally propose a CFD by adopting a resolution of intention. Before the Board of Supervisors approves a resolution of intention, each permittee's council would need to submit a resolution of support, assuming a countywide approach is agreed to. The resolution of intention would be through the Flood Control District, and though consent by city/town councils is not legally required, it would be prudent to do so.
- **Public Hearing.** A public hearing is held, and the CFD formation process continues if there is no majority protest. A majority protest will exist if 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be included in the district, or the owners of one-half or more of the area of land in such territory and not exempt from the special tax file written protests. A majority protest would only apply if the district proposed to, for example, annex an existing neighborhood into the district. A majority protest would not apply to a developer representing his/her project, voting into the district to satisfy a condition of development.
- **Resolution of Formation.** This step includes a resolution to incur debt if applicable.
- **Election.** An election is held amongst the registered voters or property owners to approve the special tax in a CFD. A two-thirds affirmative vote of registered voters within the territory of the proposed district is required if at least 12 persons have been registered to vote within the territory for each of the 90 days preceding the close of the protest hearing, with each voter having one vote. Otherwise, the vote shall be by the landowners in the proposed district, with each owner having one vote for each acre or portion of an acre of land owned in the proposed district that is not exempt from the special tax.
- **Ordinance.** If the CFD has been formed and the special tax has been authorized, the special tax can be levied by an ordinance adopted by the legislative body (Board of Supervisors).
- **Issue Debt.** If bonding is desired for capital improvements, the last step in the formation process is to issue any necessary debt, such as land-secured municipal bonds or bank loans.

Once the formation process is complete, a special tax is imposed on all property within the Community Facilities District that voted to be included in the district in accordance with the rate and method of apportionment. Properties that did not vote to be in the district, such as already developed or undeveloped property, would be within the district's boundary but would not be a "member" of the district and would not be charged the special tax.

5.3 Administrative Procedures. It is assumed that the Flood Control District would be the administrator of the CFD and the County Board of Supervisors, as the governing board of the Flood Control District, would process and approve the CFD formation. It may be that the CCCWP, rather than the Flood Control District, actually performs the administrative duties but the Flood

Control District has the legal standing and countywide jurisdiction to form the CFD. Although the Flood Control District has jurisdiction throughout the county, it has no land use authority over any parcel. Land-use authority rests with permittees, and each permittee would have to require their developers, as a condition of development, to vote themselves into the countywide CFD before the development is sold.

The RMA prepared during the CFD formation would have multiple rates depending on the services and mitigation required by the development. One would be a baseline rate for stormwater services required for the standard development with no on-site stormwater treatment facilities. The RMA would allow permittees to add to this baseline rate additional stormwater services required for maintaining or monitoring on-site stormwater treatment facilities built by the development. Assuming the CFD is formed in partnership with the RAC System, then the RMA would include a separate analysis and a rate or rates for maintaining System off-site stormwater mitigation projects. Other rates could be included in the RMA to cover other required services. This results in a development project contributing one, two, three, or more different rates to the countywide CFD, depending on the complexity of the rate schedule. A development project could be a small single-family home minor subdivision, a large commercial shopping center, or an industrial manufacturing plant. A simple development with no on-site stormwater treatment facilities and no off-site mitigation would contribute to the baseline rate of the CFD. A more complex development with an on-site stormwater treatment facility but no off-site mitigation would contribute to the baseline rate, plus an added rate for maintaining the on-site treatment facility. A complex development with both on-site stormwater treatment and off-site mitigation would contribute three rates to the countywide CFD. Even though a development's CFD fee may be made up of several different rates, the money will only go to two beneficiaries: the RAC System for the operation and maintenance of regional facilities and the permittee for local maintenance, monitoring, or other regulatory compliance. It will be critically important for the permittee to coordinate with the Flood Control District while drafting conditions of approval for a development that requires annexation into the CFD.

The RMA will need to be supported by an engineer's report to determine the applicable special tax for the various levels of participation by a developer. Since this will be applied countywide, a more rigorous analysis will be needed than that required of a single development project. The RAC System envisions the special tax covering the operation and maintenance of the regional projects, plus administrative costs needed to manage the overall program and the ability to establish an operating reserve fund. Although the regional projects built by the RAC System would be located throughout the county and of varying sizes and complexity, it would be desirable to have a uniform tax rate for administrative ease while recognizing that the basis for determining the special tax must be reasonable. Even with a uniform tax rate, the fiscal administrator (assumed to be the Flood Control District) will be managing a complex array of revenue coming in, with some going to various entities maintaining regional RAC System facilities and some going to various permittees to fund local stormwater services as mitigation for development projects in their jurisdiction.

It may be possible to set up the CFD so that the fees calculated in each transaction go to the two beneficiaries directly, the regional maintenance portion to the RAC System and the local maintenance portion to the permittee the development is located in. This decentralized approach would designate each permittee a sub-zone of the CFD so funds go to the right jurisdiction. This approach may make the administrator's task easier by reducing the tracking and transferring of funds. Still, it may make subsequent reporting more difficult by gathering information from all

the beneficiaries (the RAC System and 20 permittees). Since the CFD fees are paid through property taxes, the capabilities of the Tax Collector would also need to be considered. Another issue that needs to be reviewed in the planning process is how a countywide CFD for local permittee stormwater services would work when that permittee already has a CFD for the same or similar purpose. For example, for over ten years, the County has required developers to vote into a CFD to ensure stormwater facilities are properly maintained and to pay for County inspection and reporting costs. Once the countywide CFD is defined, it will have to be compared to the existing CFDs to determine how they would all work together, or work separately, to meet permittee needs. It should be noted that it is not the purpose of this report to detail a CFD structure but rather to review it as a possible funding option. From what is known at the writing of this report, a CFD is likely a feasible mechanism to fund RAC System operation and maintenance. Adding a service rate for local maintenance should also be feasible.

5.3.1 Legal Considerations. A few legal questions will need to be considered and addressed.

- **Flood Control District.** Research is needed to verify if the Flood Control District, a dependent special district, could adopt a CFD. CFDs are also called Mello-Roos Districts because the legislation that enables their formation is the Mello-Roos Community Facilities Act adopted in 1982. The Mello-Roos Act applies to all “local agencies”, defined to include all districts and special districts, that have the power to install or contribute revenue to public improvements, so utilizing the Flood Control District as the agent/administrator for the CFD should be a feasible approach (Government Code Sections 53316 and 53317(h)).
- **Multiple CFDs.** There will be situations where a development will be required to join multiple distinct CFDs, for example a city CFD to fund city park maintenance activities and a countywide CFD to pay for stormwater services attributable to the city development and a RAC System project. There is no prohibition for a property to be within more than one CFD; however, there could be a problem with lien priority in the case of a default. In the event of nonpayment and the placement of liens on the property, the question of whether the liens for the CFDs are co-equal or first in time would have to be determined. This issue should be reviewed during the planning stages of the countywide CFD.
- **Formation Process.** The formation process could be complicated due to the need to meet the requirements of both the RAC System and local permittee stormwater requirements. This process must be reviewed from a legal perspective to ensure every step is appropriate and all needs are legally met.

5.4 Implementation Costs. There are two scenarios under which a community facilities district would be formed to help fund stormwater services for permittees. The first is forming a CFD solely for funding local permittee stormwater services, and the second is the formation of a CFD for both the RAC System and local permittee stormwater services. There are generally three component costs to forming a CFD: a rate study, a special tax consultant, and an attorney. The project team developing the RAC System has developed an approximate cost estimate of \$170,000 to form a CFD. This includes \$20,000 estimated for the rate and method of apportionment study, \$50,000 for the special tax consultant, and \$100,000 for legal review and analysis. If the CCCWP were to request the RAC System project team to include a rate structure

in the CFD to pay for local permittee stormwater services, a combination CFD, then the cost would be somewhat more. Since this would require a separate rate structure, a separate rate study would be needed at a cost of about \$20,000. The work of both the special tax consultant and the legal review would be substantially less because the work to form the RAC System would cover that needed by the permittee CFD. Assuming the additional work required of the special tax consultant and the attorney would cost \$15,000 each, then the added cost of a combination CFD would be \$50,000, or \$220,000 in total. In summary, a stand-alone CFD would cost the CCCWP about \$170,000 to form, while a combination CFD would cost the CCCWP about \$50,000.

5.5 Projected Revenue. Forming a CFD would not generate much initial funding revenue, but the revenue would grow over time as more and more development projects vote into the CFD. Phase 1 of this report estimated that a countywide CFD, with a \$100 per year special tax, would generate about \$4.8 million per year (countywide) after 20 years of building up the number of parcels in the district. This revenue would not be divided equally amongst all permittees. Permittees with a lot of development and development potential, such as some large cities, would get more revenue than permittees with little development and little development potential, such as some small cities. It should be noted that the CFD special tax is collected on the property tax bill but is not part of the property tax. So, the CFD tax is not restricted to the 1% and 2% property tax limitations established by Proposition 13, as it is not based on the property's assessed value.

5.6 Assumptions. To develop recommendations for the CCCWP related to a community facilities district, certain assumptions are made to reduce the number of variables to be considered.

Countywide. It is assumed that a CFD would be formed on a countywide basis and not on a permittee-by-permittee basis. It is also assumed that the County Board of Supervisors would support this countywide effort and approve a countywide community facilities district. Lastly, it is assumed that property owners would vote on the countywide CFD for development projects rather than registered voters in whole communities.

Partnership. For the analysis provided, it is assumed that the CFD would be formed and administered in partnership with the RAC System.

5.7 Alternative Compliance System Partnership. One of the items that must be completed by the project team developing the RAC System is an ongoing funding source for operations and maintenance of mitigation projects built by the RAC System. The project team explored several potential mechanisms for funding operations and maintenance and determined a countywide CFD would be the best option. Regulated projects, as defined by the MRP, could utilize the RAC System to comply with MRP-required stormwater treatment improvements. The RAC System would provide an MRP compliance pathway for the regulated project's owner (i.e., a developer or a permittee) through an upfront compliance purchase. In addition, the current owner of the regulated project, or future owners in the case of a developer, would pay for RAC System off-site mitigation project operation and maintenance on an ongoing basis through the countywide CFD. There are details that must be worked out, such as ensuring the payment of operation and maintenance costs when the regulated project owner is a permittee that does not pay property taxes (CFD taxes are collected on property tax bills). That is one example of many issues that must be addressed before a countywide community facilities district is formed for the RAC System. Developing the RAC System and determining the feasibility of a CFD as one of its components is

a very complex undertaking. For the purposes of this Phase 2 report, it is assumed that these complexities will be worked out and a countywide CFD will be feasible.

A Summary Report for the project developing the RAC System was completed at the end of 2022 and described the need for a CFD, how it would be administered, and what issues needed to be addressed before it could be formed. The next step in the RAC System project is to develop an operational document, required agreements, and financial transactional processes to be used for a selected pilot exchange. These items and other critical issues, such as identifying the RAC System administrator (assumed to be the Contra Costa Clean Water Program), should be completed by the end of the current fiscal year (June 30, 2023), which will provide a clearer picture of the feasibility of a countywide CFD.

5.8 Recommendation. The grant-funded project to develop the beginning stages of a RAC System is just about complete, and the project proponents were successful in recently receiving a second grant to fund the next stage of the project. With funding in place to complete the RAC System, it makes sense for the CCCWP to remain actively involved in the project and state unequivocally that it wants the CFD to fund permittee stormwater services required of those developments voting into the CFD, in addition to the operation and maintenance needs of the RAC System. This is an opportunity to have a funding measure developed almost wholly with grant funds, and the CCCWP should take full advantage of it. The CCCWP should be willing and ready (i.e., a line item in the budget) to add funding if needed to keep the project moving along and to pay for any costs not covered by the project and attributable to the "add-on" requested by the CCCWP.

6. One-Time Revenue Options

6.1 Description. Phase 1 of this report recommended eight options for further analysis in Phase 2. This Phase 2 report analyzed the three options above that provide ongoing revenue: an all-inclusive property-related fee, a litter/trash property-related fee, and a community facilities district. The remaining five options provide one-time revenue only and are less dependable and more volatile funding sources than ongoing revenue options. They make financial planning to fund ongoing programs difficult and require a substantial reserve fund to be effective. However, a one-time infusion of funding is very helpful nonetheless. For example, two years ago San Pablo, Richmond, Walnut Creek, and the County successfully acquired a federal WQIF grant for \$680,000, the Regional Compliance for a Sustainable Bay Project. The grant funded the first phase of the RAC System project, which will benefit all permittees. The CCCWP recently received a \$1 million WQIF grant (Clean Watersheds For All Project) to continue funding the RAC System project. The CCCWP is also participating in a regional trash monitoring project through BAMSC that will provide \$3,366,000 in WQIF grant funds to fund receiving water trash monitoring required by MRP 3.0. The required match of \$3,366,000 will be met with the trash outfall monitoring activities of BAMSC members. This report examines the five one-time revenue options: grants, state revolving fund loans, regional approach, California's water supply strategy, and alternative compliance.

6.2 Funding Options. The following is a discussion on each of the five one-time revenue options.

6.2.1 Grants. There are many grant opportunities (the CCCWP is currently tracking about 30 grants). If the CCCWP aggressively pursues grants it may be successful at receiving grant

funds. Competition can be high but a well-supported grant writer/administrator in the CCCWP increases the likelihood of maintaining an ongoing stream of grant funding. The CCCWP can approach grants in two different ways, one opportunistic and the other deliberate. The CCCWP has practiced the opportunistic approach in the past, applying for a grant that seems like a good fit and the word on the street is encouraging. The CCCWP typically hires a consultant to write the grant application, which generally costs around \$30,000 and also requires dedicated program or permittee effort, and once awarded allocates to staff grant administration tasks. This strains staff resources and requires using grant funds to hire consultants for project management. A more deliberate approach would be providing the resources to create a part-time or full-time staff position to focus on grants. Timing may be an issue, as this may be difficult until the CCCWP is fully staffed.

Relying on grants is often considered a short-term approach to funding services, however with a strong commitment to providing staff resources, grants could become more of a long-term funding approach, although still much less dependable than a source of ongoing revenue. The problem with grants is that it takes money to make money, and a grant may require putting resources towards grant-related activities which are not the most pressing activities for the CCCWP. Before applying for a grant, staff need to seek approval from the Management Committee with an analysis showing the estimated cost to prepare the application, the amount of matching funds required, the funding to be supplied by the granting agency, the estimated cost to administer the grant, the cost of any maintenance or monitoring required over the next 20 years, and the benefit derived from receiving grant funds and the specific permit requirements that the grant funds help to satisfy.

6.2.2 State Revolving Fund Loans. In the past, the State Revolving Loan Fund (SRLF) primarily provided loans to wastewater-related projects. A review of SRLF funding from 1988-2020 found that nationwide, less than 2% of SRLF funding was awarded to stormwater projects. One reason for this is the loan requirements, where applicants must show they have a dedicated revenue stream to repay the loan. This is much easier for a wastewater district with a customer base paying a service fee. It is also easier to show the pollutant load reduction from improvements to a wastewater treatment plant than to show the pollutant load reduction associated with green infrastructure. USEPA, which provides funding to the SRLF, has recently pushed for allocating more funding to stormwater projects and California's 2022-2023 Intended Use Plan includes up to \$20 million of principal forgiveness for planning and constructing stormwater projects that also contribute to water supply resiliency, so the timing may be good to begin applying for these loans. The State Water Board Department of Financial Assistance is planning to amend the stormwater grant guidelines to generalize them and fund stormwater projects regardless of funding source. The SRLF program should be researched thoroughly to determine where the opportunities are for the CCCWP to apply for funding. For example, SRLF projects in disadvantaged communities may be able to receive forgivable loans. If the CCCWP decides to pursue applying for grants aggressively, SRLF grants could easily be included in this effort. Similar to the grant application process, staff should seek approval from the Management Committee with a cost-benefit analysis that includes debt service costs before filing an application.

6.2.3 Regional Collaboration. This option is less of a funding opportunity and more of a business practice. As a member of the Bay Area Municipal Stormwater Collaborative (BAMSC), Contra Costa has and continues collaborating on joint regional projects with other countywide stormwater programs. Recent examples include collaborating on writing required permit

reports, outreach, grant applications, and joint training. The Management Committee can decide, as the policy decision maker, to pursue a regional or subregional approach to permit compliance wherever it makes sense. The Management Committee has already directed staff to do this, however perhaps not as strongly as making it a business practice. Staff have reviewed the MRP 3.0 requirements from the current framework and identified several permit requirements that can be performed cooperatively with BAMSC. Elevating this approach to a business practice gives staff direction to view implementation into the future from this lens continually.

6.2.4 California's Water Supply Strategy. This report and strategy, released in August 2022, outline various actions to increase the water supply. While the focus is on water supply, the strategy recognizes that stormwater capture is an important part of California's water portfolio and calls for support of "...local stormwater capture projects in cities and towns with the goal to increase annual supply capacity by at least 250,000 acre-feet by 2030 and 500,000 acre-feet by 2040." This is a difficult prospect in Contra Costa where much of its water supply is imported from outside the county. As a result, these types of projects may best be done in partnership with a water district, as that would seem a better prospect for success. The water districts around the County should be contacted to see if there is an opportunity for a joint project. Some years ago, water supply agencies in Southern California adopted a plan to be less dependent on Delta water, expanding groundwater and reservoir storage. Perhaps local water districts are contemplating similar projects that would benefit from collaboration with a stormwater program. The Strategy was released from the Governor's Office, so it's likely that implementation guidelines and actions would be through executive action. For example, project funding priorities from the strategy could be incorporated into existing funding mechanisms, such as the SRLF. Alternatively, they may come through legislative bond measures seeking to implement the Strategy. The ongoing implementation of the Water Supply Strategy and potential funding for this strategy should be followed to identify potential funding opportunities. However, any potential partnering should be identified as soon as possible.

6.2.5 Regional Alternative Compliance System. The RAC System has been designed to benefit permittees, the regulated community, the region, and the Regional Water Board. It has long been recognized that small, dispersed mitigation improvements provide limited benefit to the environment at a very high cost, while aggregating small patches of mitigation into a regional site can provide significant environmental benefit at a reduced unit cost for the benefits provided. The RAC System will provide funding for these regional project opportunities and make the mitigation process more efficient, certain, and less time-consuming. This results in a benefit to developers by keeping projects on schedule and a benefit to regulators by increasing meaningful environmental outcomes. It also provides a pathway for public agencies to mitigate off-site for difficult projects like road improvements and public projects in urban centers. The RAC System will streamline permit compliance for many projects, resulting in cost savings for proponents. The CCCWP should work closely with the project team to ensure the RAC System is developed to achieve its full potential and commit to that partnership by including a budget item for collaboration until it is fully developed.

The analysis provided for the above funding options is fairly complete; however, additional background information can be found for each option in the Phase 1 report.

6.3 Implementation Costs. The cost to implement these options is minimal, and some can be implemented jointly. For example, if the CCCWP decides to pursue grants aggressively, it can pursue SRFL and California Water Supply Strategy funding at the same time. The cost of a portion of a staff position to pursue grants would ultimately be paid by the grant funds, other than staff costs used to meet local match requirements. If consultants are used rather than staff, the cost would generally be more, but still covered by grant funds. One advantage of using consultants is more reliable and consistent coverage. If the staff person that works on grants leaves the position, consultants have backup team members to provide coverage, but the CCCWP doesn't have that flexibility, and the position becomes vacant. It can take six months to one year to fill the CCCWP position, creating operational issues in the grant program.

6.4 Projected Revenue. It is almost impossible to estimate the amount of revenue that these one-time sources could generate for the CCCWP. However, if the CCCWP successfully receives a \$1 million grant every other year, the CCCWP budget may see an annual increase of about \$150,000 for a specific project. This assumes that the \$1 million grant requires a 50% match, reducing the "unencumbered" revenue to \$500,000, and costs \$30,000 for the application and \$160,000 to administer the grant for two years, reducing the revenue to \$310,000, for a budget increase of about \$150,000 per year. If some of the activities needed to administer the grant are considered "in lieu" as part of the match requirement, or the match is met with budget expenditures that would have been spent without the grant anyway, then the revenue to the budget would increase by that amount. Grant administration costs also vary, depending on the grant and the project. The Proposition 1 grant in 2016 for the Stormwater Resources Plan cost about \$160,000 to administer over two years (\$80,000 per year), although about half qualified as a match for that project. The WQIF grant funding for the RAC System project is estimated to cost about \$100,000 to administer over four years (\$25,000 per year), as federal EPA grants tend to require less and have more streamlined reporting than state-awarded grants. The more conservative cost of \$80,000 per year is used for the analysis in this report. Lastly, the cost to administer a grant differs from the cost to track grants in general, as an opportunity for funding, for which the CCCWP budgets \$10,000 annually.

6.5 Recommendation. The Management Committee should proactively review the benefits and costs of pursuing one-time revenue sources. The Management Committee should ask staff to develop a plan to show how they would provide the resources needed for this effort, both under the current staffing levels and under a fully staffed scenario. Likewise, the Management Committee should decide whether to adopt a business practice that constantly looks for opportunities for joint permit compliance activities with other partners. Finally, the Management Committee should participate closely in developing the Regional Alternative Compliance System and help whenever assistance is needed.

7. The "Do Nothing" or "Reduce Services" Option

7.1 Description. Under this option, the Management Committee would decide not to pursue any of the funding options presented in this report, other than perhaps one or more of the one-time revenue options. The "do nothing" option could deplete the reserve funds in approximately 5 to 7 years, depending on the CCCWP budget needs. This section of the report will describe the impact that would have on permittees and the CCCWP and what options are available to soften the financial impact of such a decision.

7.2 Financial Implications. Many years ago, the Management Committee established a budget threshold, or budget cap, to provide a consistent "return to source" of SUA funds back to permittees. The budget threshold was set at \$2.2 million in FY 09/10 (MRP 1.0) and has increased over the years until FY 19/20, when it was last increased to \$3.5 million. The budget threshold policy dictates that the amount of the CCCWP budget over \$3.5 million must be paid for from the reserve fund.

The "do nothing" option means reducing services and budgets below \$3.5 million or drawing down on the reserve fund. In FY 09/10, the beginning of MRP 1.0, the reserve fund balance was about \$3.4 million. In FY 15/16, at the beginning of MRP 2.0, the reserve fund balance was at \$3.1 million, and in FY 21/22, on the eve of MRP 3.0, the reserve fund balance was about \$5.5 million. This is shown in Table 10 below. What caused this recent dramatic increase in the reserve fund when the fund vacillated above and below \$3 million from FY 09/10 through FY 19/20? Prior to FY 20/21, the average reserve fund balance was about \$3,033,500. FY 20/21 was about \$1 million more, and FY 21/22 was almost \$2.5 million more than the average over the prior decade. There are several reasons for this unusually large return to reserves at the end of the fiscal year. In FY 21/22, there were unspent funds in virtually every budget category, including about \$300,000 in staff augmentation, \$125,000 of advance work, \$270,000 in Development Committee projects, and \$70,000 in monitoring activities. Budgeting will become more accurate once MRP 3.0 work programs are defined, and CCCWP staffing is stabilized. However, what is occurring with the CCCWP budget and the reserve fund may not accurately reflect the growing impact of MRP requirements on permittee budgets, which is another reason why the Provision C.20 cost reporting data is so important.

Table 10: Reserve Balance FY 2009/10 to Present

Fiscal Year	Budget Cap	Adopted/Adjusted Budget	Actual Budget Expenditures	End of Fiscal Year Reserve Transfer (in or out)	Reserve Balance
2009/10	2.2M	3,232,314	2,194,389	125,815	3,412,853
2010/11	2.2M	4,270,394	2,304,005	(98,030)	3,314,824
2011/12	2.5M	3,748,358	3,420,294	(740,082)	2,574,741
2012/13	2.5M	2,835,892	2,325,208	201,660	2,776,402
2013/14	2.5M	2,838,985	2,354,554	95,240	2,871,641
2014/15	2.5M	3,019,998	2,094,491	409,130	3,280,771
2015/16	2.5M	3,480,957	2,783,234	(203,862)	3,076,909
2016/17	2.5M	3,649,621	2,479,256	146,261	3,223,170
2017/18	3M	4,070,432	2,949,575	(235,941)	2,987,229
2018/19	3M	4,314,013	3,305,670	(220,125)	2,767,104
2019/20	3.5M	3,499,213	3,183,222	492,287	3,083,095
2020/21	3.5M	3,499,970	2,350,697	1,154,849	4,237,944
2021/22	3.5M	3,705,837	2,461,680	1,244,156	5,482,100
2022/23	3.5M	4,489,187	<i>pending</i>	<i>pending</i>	<i>pending</i>

If the Management Committee does not select a funding option or decides not to engage in any funding measure, then what impact would that decision have on permittee budgets? The current fiscal year CCCWP budget, FY 22/23, is approximately \$1 million over the \$3.5 million threshold, and the approved budget for FY 23/24 is approximately \$700,000 over the \$3.5 million threshold. Perhaps the easiest way to understand the impact of the "do nothing" scenario on the permittee's

share of the CCCWP budget is to analyze a hypothetical \$1 million overrun. Table 11 shows that the impact for each permittee would be a 29% increase in their contribution to the CCCWP budget, with the actual increase shown in the "\$1 Million Allocation" column. This scenario assumes all reserve funds have been depleted. With a reserve fund and a \$3.5 million threshold policy, SUA disbursements take out each permittee's share of the approved CCCWP budget up to \$3.5 million. Without a reserve fund, however, the \$3.5 million threshold would have no meaning, and the SUA disbursement would take out each permittee's share of the entire approved budget. Using the FY 22/23 approximate \$4.5 million budget as an example, and assuming the reserve fund had been depleted, then the SUA disbursement to each permittee would have been reduced by the amount shown in Table 11 from the "\$1 Million Allocation" column.

Table 11: Permittee Budget Impact for \$1 Million Overrun (FY 22/23)					
Jurisdiction	January 1, 2022 Population	Prorata % of Program	SUA Budget Allocation	\$1 Million Allocation	Percent Increase in Base Allocation
	1,153,854		\$ 3,500,000	1,000,000	
ANTIOCH	112,848	9.78%	\$ 342,303	97,801	29%
BRENTWOOD	66,097	5.73%	\$ 200,493	57,284	29%
CLAYTON	11,268	0.98%	\$ 34,179	9,766	29%
CONCORD	129,273	11.20%	\$ 392,125	112,036	29%
DANVILLE	43,906	3.81%	\$ 133,181	38,052	29%
EL CERRITO	24,846	2.15%	\$ 75,366	21,533	29%
HERCULES	25,864	2.24%	\$ 78,454	22,415	29%
LAFAYETTE	25,358	2.20%	\$ 76,919	21,977	29%
MARTINEZ	36,827	3.19%	\$ 111,708	31,917	29%
MORAGA	16,820	1.46%	\$ 51,020	14,577	29%
OAKLEY	42,895	3.72%	\$ 130,114	37,175	29%
ORINDA	19,078	1.65%	\$ 57,870	16,534	29%
PINOLE	19,369	1.68%	\$ 58,752	16,786	29%
PITTSBURG	74,498	6.46%	\$ 225,976	64,564	29%
PLEASANT HILL	34,133	2.96%	\$ 103,536	29,582	29%
RICHMOND	110,130	9.54%	\$ 334,059	95,445	29%
SAN PABLO	31,041	2.69%	\$ 94,157	26,902	29%
SAN RAMON	83,863	7.27%	\$ 254,383	72,681	29%
WALNUT CREEK	71,317	6.18%	\$ 216,327	61,808	29%
UNINCORP. COUNTY	174,423	15.12%	\$ 529,080	151,166	29%
Totals	1,153,854	100.00%	\$ 3,500,000	1,000,000	

This analysis is focused on the CCCWP budget, but a "do nothing" approach would have a big impact on permittee budgets as well. The funding shortfalls described in Section 2.1 will continue to increase because compliance costs are expected to go up while SUA revenue will remain relatively constant.

7.3 Helpful Strategies. Several things can be done to lengthen the time that reserve funds are available and/or soften the transition to reserve fund depletion.

- **Increase Threshold.** If the \$3.5 million threshold remains unchanged, budgets will likely continue to exceed the threshold amount and the reserve funds could be depleted, resulting in a potential budget crisis. If the CCCWP does not plan for that possibility, this budget crisis could happen as soon as five years. A budget crisis could be alleviated somewhat by increasing the threshold, resulting in the reserve funds lasting longer. For example, increasing the threshold by \$500,000 (\$4 million threshold) results in an increased contribution to the CCCWP budget by permittees of about 15%. If the budget overrun each year is a consistent \$1 million, then this doubles the time the reserve fund

is available. Alternately the threshold could be increased slowly over three to five years at \$250,000 per year, which would significantly increase the time the reserves are available.

- **Reduce Costs Through Reduced Services.** One way to increase the longevity of reserve funds is to reduce CCCWP costs, either by reducing staffing costs or reducing services. Unless services are reduced, reducing employee staff costs only increases consultant costs, which are typically higher than employee staff costs. Several years ago, the Management Committee requested that staff prepare a staffing plan (dated April 2018) to maintain stable staffing levels, provide for succession planning, and improve staff retention. Prior to that, CCCWP staff worked on a service reduction plan to identify work to be done by additional consultants and/or by co-permittee staff, or work that simply wouldn't be done. This plan was never implemented, as there was some concern that reduced service by CCCWP staff would increase permittees' workload. There is a loss of cost efficiencies when group-related work done by one CCCWP staff person is done by a staff person at each of the 20 permittees. However, there are other cost efficiencies the Management Committee could consider, such as reduced assistance to permittees in certain situations, a reduction in the number of meetings, staff reports, and other administrative duties, etc.
- **Level of Compliance.** Another way to increase reserve fund longevity is to reduce compliance levels, thereby reducing compliance costs. This type of analysis would look at the business practices involved in meeting permit compliance and how they could be changed to the absolute minimum effort possible. For example, reducing the number of committees and committee meetings attended by CCCWP staff, sharing staff reports and other documents common to the BAMSC stormwater programs, and streamlining processes to reduce reporting work. This type of review has been done in the past, including in this fiscal year. Staff reviewed the FY 23/24 budget looking for any line items not explicitly required by the permit. The end result was that a handful of line items were identified, but the FY 23/24 budget was ultimately only reduced by \$240,000, \$200,000 of which was moved to the FY 24/25 budget. Perhaps a more comprehensive analysis of current requirements the CCCWP must comply with and CCCWP's current business practices would result in additional cost reductions.

7.4 Implementation Costs. The cost to implement this option is negligible unless the Management Committee undertakes one or more of the reviews or analyses noted above. Even then, the implementation costs would be minimal.

7.5 Projected Revenue. There is no revenue generation with the "do nothing" option. By choosing this option, the Management Committee must also accept that the reserve fund will be depleted sooner than choosing any other option. The amount of time before the reserve fund is depleted can be lengthened with some cost-saving measures, but it will be depleted nonetheless. It should be noted that since this option produces no revenue, permittees must accept the risk of not having the resources to meet permit requirements and falling into noncompliance. This could lead to enforcement action, fines, and third-party lawsuits, further increasing costs.

7.6 Recommendation. There is not much to recommend with this option, other than take steps to lengthen the time as much as possible before the reserve fund is depleted and reduce the financial shock of a budget crisis. The three helpful strategies described above provide

options to do that. Perhaps the most straightforward strategy is for the Management Committee to discuss and increase the threshold amount over the next several budget cycles.

8. Other Considerations

8.1 Policy/Administrative Issues. Some policy and administrative issues were raised during the development of Phase 1 of this report that are explored in this section, in addition to some other issues identified in Phase 2.

8.1.1 Co-permittees. All permittees are “co-permittees” under a single stormwater permit (the MRP). Each permittee must be thoughtful of the needs of all other permittees, especially the smaller jurisdictions. If permittees with more resources strike out on their own and seek additional revenue, that begins to establish a hierarchy of “haves” and “have-nots”. If one or more permittees cannot meet permit requirements due to financial shortcomings, that makes it harder for all permittees and CCCWP staff to collectively manage a cohesive stormwater program. The Management Committee must consider the needs of all permittees, individually and collectively, when deciding on a funding option.

8.1.2 CCCWP Assistance. As a result of this report, a subgroup of permittees may decide to implement one or more funding options independently. If a large enough group of permittees are implementing an option at the local level, it might make sense for implementation templates to be developed at the CCCWP level. The Management Committee should consider this if some options are implemented locally.

8.1.3 2024 Ballot Measure. The California Business Roundtable has qualified a statewide ballot measure on the November 2024 ballot that would add further procedural hurdles and limitations on local tax and fee authority. The “Taxpayer Protection and Government Accountability Act” measure would amend the Constitution to state that “every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge” and define local levies in the same manner. The amendment would require a law proposing or increasing a tax to include the duration of the imposition of the tax, an estimate of the annual revenue from the tax, a statement regarding the use of the revenue, whether for specific or general purposes, and the ballot title and summary for the tax measure question. The measure would increase the vote requirement for special local taxes proposed by local government or citizens to a two-thirds vote of the local electorate. This proposed constitutional amendment does not appear to change the process for a property-related fee; however, a detailed legal analysis would need to be performed if this ballot measure passes to see if any changes would be warranted to any future proposed property-related fee ballot measure.

8.1.4 Use of SUA Funds. Two fundamental questions must be addressed with any potential funding measure for the CCCWP. First, what funds can be used to pay for the development of a funding measure, and second, does the fiscal agent for the CCCWP have the authority to implement and adopt a funding measure? For the 2012 Initiative, it was decided that SUA funds, which are restricted funds, could be used to pay for the development of the ballot measure. It was also confirmed that the Flood Control District had the authority to implement and adopt the ballot measure. The Flood Control District Act (Act) was expressly modified in 1992 to allow for the formation of stormwater utility areas and the collection of stormwater utility assessments. The CCCWP attorney was asked to reply to these same two questions as part of this report.

With regards to adopting a ballot measure, the attorney confirmed that the Flood Control District still has the authority to implement such a measure. However, the legal analysis for using SUA funds resulted in a different answer. As restricted funds, stormwater utility assessments can only be used for the purposes for which they were originally established. According to the Act, stormwater utility assessments can be used "for the purpose of paying for the costs of activities undertaken, or to be undertaken, in connection with the national pollutant discharge elimination system (NPDES) program." The annual engineer's report adopting the stormwater utility assessments states that "stormwater utility assessment revenues can only be spent on the NPDES program activities and storm drain system maintenance." Stormwater utility assessments, therefore, could not be used to fund a ballot measure unless the work was associated with the NPDES program. In addition, the state constitution defines an assessment as "any levy or charge upon real property by an agency for a special benefit conferred upon the real property." The CCCWP attorney believes that activities performed to develop a ballot measure are general governmental services that do not benefit specific property. For example, educational outreach about a funding measure does not benefit real property. However, real property benefits from the various CCCWP activities that meet permit requirements, such as pollution reduction and trash capture. Permit compliance efforts ultimately improve water quality, benefiting all properties, whereas developing a funding measure, in and of itself, does not.

The CCCWP engages in various activities necessary for managing a stormwater program and complying with permit requirements, some of which could potentially support the development of a funding measure. For example, "background analysis and research" and "future CCCWP cost analysis" were among the nine elements previously assessed in developing a funding measure. These two elements require collecting and analyzing revenue and expenditure information and reviewing and analyzing projected future annual costs and sources of funding for the CCCWP and permittees. Some of this work is required under Provision C.20, but all of it appears prudent for effectively managing a stormwater program. If the 2012 Initiative was reviewed through the lens of current SUA restrictions and assuming the project's attorney concluded that SUA funds could only be used for "background analysis and research" and "future CCCWP cost analysis", then SUA funds could only be used for about 10% of the project cost. If the legal assumption is that SUA cannot fund the outreach effort, that alone represents about 66% of the project cost. It seems clear that the bulk of the project will have to be funded with unrestricted, non-SUA funds.

If the Management Committee decides to move forward with a funding measure, then a detailed legal analysis at that time would need to be conducted to determine what activities can and cannot be funded with stormwater utility assessments. It may be likely that some activities, paid for with SUA funds and conducted as part of the normal CCCWP operations, could contribute to developing a funding measure. In the worst-case scenario, the legal analysis may not allow using any SUA funds, and the funding measure would need to be entirely financed through other means.

How would that work? In the worst-case scenario, perhaps even staff work associated with exploring a funding measure cannot be charged to SUA funds. This could be remedied by permittees collectively transferring a reasonable amount, say \$100,000, in unrestricted funds to the CCCWP for deposit in a separate account. For a total \$100,000 deposit, each permittee

can determine the amount they would be responsible for transferring by referring to Table 11 under the "\$1 Million Allocation" column. The Program Agreement would need to be reviewed to determine if it includes provisions for collecting and depositing a transfer of unrestricted funds from each permittee. The CCCWP could establish a project account to deposit the restricted funds for a future funding measure project. If the Program Agreement does not provide for collecting the funds and establishing this type of project development funding account, then a separate agreement would need to be developed or the Program Agreement amended. An initial \$100,000 deposit would allow CCCWP staff to further examine the legal restrictions of using SUA funds. In each subsequent year the Management Committee would decide how much of a deposit would be needed that year as part of the budget process.

8.1.5 CCCWP Structure. The CCCWP is currently governed through a program agreement that provides no authority for contracting, hiring, entering into an agreement (e.g., a grants contract with the state), or making financial payments. Depending on the funding option chosen, the Management Committee may want to consider the benefits of an updated program agreement or a different organizational structure to implement the chosen option and what it would take to make that change. The CCCWP Program Agreement expires in 2025. While the agreement can be extended, this is an opportunity to review and update it to facilitate any desired procedural, operational, or relational changes. For example, changes may be needed to accommodate the CCCWP role in the RAC System or allow collecting and managing permittee unrestricted funds.

9. Pathway Forward

9.1 Description. There are three approaches to increasing funding for stormwater services and projects: 1) funding at the CCCWP level, 2) funding at the permittee level, and 3) funding at the project or program level through a partnership with a group of permittees or a group of permittees and the CCCWP. Phase 2 of this report has focused solely on implementing options at the CCCWP level. However, the options could be implemented at the permittee or project level, particularly the one-time funding sources such as grants. This section lays out a pathway forward for the Management Committee to consider. It starts with a short-term approach, moves into a long-term approach, and contemplates the decision processes relevant to each.

9.2 Short-term approach. The following are items that the Management Committee could implement over the short term, in FY 22/23 or FY 23/24.

- **One-Time Funding.** Regardless of whether the Management Committee moves forward with one or none of the ongoing revenue funding options, the Committee could pursue the one-time funding options. There are several benefits to this approach. First, if the Management Committee pursues an ongoing revenue option, it is easier to sell the effort when the CCCWP is pursuing one-time funding options, such as grants. It shows the CCCWP is not sitting on its hands waiting for an approved ballot measure but is taking the initiative to get all the funding it can. Second, it's good political optics for elected officials to advertise the grants received by the CCCWP, again to show the CCCWP is a hard-charging operation and would only ask for additional funding if really needed. And third, these one-time funding options bring revenue into the CCCWP to complete work that would either be funded from CCCWP funds or otherwise not be done. As part of this effort, all options in Phase 1 should be reviewed to expand the possible opportunities

available for one-time funding options, such as the Water Infrastructure Finance and Innovation Act loans.

- **Business Review.** Another activity the Management Committee could pursue, regardless of choosing a funding option or not, is a review of all CCCWP business practices to determine if there are cost efficiencies the Management Committee could consider, such as reduced assistance to permittees in certain situations, a reduction in the number of meetings, staff reports, and other administrative duties.
- **Legislation.** The CCCWP should stay informed about the latest legislation and legislative proposals that could impact CCCWP operations or potential funding opportunities. For example, there have been several past attempts to modify the provision in Proposition 218 that exempts water, wastewater, and refuse collection from voter requirements to also include stormwater as an exemption. Some statewide organizations permittees have access to, such as the League of California Cities, the California State Association of Counties, and the California Stormwater Quality Association (CASQA) track legislation. From the CCCWP's perspective, getting legislative information and upcoming grant opportunities from CASQA is probably the easiest. The Management Committee could direct staff to participate in relevant CASQA funding and legislative committees.
- **Funding Efforts.** Outreach to various organizations and associations to gain and/or maintain awareness of nascent or established efforts to develop new funding sources and report these efforts to the Management Committee. If appropriate and there is a potential benefit, the Management Committee should consider whether to monitor the effort, engage in the process, or participate as a partner. As an example, the California Ocean Protection Council (OPC) and the National Oceanic and Atmospheric Administration's Marine Debris Program have jointly developed the California Ocean Litter Strategy. The Strategy has six goals, one of which (Goal 3) has an action item to "Create a mechanism for local governments to fund stormwater trash programs through public or private sources."
- **Budget Threshold.** The \$3.5 million budget threshold is an artificial cap on SUA funds allocated to the CCCWP budget. Starting with the next budget adoption cycle for FY 24/25, the Management Committee could consider the budget threshold each year to determine if the threshold level should be maintained, increased, or eliminated.

9.3 Long-term approach. The Management Committee could implement the following items over the longer term, beginning in FY 23/24 and throughout the next four to five years.

- **Community Facilities District.** Similar to the short-term approach, the Management Committee should collaborate closely with the project team developing the RAC System to ensure it can charge users of the System an additional fee to fund local stormwater services through its' maintenance program. Providing it is feasible, there doesn't seem to be any downside to expanding the RAC System community facilities district to benefit multiple parties.
- **Property-related fee.** The Management Committee should then decide whether or not to pursue an all-inclusive property-related fee to fund stormwater services, or a litter/trash

property-related fee to fund a subset of stormwater services. If the Committee pursues one of these funding options, it should budget funds to conduct surveys and develop the Implementation Plan. The surveys will indicate the feasibility of a countywide property-related fee, what would need to be included to make it feasible, and if not feasible now when it would be feasible, and the relative feasibility between a litter/trash property-related fee and an all-inclusive property-related fee. In 2012 surveys were included in an all-encompassing contract for a funding measure. This time, it's recommended to conduct surveys initially, before contracting for any other work, to determine if some of the lessons learned can be overcome, the likelihood of success, and if it is even advisable to pursue such a measure. If the Management Committee decides to move forward with a property-related fee, the first order of business is to conduct a detailed legal analysis of what type of funds can be used to develop the funding measure and to what extent SUA funds can be used. It is assumed for this report that the Management Committee would manage a funding measure project whether SUA funds can be used or not.

9.4 Decision Process. The Management Committee has requested information on viable funding options to determine how best to fund stormwater services. Who should make that decision and how should it be made? The key decision is whether or not to pursue a long-term funding measure that provides ongoing revenue. Choosing only to follow the short-term approach, means there has been a decision not to pursue a long-term funding measure. Who makes that decision depends on how decisions are made within each permittee organization. For example, for those organizations with a strong manager the decision may be made with that person. However, for those organizations with a strong mayor or council the decision may go to the governing body. Ultimately an agreement to pursue a long-term funding measure will require a resolution of intention from each City/Town Council and the Board of Supervisors, so governing bodies will need to be informed at some point. Communication up and down the managerial hierarchy in each permittee organization will be key to a successful decision. The following organizations will need to be briefed and provided information to ensure that decision-makers can make an informed decision.

- Management Committee
- City County Engineering Advisory Committee (CCEAC)
- Public Managers Association (PMA) and its MRP 3.0 Subcommittee
- Mayors Conference
- City/Town Councils and the Board of Supervisors

A communication plan must be developed to lay out when these organizations should be briefed, and information and presentations prepared and tailored to each organization. Strategically, three issues should be considered before pursuing a long-term funding option. First is to ensure that the County Board of Supervisors would support taking the lead on a funding measure similar to the effort in 2012. The second is to determine how to pay for the funding measure project and what funds can be used. The third is a question of timing and whether it would be advantageous to wait until Provision C.20 cost data is in place in 2026, or even until the reserves begin to decrease, before deliberating on a long-term funding measure. Elected officials and city/town managers have heard the cry of imminent fiscal crisis due to the escalating costs of stormwater permit compliance since the first MRP was released in 2009 (MRP 1.0). It would be easier to explain the fiscal impacts of MRP compliance when the cost data is available.

9.5 Concluding Recommendations. The following are recommended actions for the Management Committee as a pathway forward, from having a report filled with analysis to the

culp of preparing an Implementation Plan for a funding measure. There are too many variables beyond that point in the process to provide further recommendations. The quality of the analysis in this report is contingent on the quality of information available. For example, the estimated cost to implement a property-related fee is based on the cost to implement the 2012 Initiative, and while the projected estimates provided may not be accurate, they should be adequate to make the planning-level decision the Management Committee faces.

9.6 Short-term recommendations for Fiscal Year 23/24

- Direct staff to develop a multi-tier plan for Management Committee review to pursue one-time funding, ranging from a tier with a mild degree of commitment to this approach (past/current practice) to a tier with a high degree of commitment (funding a part-time or full-time grant writer/administrator position), under both a current staffing scenario and a fully staffed scenario.
- Consider directing CCCWP staff to prepare a staff report with ideas and recommendations to reduce costs by reducing levels of service and/or reducing levels of compliance. This report could include a plan to communicate the results to the City/County engineers and the City/Town managers for consideration by the Management Committee.
- Direct staff to provide recommendations on how to be aware of and be able to influence legislative proposals, regulatory policies, efforts to develop new funding sources, and project funding opportunities (e.g., CASQA, Ocean Protection Council).
- Provide direction to staff to include consideration of the \$3.5 million threshold with each annual CCCWP budget deliberation, starting with FY 24/25, and decide whether to maintain, increase, or eliminate it.
- Provide direction to staff to prepare a status of implementing a funding measure with each annual budget and hold a policy discussion to decide the process steps to budget for during that planned fiscal year, including a legal analysis of what activities can be paid for with SUA funds.
- Provide direction to staff to determine the process necessary to establish a project account and receive deposits from permittees of unrestricted funds for the development of a funding measure.
- Direct staff to review the RAC Roadmap when it is completed and submit a report on how the roadmap might play a part in the short-term funding approach.
- Direct staff to bring the Program Agreement to the Management Committee for review with recommended modifications to facilitate procedural, operational, or relational changes due to internal or external driving forces.
- Direct staff to work with the Administrative Committee to plan for and conduct a workshop with Management Committee members to provide a detailed overview of the pathway forward and process to develop additional funding for stormwater services.

- Direct staff to review the process to develop the Provision C.20 cost data to ensure the resulting data will provide all that is needed to convey the fiscal need of permittees, includes **all** compliance costs, includes the source of funding compliance activities, and is in a format that can be easily monitored over the years to determine future increases in compliance costs.

9.7 Long-term recommendations for Fiscal Year 24/25 and beyond

- Provide direction to staff to collaborate fully with the RAC System project, request that its Community Facilities District can also provide funding for local stormwater services to the greatest extent possible, estimate any costs associated with this request that's not paid by the project, and set aside that amount in the budget.
- Direct staff to prepare a communication plan to discuss the funding options with the permittee's vertical management and other interested organizations (e.g., CCEAC, PMA, Mayors Conference) including to whom presentations would be given, when they would be given, and what would be presented.
- Direct the Administrative Committee to work with staff to draft a scope of work for a survey that will determine the level of support for an all-inclusive property-related fee and a litter/trash property-related fee, gather information to overcome some of the lessons learned (e.g., is a countywide fee service area feasible), and determine what future conditions would increase support (e.g., improved economy, increased property values); and direct staff to contract with a survey consultant to conduct a survey pursuant to the scope of work.
- Direct staff to work with the County Public Works Department to determine the level of support the Board of Supervisors would have for a ballot measure similar to that conducted in 2012.
- Provide direction to staff to wait until the C.20 cost data is available before launching a funding measure, review the cost data, and determine how the cost data can best be used to convey permittee's fiscal need. (Note: Cost reporting data is to be prepared and reported in the Annual Report for FY 24/25, submitted in September 2025, and it's not likely a proposed future funding measure would launch before that time due to all the preliminary work that must be completed: communication plan, surveys, Implementation Plan, etc.)
- If the Property-Related fee option is chosen, then direct the Administrative Committee to work with staff to draft a scope of work for the Implementation Plan to develop a funding measure; and direct staff to contract with a consultant to develop the Implementation Plan pursuant to the scope of work.
- If the Litter/Trash Property-Related fee option is chosen, then direct the Administrative Committee to work with staff to draft the scope of work for a study to show the connection between litter/trash in the landscape and property ownership; and direct staff to contract with a consultant to conduct the study pursuant to the scope of work.

- If the Litter/Trash Property-Related fee option is chosen, then direct the Administrative Committee to work with staff to draft the scope of work for a legal and procedural analysis to develop a framework for a fee that would meet the requirements of Proposition 218; and direct staff to contract with an attorney to conduct the analysis pursuant to the scope of work.
- If either property-related fee option is chosen, and recognizing the importance of outreach to be successful, direct staff to propose an outreach oversight structure for Management Committee consideration that ensures any problems from the 2012 Initiative are not repeated.

10. Next Steps

The purpose of this report is to provide the Management Committee with enough information to make a planning-level decision about which funding option, if any, to move forward with to pay for increasing permit compliance costs. There is no rush to make this decision. First, it makes sense to wait until the cost data required by Provision C.20 is available to substantiate the premise that a funding measure is needed, especially in discussions with city/town managers or councils. Second, it would not be prudent to begin a campaign for a funding measure during a time of high inflation. Assuming it will take people about two years to forget about the pain of inflation after the economy has improved and assuming the public perception of the economy will not begin improving for another two years, then the time to begin a new funding measure campaign would be 4 to 5 years away. With this in mind, the following are recommended next steps for the Management Committee to consider and act on now.

- **Approve the Report.** Approve this report but do not choose a funding option. Choosing or not choosing a funding option requires Provision C.20 cost data for decision-making bodies (e.g., councils) to be fully informed.
- **Implement Some Short-Term Actions.** Review the short-term action items from the "Concluding Recommendations" section above and implement those that are feasible and desirable. Work with staff to determine when staff resources would be available to implement the items or consider a phased implementation.
- **Community Facilities District.** Implement the community facilities district action item described in the long-term recommendations section above. Although this is a long-term item, this option must be pursued now to meet the RAC System development timeline.
- **Wait.** Hold off deciding on a funding option and seeking support from city/town engineers, managers, and elected officials until cost report data is available. The cost report data will be submitted with the 2025 Annual Report, so it should be available by November 2025.
- **Other Information.** Determine if any additional information is needed before deciding which option to choose. Over the next fiscal year, as the Management Committee discusses how and when and if to move forward with a funding measure, there may be additional information that would prove helpful in making near-term and or long-term decisions.

11. List of Attachments

The following is a list of the attachments included in this report for both Phase 1 and Phase 2:

- Attachment 1: Chart of annual CCCWP budgets
- Attachment 2: Chart of CCCWP reserve funds
- Attachment 3: Estimated MRP 3.0 Five-Year Budget
- Attachment 4: Community Clean Water Initiative report by SCI Consulting Group et al
- Attachment 5: Lessons Learned from the 2012 Initiative
- Attachment 6: Project report to the County Engineers Association of California
- Attachment 7: Grand Jury Report No. 1305



Management Committee

Stormwater Funding Options Report, Phase 2

July 19, 2023

G/NPDES/Funding Initiative/2022 Stormwater Funding Options Report/MC_Mtg_07-19-2023_SW Options Phase 2 ppt



Recommendations

- Approve report
- Implement short-term actions
- Focus on developing a CFD with the RAC
- Wait for cost reporting data
- Identify any additional information needed

Changes From Last Meeting

- Use of SUA funds issue expanded
- Provision C.20 cost data recommendation added
- Minor changes to improve clarity/understanding

Pathway Forward

- Short-term approach
- Long-term approach
- Decision process
- Short-term recommendations: FY 23/24
- Long-term recommendations: FY 24/25 and beyond

Next Steps

- Only one option will meet objectives
 - Ongoing revenue
 - Significant amount of income
 - Two-thirds voter approval (tax) is not achievable
- Fundamental decision
 - Property-related fee: yes/no
 - If "no" then consider other options
- Workshop
 - Detailed review of process forward
 - After annual report and before budget (October or November)



Questions?

Good Luck!



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: July 19, 2023

To: Management Committee

From: Lisa Austin and Lisa Welsh (Geosyntec), CCCWP Consultant for Monitoring Committee

Subject: APPROVE the BAMSC Trash Monitoring Plan and Quality Assurance Project Plan (QAPP) and submit them to the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)

Recommendation

Program Staff recommend each Permittee's duly authorized representative APPROVE the Final Draft BAMSC Trash Monitoring Plan and Quality Assurance Project Plan (QAPP) and direct the Interim Program Manager to authorize submittal of them to the SFBRWQCB by the required deadline of July 31, 2023.

Notes

The Staff Report, "Update on the BAMSC Trash Monitoring Plan and QAPP" was presented at the June 21, 2023, Management Committee Meeting. At the time of the June Management Committee, the BASMC Trash Monitoring Workgroup was coordinating a response to TAG, Permittee, and Stakeholder comments on the Draft BAMSC Trash Monitoring Plan and QAPP. The revisions to the Draft Trash Monitoring Plan and response to comments are summarized below in the "BAMSC Response to Comments" section. For reference, the June Staff Report is included in its entirety herein with revisions highlighted in grey text.

Background

With the adoption of MRP 3.0 in WY 2022, the Regional Water Board also added significant trash monitoring requirements. Provision C.8.e directs Permittees to conduct trash monitoring at MS4 outfalls and in receiving waters, and prescribes specific monitoring location criteria, methods, and frequencies that must be achieved to address the management questions and monitoring questions listed below. Provision C.8.e.v

requires Permittees to collectively submit a Trash Monitoring Plan to the Regional Water Board (RWB) for Executive Officer approval by July 31, 2023. The Trash Monitoring Plan should be designed to address the following management and monitoring questions as specified in the permit:

Management Questions:

1. Have the Permittees' trash management actions effectively prevented trash in their jurisdictions from discharging to receiving waters?
2. Are discharges of trash from areas within the Trash Management Areas controlled to a low trash generation level causing and/or contributing to adverse trash impacts in receiving water?

Monitoring Questions:

1. What is the trash condition and approximate level of trash (volume, type, and size) within and discharging into receiving waters in areas that receive MS4 runoff controlled to a low trash generation via the installation of full trash capture devices, or the implementation of other trash management actions equivalent to full trash capture systems?
2. Does the level of trash in the receiving water correlate strongly with the conditions of the tributary drainage area of the MS4?

To comply with this provision, CCCWP joined with other Bay Area Municipal Stormwater Coalition (BAMSC) Programs to form the BASMC Trash Monitoring Workgroup. The workgroup meets bi-monthly to coordinate on site selection, equipment, permitting, the Trash Technical Advisory Group (TAG), and the development of the Trash Monitoring Plan and associated Quality Assurance Project Plan (QAPP).

Outfall Monitoring

Beginning Oct. 1, 2023, a minimum of two outfalls in Contra Costa County must be monitored during a minimum of three wet weather events per year. Monitoring must be conducted with netting (or equivalent) devices attached to the end of the outfall pipe or other equivalent location that allows for the capture of trash discharging through the MS4. Targeted outfalls must drain areas that are controlled to the low trash generation level and must be representative with respect to the types of trash controls present across the region. Provision C.8.e.ii also requires direct measurement of flow at the monitoring station (to calculate loading) and collection of data on the type of material collected.

Receiving Water Monitoring

The MRP also requires Permittees to implement a pilot program to directly sample sections of receiving waters that receive runoff primarily from MS4 outfalls that drain tributary areas controlled to the low trash generation level. In Contra Costa County, a

minimum of one receiving water location must be monitored during a minimum of three wet weather events per year beginning Oct. 1, 2024. Coordination on trash receiving water monitoring will begin in Summer 2023, with the support of a regional Water Quality Improvement Fund (WQIF) grant. A total of \$3.35 million in funding was awarded to support the *Watching Our Watersheds – Improving Trash Monitoring Methods and Pollution Prevention Strategies* program through regional partnerships in the Bay Area. An addendum to the Trash Monitoring Plan and QAPP will be added in FY23/24 to address trash receiving water monitoring.

Trash Technical Advisory Group (TAG)

The BAMSC Trash Monitoring Workgroup recruited technical experts and RWB Staff to serve as Trash TAG members, as required by Provision C.8.e.iv. The Trash TAG is required to meet biannually prior to the submission of the Trash Monitoring Plan and annually thereafter. This Spring, the Trash TAG was asked to review and provide input on site selection, monitoring methods, permitting, analysis methods, results, and conclusions. The TAG members include:

- Tony Hale, PhD – Director of the Environmental Informatics Program, San Francisco Estuary Institute (SFEI).
- Shelly Moore – Executive Director, Moore Institute for Plastic Pollution Research.
- Tom Mumley, PhD – Assistant Executive Officer, San Francisco Bay Regional Water Board.
- Dawn Petschauer – Stormwater Program Administrator, City of Pasadena.
- Ted Von Bitner, PhD – Assistant Vice President, WSP USA.

The first Trash TAG meeting was held on March 15, 2023; the second Trash TAG meeting was held on May 22, 2023. The draft Trash Monitoring Plan and QAPP were submitted to the TAG on May 15, 2023. The BASMC Trash Monitoring Workgroup has revised the draft Trash Monitoring Plan in response to TAG comments. The TAG comments and BAMSC responses to comments are provided as Appendix A of the Trash Monitoring Plan.

Stakeholder Outreach

The Trash Monitoring Plan must describe opportunities provided for input and participation by interested parties and scientific experts other than those participating in the TAG. The BASMC Trash Monitoring Workgroup distributed the draft Trash Monitoring Plan and QAPP via email to interested stakeholders, such as EPA Region 9, Save the Bay and Caltrans. Comments were requested by June 9, 2023; no comments were received.

Proposed Trash Outfall Monitoring Sites

Identification of potential outfalls for trash monitoring included desktop analysis and field verification. Desktop analysis incorporated available storm drain information (i.e., pipes, inlets, outfalls), GIS data, satellite imagery, and Google Street View. There are hundreds of outfalls countywide. CCCWP identified priority trash management areas (TMAs) based on proximate location to a creek and area controlled to low trash generation levels. CCCWP then manually reviewed potential outfall monitoring locations using basic safety and logistical criteria. CCCWP assessed over seventy potential outfall locations throughout Contra Costa County in desktop and/or field reconnaissance. From the seventy locations considered, CCCWP has identified two priority locations that are safe and feasible to monitor. The site locations include an outfall to Walnut Creek in Civic Park in the City of Walnut Creek, and an outfall to Grayson Creek north of Center Ave in Unincorporated County (Pacheco). The characteristics of the potential monitoring locations are summarized in Table 1 below.

Table 1. Proposed Trash Outfall Monitoring Site Summary

Site ID	Location	Treatment Area (ac)	Treatment Type	Outfall
CC-WC	Drainage to Walnut Creek, east of Civic Park Parking lot	1.0	Basket	15-inch RCP
CC-PCH	Drainage to Grayson Creek, north of Center Ave, Pacheco	3.9	Basket/CPS	18-inch CMP

CCCWP is working with the respective Permittees and other agencies to assess feasibility, gain approval, and obtain the necessary permits to conduct monitoring throughout the permit term.

SFBRWQCB Staff Comments

SFBRWQCB Staff provided comments on the draft Trash Monitoring Plan via email on June 16, 2023. The BASMC Trash Monitoring Workgroup has revised the draft Trash Monitoring Plan in response to the SFBRWQCB Staff comments. The BAMSC responses to comments will be emailed to SFBRWQCB Staff with the submission of the BAMSC Trash Monitoring Plan and QAPP.

BAMSC Response to Comments

The TAG comments and BAMSC responses to TAG comments are provided as Appendix A of the Trash Monitoring Plan. The SFBRWQCB Staff comments and BAMSC responses to comments will be emailed to SFBRWQCB Staff upon submission of the BAMSC Trash Monitoring Plan and QAPP. A summary of the key revisions includes:

- Improved description in Section 1, Introduction and Background of the representativeness of the sites selected with respect to baseline trash generation rates, land use, and rainfall depth in the outfall catchment area.

- Enhanced description of full trash capture devices to clarify terminology in Section 1 and Appendix B. Additional information was also added in Appendix C, describing the specific types of full trash capture or other trash control measures implemented in the selected catchments.
- Revised categories for trash characterization in Section 4, Field Methods and Procedures including Single Use Plastic Food/Drinkware, Cigarette Butts, Electronic Smoking Products, and Other Smoking Products.
- Further description in Section 9, Data Evaluation and Reporting, dissemination of information and follow-up investigations in response to monitoring results. If trash monitoring results indicate that discharges are causing or contributing to adverse impacts in receiving waters, the Permittees must implement new or enhanced actions to comply with the trash discharge prohibition and receiving water limitations. If the amount of trash discharged from an MS4 outfall is calculated to be > 5 gallons/acre/year, then the local Stormwater Program or Permittee will investigate the catchment and trash controls within the catchment. Investigations will be site-specific and Stormwater Programs will work with Permittees on implementing the recommended follow-up actions. All investigations and resulting follow-up actions will be described in annual trash monitoring reports and discussed with the TAG.
- A discussion in Section 10, Adaptive Management that Programs are considering an adaptive management process to develop alternative monitoring methods for pilot testing that would allow for more areas to be monitored, thereby increasing representativeness.

Schedule:

The anticipated schedule for review and approval of the BAMSC Trash Monitoring Plan and QAPP includes the following:

- May 22 – Draft Trash Monitoring Plan and QAPP shared with CCCWP Monitoring Committee for review (Completed)
- June 2/9 - Permittees comments due on draft Trash Monitoring Plan and QAPP. (Completed).
- July 10 – Presentation to Monitoring Committee on revisions to the Trash Monitoring Plan and QAPP (Completed).
- July 12 – Final Draft BAMSC Trash Monitoring Plan and QAPP shared for Management Committee review (Completed).
- July 19 – Management Committee meeting to approve the BAMSC Trash Monitoring Plan and QAPP.
- July 31 – Submission of the BAMSC Trash Monitoring Plan and QAPP to RWB for Executive Officer approval.

Fiscal Impact:

None at this time.

Attachments:

The following PDF documents are available on GroupSite:

<https://cccleanwater.groupsie.com/folders/295595>

- Final Draft BAMSC Regional Trash Monitoring Plan, Version 1.0 Municipal Stormwater Outfall Monitoring
- Final Draft BAMSC Trash Monitoring Quality Assurance Project Plan
- BAMSC Response to SFBWQCB comments on the Draft Trash Monitoring Plan



CONTRA COSTA
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Date: July 19, 2023

To: Management Committee

From: Elizabeth Yin, Consultant

Subject: Review of Draft Regional Provision C.17 BMP Report

Recommendation:

Review the Draft Regional BMP Report developed by the BAMSC Unsheltered Homeless Populations Working Group and provide staff with comment or feedback.

Background:

MRP 3.0 introduced a new provision, C.17 Discharges associated with unsheltered homeless populations, that sets new requirements and deadlines for Permittee implementation. Under Provision C.17, several reporting items were introduced, including the development of a map, a report of best management practices (BMP), and the inclusion of an implementation evaluation into the 2023 Annual Report.

To support the development of the BMP Report, CCCWP has been participating in a Bay Area Municipal Stormwater Collaborative (BAMSC) Work Group with the focus of developing a Regional best management practices (BMP) Report that details the BMPs implemented to reduce the water quality impacts of unsheltered homeless populations. To date, the Work Group has established guidance on collecting information, prepared outlines for the Regional BMP Report and the Countywide BMP Report, and produced an initial draft of the Regional BMP Report.

On July 5th, CCCWP distributed the Draft Regional BMP Report for review by Countywide Permittees. The Report was developed and reviewed by the BAMSC C.17 Work Group which included CCCWP and other permittee staff. The BMP Fact Sheets that are included in Attachment A of the Report were developed based on information provided by Permittees to Countywide stormwater program leads.

The BAMSC Work Group has requested regional review of the report with the following requested considerations:

- Add any information you have to the sections on *Challenges, Lessons Learned, Other Considerations and References/Resources*. There are some fact sheets where we do not have adequate information in these sections.
- For the *Local Implementation Examples* section, please review any sections where we have cited information on your jurisdiction from the C.17 BMP Survey information that you provided to us – we want to make sure that the information is accurate. We do not need an example from each jurisdiction, but we are trying to provide a range of examples with different approaches, so if you know of any unique or new implementation examples, please add them to the fact sheets.
- Please also provide any relevant pictures you have.

Draft Regional BMP Report documents can be found in the following Groupsite folder: [Draft BMP Report](#)

Schedule:

The BAMSC Regional Workgroup has requested feedback from Countywide Programs by **Friday July 21, 2023**. Following comment, the Countywide leads will finalize the Regional BMP Report with input from the Working Group. A final draft Regional BMP Report is expected to require approval from Management Committee at the August Management Committee meeting.

Fiscal Impact:

None at this time.

Attachments:

- Draft C.17 BMP Report
- Draft C.17 BMP Report Fact Sheets



BAY AREA MUNICIPAL
STORMWATER (BAMS) COLLABORATIVE

Regional Best Management Practices Report for Addressing Non-stormwater Discharges Associated with Unsheltered Homeless Populations

**Submitted in compliance with the San Francisco Bay Municipal
Regional Stormwater National Pollutant Discharge Elimination
System (NPDES) Permit, Order No. R2-2022-0018, Provision
C.17.a.**

Prepared on behalf of:

Alameda Countywide Clean Water Program

Contra Costa Clean Water Program

San Mateo Countywide Water Pollution Prevention Program

Santa Clara Valley Urban Runoff Pollution Prevention Program

Solano Stormwater Alliance

DRAFT June 2023

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1 INTRODUCTION

This Regional Best Management Practice (BMPs) Report (Regional BMP Report) for addressing non-stormwater discharges associated with homelessness was prepared by the Bay Area Municipal Stormwater Collaborative (BAMS Collaborative) per the Municipal Regional Permit (MRP) for urban stormwater issued by the San Francisco Bay Regional Water Quality Control Board (Permit Order No. R2-2022-0018, MRP 3.0) Provision C.17.a.i.(2).

The BAMS Collaborative represents 103 stormwater management agencies in the San Francisco Bay Area, including 88 cities and towns, 8 counties, and 7 special districts. The BAMS Collaborative is focused on regional challenges and opportunities to improve the quality of stormwater flowing to our local creeks, the Delta, San Francisco Bay, and the Pacific Ocean. The BAMS Collaborative was organized in 2021 by the Board of Directors for the Bay Area Stormwater Management Agencies Association (BASMAA) to continue the information sharing and permittee advocacy functions of BASMAA in an informal manner after BASMAA's dissolution. The BAMS Collaborative continues BASMAA's mission to encourage information sharing and cooperation, and to develop products and programs that are required and/or more cost-effectively completed regionally than locally. The BAMS Collaborative has collectively developed this Regional BMP Report in fulfillment of MRP Provision C.17.a.i.(2).

1.1 PURPOSE

This Regional BMP Report was collectively prepared by a BAMS Collaborative Work Group with representatives from the Alameda Countywide Clean Water Program, Contra Costa Clean Water Program, San Mateo Countywide Water Pollution Prevention Program, Santa Clara Valley Urban Runoff Pollution Prevention Program, and Solano Stormwater Alliance and individual cities, counties, and districts in Alameda, Contra Costa, San Mateo, Santa Clara, and Solano Counties regulated by the MRP. The Work Group also reached out to homeless service provider agencies, Caltrans and other partner agencies in the development of this Regional BMP Report.

To encourage ongoing regional, countywide, and municipal coordination efforts, the BAMS Collaborative Work Group collectively identified effective best management practices to prevent and address non-stormwater discharges associated with homeless populations into municipal separate storm sewer systems (MS4s) that impact water quality and specific milestones for reducing such discharges within a given timeframe.

MRP Provision C.17.a.i.(2) requires the Regional BMP Report to:

- Describe practices that may be implemented by Permittees, including those currently being implemented, to address discharges associated with homelessness that are impacting water quality;
- Identify regional and/or countywide efforts and implementation actions to address discharges associated with homelessness (including how those efforts and actions have been affected by unsheltered homeless population growth). Include recommendations for engaging in these efforts and incorporating discharge-reduction strategies that also help meet the unsheltered population's clean water needs;
- Identify actions taken during the COVID-19 pandemic to reduce the spread of the virus

in homeless populations, such as temporarily housing homeless people in hotels, that may have reduced discharges associated with homelessness. Permittees shall consider the practicability of such actions for longer-term implementation.

The broader goal is to develop useful information that can be used toward prioritizing individual Permittee and potential collaborative BMPs for reducing or managing such discharges, while ensuring the protection of public health. Examples of collaborative BMPs could include efforts between Permittees, Caltrans, sanitary sewer agencies, railroads, non-profit agencies, social service organizations, and other agencies.

1.2 REGULATORY BACKGROUND

MRP Permittees have been implementing illicit discharge detection and elimination programs since the inception of the NPDES municipal stormwater permits. Illicit discharges are discharges to a MS4 that are not composed entirely of stormwater and are prohibited by the MRP. The required elements of these programs are in MRP Provision C.5 Illicit Discharge Detection and Elimination. The municipal illicit discharge detection and elimination programs include the legal authority to prohibit illicit discharges, procedures to receive information (e.g., complaints) on illicit discharges from municipal staff conducting field work and the general public, a process to investigate illicit discharges and achieve effective abatement.

Typically, municipal Permittees identify a responsible party and implement enforcement actions to achieve effective abatement of illicit discharges. Permittees may also choose to use education and outreach as an alternative to enforcement to bring responsible parties into compliance. If a responsible party cannot be identified Permittees will perform cleanup and abatement actions.

Discharges associated with people experiencing unsheltered homelessness, including human waste and trash, are prohibited under the MRP. Preventing and controlling illicit discharges from unsheltered homeless populations presents unique challenges. For example, encampments can be transient, sanitation services can be difficult to maintain, homeless populations may not be receptive to the services and typical illicit discharge enforcement actions/fines are not appropriate or useful in these situations. Preventing and controlling illicit discharges from homeless populations likely cannot be fully addressed through the Permittee's illicit discharge program and enforcement procedures alone.

To address water quality impacts from discharges associated with unsheltered homeless populations, Permittees need to evaluate the specific occurrence and implement appropriate BMPs. The BMPs implemented to address water quality issues in the short term are in addition to longer term measures by municipalities to address unsheltered homelessness, such as providing housing and supportive services. Stormwater Program staff may collaborate with other departments and organizations that are addressing the broader social issue of homelessness, but the immediate concern of stormwater program staff regarding water quality related impacts (as detailed in and supported by the BMP Factsheets in Attachment A), is to address short term water quality issues that may arise.

In addition to illicit discharge programs, Permittees also address discharges associated with unsheltered homeless populations under the Provision C.10 Direct Discharge Control Program and Provision C.14 Bacteria Control for Impaired Waterbodies. Activities under C.10 reduce discharges of trash and other pollutants. Provision C.14 includes requirements for specific agencies to evaluate the potential for bacteria transport and/or impact to surface waters from unsheltered homeless populations and/or implement BMPs to address these discharges where needed.

The reissued MRP, that became effective July 1, 2022, included a new provision (MRP Provision C.17) that specifically addresses illicit discharges associated with unsheltered homeless populations, including illicit discharges from areas where unsheltered people congregate. The Provision encourages “ongoing regional, countywide, and municipal coordination efforts” through the development of this Regional BMP Report. In addition, the Provision has new reporting requirements for Permittees to report individually on BMPs implemented and their effectiveness as well as reporting collectively.

As required by MRP Provision C.17.a.i.(2), this Regional BMP Report describes the BMPs that may be, or are currently being, implemented by Permittees to address discharges associated with homelessness impacting water quality. These practices are summarized in Section 3.0. The MRP also requires the Regional BMP Report to identify regional and/or countywide efforts, strategies that also help meet clean water needs, and actions taken during the COVID-19 pandemic to reduce the spread of the virus in homeless populations that may have reduced discharges associated with homelessness. These categories of actions are specifically identified in the Section 3.0 BMP fact sheets.

1.3 UNSHELTERED HOMELESS POPULATIONS DEFINITIONS AND AREAS OF CONGREGATION

Title 24 of the Code of Federal Regulations (CFR) defines unsheltered populations as “an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground”.

For the purpose of the Regional BMP Report, the following are considered unsheltered populations, based on requirements in the MRP, areas of congregation, and the potential for generating non-stormwater discharges that may enter municipal storm drain systems and waterways.

- People living on sidewalks in sleeping bags or tents.
- People living on streets in vehicles.
- People living in safe parking areas in vehicles.
- People living in parks, open spaces, and along waterways in sleeping bags or tents.
- People living in formal or informal encampments (including tents or cabins) on streets, open spaces, and along waterways.

1.4 WATER QUALITY IMPACT

Receiving water quality in Bay Area watersheds is threatened by urban development that degrades creek habitat and introduces potential pollutants. Stream channels have been altered for agricultural and flood control purposes, riparian forests have been converted to urban land uses, and the network of storm drainage systems constructed over the years limits opportunities for stormwater percolation and increases peak rates of storm flow. Results of bioassessment monitoring conducted by the BASMAA Regional Monitoring Coalition (RMC) from 2012 through 2016 suggest that urban streams in the Bay Area are generally in poor ecological condition with impacted populations of aquatic life resulting from modifications to the watershed and riparian areas associated with the urban development that has occurred over the past 70 years (BASMAA, 2019¹).

Additionally, stormwater runoff from urban areas may convey trash, sediment, nutrients, pesticides, bacteria, metals, vehicle-related compounds, and legacy pollutants to receiving waters. Emerging contaminants and the effects of climate change may also have an impact on receiving water quality. These potential pollutants and issues are tracked through routine monitoring of creeks, beaches, and the San Francisco Bay. This monitoring is conducted by a variety of organizations and programs such as the BAMS Collaborative RMC partners, Baykeeper, AB411 Compliance Monitoring, and the Regional Monitoring Program for Water Quality in San Francisco Bay.

Several pollutants that have been identified through these monitoring programs as having urban runoff as a source are being addressed through water quality control plans that are implemented through MRP provisions (e.g., Provision C.9 implements requirements of the Total Maximum Daily Load (TMDL) for Diazinon and Pesticide-Related Toxicity for Urban Creeks; Provision C.10 requires a 100 percent reduction in trash loads from MS4s by June 30, 2025; Provisions C.11 and C.12 address impacts from legacy pollutants, mercury and PCBs, on San Francisco Bay; Provision C.13 implements a control program for copper; and Provision C.14 addresses exceedances of bacteria Water Quality Objectives (WQOs) that have been identified in several receiving waters discharging to or along San Francisco Bay and the Pacific Ocean). These MRP provisions require monitoring, tracking, and implementation of control measures to address these water quality impacts to creeks, the Bay, and the ocean.

The Provisions identified above are associated with specific pollutants, while the new MRP Provision C.17 is associated with addressing a possible source of pollutants (i.e., unsheltered homeless populations). Common pollutants generated from unsheltered populations that may enter the storm drain system and/or waterways are trash and debris (e.g., food waste, plastics, paper, cardboard, materials for shelter/bedding, etc.) and human waste (e.g., bacteria, pathogens). Note these pollutants are addressed in Provisions C.10 and C.14 as described above. Human waste may be directly from individuals or from recreational vehicles (e.g., leaking waste tanks, illegal dumping into storm drains or water bodies). Other types of

¹ BASMAA. 2019. *BASMAA Regional Monitoring Coalition Five-Year Bioassessment Report, Water Years 2012 - 2016*. March 15, 2019. Prepared by EOA, Inc and Applied Marine Sciences.

pollutants that may also be generated from unsheltered populations include hazardous waste (e.g., cleaning chemicals, needles, electronic waste), motor oil and other fluids from leaking vehicles, and pet waste. Additionally, unsheltered populations living near waterways may cause ecological impacts such as barriers to fish passage, habitat loss for wildlife due to vegetation clearing, excavated or compacted soil, temporary structures built near or within waterways, etc. (Valley Water, 2022²).

The link between encampments and trash in receiving waters can be established through visual observations. Many local agencies routinely conduct cleanups at encampments located on streets and near waterways to remove significant quantities of trash and debris. For example, the City of San José removed approximately 432 tons of trash from encampments in FY 2020-21 (City of San José³). If not removed, trash from encampments may enter storm drain systems and water bodies and could potentially impact water quality. (Not all visibly discarded materials at an encampment are transportable through the MS4 to a receiving water body and therefore not considered a pollutant (i.e., large bulky items such as tents, tarps, mattresses, etc.).) However, data that directly links other pollutants (e.g., bacteria or toxic chemicals) generated from encampments to water quality, appear to be limited or unavailable. While numerous sources mention the water quality concerns associated with encampments, actual data are lacking (SAWPA, 2020⁴). For example, the first phase of a DNA testing project to identify the leading causes of *E. coli* concentrations above numeric WQOs in the Lower American River revealed that the main sources of bacteria were birds and other wildlife, with negligible contributions from humans (Central Valley Water Board, 2021⁵). A microbial source identification study conducted in the Pillar Point Harbor watershed in San Mateo County focused on identifying geographic and seasonal sources of "controllable" bacteria (i.e., human and dog sources). However, detections of the genetic marker for human sources (i.e., HF183) were rare (2 of 48 samples) making it difficult to directly link detection of the HF183 marker to known locations of homeless individuals or encampments as opposed to other potential human sources such as sanitary sewer exfiltration (SMCWPPP, 2020)⁶. Therefore, while discharges associated with unsheltered populations identified in Section 1.3 may impact water quality, it cannot be assumed that an unsheltered individual will generate more stormwater pollutants than a sheltered individual, or what the relative impacts may be regarding different types and loading rates of runoff related pollution.

The BMPs described in this Regional BMP Report focus on addressing unsheltered populations and the pollutants associated with encampments.

² Valley Water. 2022. *FY 2021–22 Annual Report, Safe, Clean Water and Natural Flood Protection*. May 2022.

<https://tinyurl.com/SCWFY22AnnualReport>

³ City of San José. 2022. *FY 2021-2022 Annual Report, Appendix 10.4*. September 2022

⁴ Santa Ana Watershed Project Authority (SAWPA). 2020. *Assessing Homelessness Impacts on Water Quality, Riparian and Aquatic Habitat in Upper Santa Ana River Watershed*. Prepared for Santa Ana Watershed Project Authority. September 2020. Prepared by GEI Consultants, Inc. and CWE, Inc. https://sawpa.org/wp-content/uploads/2020/11/SAWPA-OWOW-DCI-Final-Homeless-Study-Final-Report_093020_with-Attachments.pdf

⁵ Central Valley Water Board, 2019. *Lower American River Bacteria Study - Data Summary of Phase 1 Source Identification Results* https://www.waterboards.ca.gov/centralvalley/water_issues/swamp/report_summary_sheet/lar_ph1_ds.pdf

⁶ San Mateo Countywide Water Pollution Prevention Program (SMCWPP). 2020. *Pillar Point Harbor Watershed Pathogen Indicator Stressor/Source Identification Project Report*. Revised June 2020.

1.5 COMPLEXITY OF ISSUE

Although the purpose of this Regional BMP Report is to identify BMPs, the BAMS Collaborative Work Group has found significant value in regional collaboration, sharing knowledge, and providing each other with resources on effective strategies to manage the discharges associated with unsheltered homeless populations. Throughout the development of the Regional BMP Report, participating agencies and members of the BAMS Collaborative Work Group have expressed awareness and concern over the fact that identifying BMPs and strategies to manage the water quality impacts associated with unsheltered homeless populations does not inherently address the complex issues contributing to and impacting the chronic homelessness in the region. In fact, the BAMS Collaborative Work Group agreed that development of this Regional BMP Report would be inappropriate without the acknowledgement of those complexities. This section discusses several considerations that impact not only the implementation of the BMPs identified in this Regional BMP Report, but also their overall likelihood, or lack thereof, of success in addressing the root causes of homelessness.

Intersectionality

As noted in MRP 3.0 Attachment A: Fact Sheet, the number of Bay Area residents experiencing homelessness has increased between MRP 2.0 and the adoption of MRP 3.0. The Fact Sheet also cites the increase at approximately 25 percent between 2017 and 2019, based on Point-in-Time count data in the South Bay, East Bay, and the San Francisco Peninsula, but the increase in unsheltered homelessness is on the rise across the United States.⁷ A myriad of different issues may contribute to the rise in unsheltered homelessness, including the lack of affordable housing, increased housing costs, stagnant wages, pandemic-related disruptions, as well as acute physical or behavioral health crises, escaping domestic violence, and long-standing historical and structural racial disparities.⁸ To effectively address and reduce homelessness, a coordinated systems approach is needed to inform decisions, allocate resources, and provide services to address the needs of those experiencing homelessness.

In the San Francisco Bay Region, collaborative and coordinated efforts to reduce homelessness have been enacted throughout many levels of government. At the statewide level, Governor Newsom has announced \$1 billion in Homeless Housing, Assistance, and Prevention (HHAP) Round 4 funding to support the achievement of homelessness reduction goals through state grant programs.⁹ All Home, a 501(c)(3) non-profit organization, alongside the Regional Impact Council (RIC), a coalition of Bay Area regional elected officials, city and county staff, leaders from business, nonprofit, and philanthropic organizations, developed and released a Regional

⁷ The 2022 Annual Homelessness Assessment Report (AHAR) To Congress. US Department of Housing and Urban Development. <https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf>

⁸ "What causes Homelessness?", The National Alliance to End Homelessness. <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/>

⁹ Governor Newsom Announces \$1 Billion in Homelessness Funding, Launches State's Largest Mobilization of Small Homes. Office of Governor Gavin Newsom. <https://www.gov.ca.gov/2023/03/16/governor-newsom-announces-1-billion-in-homelessness-funding-launches-states-largest-mobilization-of-small-homes/#:~:text=SACRAMENTO%20E2%80%93%20Today%20in%20Sacramento%2C%20Governor,the%20state%20stepping%20up%20their>

Action Plan to reduce homelessness in the Bay Area by 75% in 3 years.¹⁰ Agencies across the San Francisco Bay Region have incorporated the goals of the Regional Action Plan into their respective Homeless Continuum of Care (CoC) programs.^{11,12} From there, agency departments work and collaborate with others to develop tools and implement services that bring resources directly and indirectly to those who are in most need of assistance -- which is to say -- stormwater agencies are not the primary responsible entities for implementing programs to end/reduce homelessness. Stormwater agencies can only provide services that help prevent and mitigate MS4 related environmental impacts associated with homeless-related activity.

Even so, questions remain about how local stormwater programs fit into the complex network of service providers working to address homelessness and how the efforts of stormwater programs will support, not detract, from the important work being implemented by more appropriate and qualified organizations. While there are many ways in which the work of the stormwater programs must interact and engage with organizations whose primary mission is to end homelessness, stormwater agencies also need to make sure that they are not exacerbating the homelessness crisis or disrupting existing efforts by other agencies in the process of addressing water quality issues. As a first step, the development of this Regional BMP Report, the action of identifying stormwater adjacent BMPs, and the initial regional collaboration borne out of this process have illuminated important connections and educational context needed to work in conjunction with other service providers in the region on these complex issues. Nevertheless, it must be recognized that the purpose and funding of stormwater programs must be focused on protecting stormwater quality.

Limitations and Challenges

In addition to addressing the intersectional nature of the homelessness crisis, the BAMS Collaborative Work Group identified the following limitations and challenges to implementing BMPs to address discharges from unsheltered homeless populations:

- Funding issues
- Jurisdiction or land use authority
- Coordination, communication and cooperation of unsheltered individuals and populations
- Legal implications of certain forms of actions

Funding the unfunded federal and state mandated stormwater permit compliance programs continues to be one of the most significant challenges facing agencies implementing MRP 3.0. With the increase in requirements and the absence of new revenues for stormwater pollution prevention, agencies must consistently prioritize actions that have proven most beneficial to water quality. In addition, the ability to apply current stormwater-specific revenue streams to addressing the discharges of unsheltered homeless populations is not clear. Another option for

¹⁰ Regional Action Plan: A Call to action from the Regional Impact Council. February 2021, All Home. http://www.allhomeca.org/wp-content/themes/allhome/library/images/plan/210413_Regional_Action_Plan_Final.pdf

¹¹ Staff Report from the Contra Costa Council on Homelessness. Contra Costa County Homeless System of Care Quarterly Report for Quarter 4 of 2022 (October – December). <https://cchealth.org/h3/coc/pdf/BOS-Report-2022-Q4.pdf>

¹² Home Together 2026 Community Plan. Alameda County Office of Homeless Care and Coordination. https://homelessness.acgov.org/homelessness-assets/docs/reports/Home-Together-2026_Report_051022.pdf

funding some of the BMPs identified in this Regional BMP Report include franchise agreements with vendors, such as municipal waste franchise agreements. However, these agreements may be limited or restricted at local or regional levels or may not be possible due to other precedents and priorities of individual agencies.

Jurisdictional and land use issues also create challenges for implementing BMPs associated with unsheltered homelessness. By definition (Section 1.3), unsheltered populations may congregate on public or private lands, and may be transient or gather into formal or informal encampments. It can therefore be challenging to gather data, identify trends, and focus BMPs. In the San Francisco Bay Region, the areas where unsheltered populations gather into encampments may be outside municipal jurisdictional authority, such as on Caltrans, Bay Area Rapid Transit (BART), Union Pacific Railroad, or Burlington Northern Santa Fe (BNSF) Railways property. While collaborating with other entities is clearly important, individual agencies may have limited or no capacity to implement services and BMPs in other jurisdictions.

Coordination, communication, and cooperation of unsheltered individuals and populations has been identified as another challenge to implementing BMPs to address non-stormwater discharges. Unsheltered individuals may have experienced trauma because of their situation or past experiences which can lead to mental health, behavioral and/or substance abuse issues. These factors can make it challenging to build relationships and trust, which are essential for effective communication and collaboration. Homeless individuals are also often mobile, which can make consistent coordination challenging.

Lastly, complex problems often require complex solutions, and the best solution for addressing homelessness does not lie in legal solutions focused on water quality impairments, such as enforcement of an MS4 permit. Although legal options are available to use, Permittees do not believe that enforcement is a suitable practice for addressing discharges from unsheltered homeless populations. Policy changes, such as housing development and funding for shelters, interim housing, and permanent supportive housing, as well as addressing mental health and substance abuse, would be more appropriate supportive actions than using stormwater regulations as a means of enforcement. It is important the MRP continue to focus on supporting municipalities and other, more relevant agencies with data and information to support understanding and responding to the potential water quality impacts from unsheltered populations, and to respect the roles of other municipal departments and agencies in their roles to address the more fundamental issue of homelessness occurrence and solutions.

2 DESCRIPTION OF COUNTYWIDE PROGRAM EFFORTS AND CONTINUUM OF CARE PROGRAMS

Permittees collaborate through Countywide Stormwater Programs to implement MRP requirements. Supportive and housing services for sheltered and unsheltered populations are generally provided by local Countywide Continuum of Care Programs (CoC Programs). CoC Programs are designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma

and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness. The Department of Housing and Urban Development (HUD) requires the CoC Programs to conduct an annual count of people (Point-in-time or PIT count) experiencing homelessness who are sheltered in emergency shelter, transitional housing, and Safe Havens on a single night. CoC Programs are also required to conduct a PIT count of unsheltered people experiencing homelessness every other year (odd numbered years). Each count is planned, coordinated, and carried out locally, and provides valuable information for providing housing and other services.

This section describes the MRP Countywide Stormwater Programs and the associated local CoC Programs.

Alameda Countywide Clean Water Program (ACCWP)

The Alameda Countywide Clean Water Program (ACCWP) is an association of 17 member agencies: Alameda County, the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, the Alameda County Flood Control and Water Conservation District, and the Zone 7 Water Agency. The ACCWP facilitates local compliance with the Federal Clean Water Act, coordinating its activities with other pollution prevention programs, such as wastewater treatment plants, hazardous waste disposal, and water recycling. The ACCWP also works with public agencies from around the County to foster a culture of stewardship, educating residents and businesses alike on how to prevent stormwater pollution. Alameda County has over 100 watersheds, ranging in size from just a few acres to the giant Alameda Creek watershed that overlaps with two other counties.

The Alameda County Office of Homeless Care and Coordination serves to implement expanded services and supports and lead the development of a strategic framework to address and work to end homelessness in Alameda County. The Office is working to build a robust, integrated, and coordinated system of homelessness and housing services, and to improve efficiency and coordination within HCSA and with external partners. The five major initiatives of the program are:

- [Property Owner Engagement](#)
- [CalAIM](#)
- [Homekey Initiative](#)
- [Project Roomkey](#)
- [Fairmont Navigation Center](#)

Everyone Home, the collective impact initiative for the Berkeley/Oakland/Alameda County Continuum of Care (CoC) is actively engaged in the fight to end homelessness in Alameda County. In partnership with the Alameda County homeless and housing service delivery system, city leaders, the business community, the faith community, non-profits, and, most importantly, those who have themselves experienced the trauma of homelessness, EveryOne Home is

building a future that aspires to sufficient resources, advocacy, and strong community involvement to erase homelessness in our social landscape.

Contra Costa Clean Water Program (CCCWP)

The Contra Costa Clean Water Program (CCCWP) is comprised of unincorporated Contra Costa County (CCC), the County's 19 incorporated cities/towns¹³, and the Contra Costa County Flood Control & Water Conservation District (District). These 21 public agencies are collectively referred to as "Contra Costa Permittees". The mission of the CCCWP is to coordinate and assist Contra Costa Permittees' efforts to reduce and/or eliminate pollutant discharge into and from their MS4 in compliance with the MRP. The CCCWP is funded in part by a stormwater utility assessment (SUA) that is collected by the CCC Tax Collector with the property tax bill. The assessment is restricted revenue that may only be used for NPDES program activities including the construction of pollution control improvements and drainage system maintenance.

Contra Costa County has 16 major watersheds. These 16 major watersheds comprise 31 sub-watersheds, of which all but eight are entirely within the County. Creeks in the western portion of the County flow towards the San Francisco Bay, while those in the eastern portion of the County flow towards the Sacramento-San Joaquin Delta. The largest watersheds in the County are the Walnut Creek (93,556 acres) and Marsh Creek (60,066 acres) watersheds, which span multiple jurisdictions. However, many of the smaller watersheds and sub-watersheds are "community sized" and are important features of those communities.

Given the size and scale of the land areas that comprise Contra Costa County, the BMPs identified in this Regional BMP Report pertain to those watersheds and jurisdictions within the boundary of Contra Costa County, which reflect the existing county-wide stormwater compliance coordination efforts and administrative resources. While Contra Costa Permittees and the CCCWP gathered information to support the development of this Regional BMP Report, many other collaborators, leads, and departments are involved in implementing these BMPs at the County-wide or local jurisdictional level.

The Contra Costa Council on Homelessness (CoH) is the governing and oversight body for the County Continuum of Care (CoC) and its members are appointed by the Board of Supervisors. The Council provides advice and input to the Board of Supervisors on the operations of homeless services, program operations, and program development efforts in Contra Costa County. The Contra Costa CoC is comprised of multiple partners, including service providers, members of faith communities, local businesses, private and public funders, community members, education systems and law enforcement, and others who are working collaboratively to end homelessness. The CoH and CoC are supported by Contra Costa Health Services Health, Housing & Homeless Services (H3) Division.

H3 functions as the CoC administrative entity and collaborative applicant, CoC Lead Agency and Homeless Management Information System (HMIS database) Lead Agency. H3 integrates

¹³ Cities of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek, and Towns of Danville and Moraga.

housing and homeless services across the County health system, coordinates housing and homeless services across County government and in the community. H3 also provides technical assistance, strategic guidance, and funding to a network of community-based agencies organized to respond to homelessness in the community. A list of key Countywide collaborators and agencies implementing BMPs include:

- Contra Costa County CoC Program Services:
 - CoC Council on Homelessness: <https://cchealth.org/h3/coc/council.php>
 - CoC Health, Housing & Homeless (H3) Services: <https://cchealth.org/h3/#H3Programs>
 - Coordinated Outreach Referral, Engagement (C.O.R.E.) program.
 - Homeless Youth and Adult Services
 - Permanent Support Housing
 - Community Homeless Court
 - Health Care for the Homeless
 - Behavioral health, alcohol and other drug, and mental health services
 - CoC Annual/Data Report: <https://cchealth.org/h3/coc/reports.php>
- Additional CoC partners and funders: <https://cchealth.org/h3/coc/funders.php>
- Trinity Center: <https://trinitycenterwc.org/>
- Contra Costa 211 Crisis Database: <https://cccc.myresourcedirectory.com/index.php/en/>

San Mateo Countywide Water Pollution Prevention Program (SMCWPPP)

The San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) is a program of the City/County Association of Governments (C/CAG) of San Mateo County. C/CAG is a Joint Powers Authority (JPA) that addresses issues of regional importance to San Mateo County jurisdictions such as congestion management and water quality. A 1993 amendment to the JPA Agreement made C/CAG responsible for assisting San Mateo County municipalities with complying with the municipal stormwater NPDES permit (i.e., MRP). The San Mateo County municipalities SMCWPPP assists are 15 cities, five towns, the County of San Mateo and the San Mateo County Flood and Sea Level Rise Resiliency District.

About 26% of San Mateo County's 450 square miles is considered urbanized, with most of the urban area located on the eastern portion of the County adjacent to San Francisco Bay. Four watersheds lie within or border the County: San Francisco Bay watershed, San Francisco Coastal South watershed, Coyote watershed and San Lorenzo-Soquel watershed.

The San Mateo County Board of Supervisors is committed to preventing homelessness and ensuring anyone who is experiencing homelessness is supported with safe shelter and a pathway to housing. The Human Services Agency (HSA) is the County Department tasked with implementing this vision on behalf of the Board of Supervisors and the San Mateo County Continuum of Care Steering Committee (CoC), a diverse, cross-sectoral body that guides and shapes the countywide response to homelessness. HSA works in close collaboration with other County departments and community partners in these efforts (San Mateo County CoC Strategic Plan on Homelessness, July 2022).

The County's CoC Strategic Plan on Homelessness (July 2022) identifies the programs, initiatives and strategies in place and system improvements for the next three years. The programs and services described include outreach and engagement, shelter/interim housing, housing solutions, prevention assistance, and targeted programs for special populations. The Plan identifies the strategies to accomplish the goals and track progress towards these goals, including reaching functional zero homelessness.

In addition to these efforts, San Mateo County and the City of Half Moon Bay have developed a Homeless Encampments Bacteria Runoff Prevention Plan for Pillar Point Harbor Beaches and Venice Beach to meet requirements of MRP Provision C.14.d. This plan identifies locations of homeless encampments, existing BMPs (human services, sanitation services, clean-ups, illicit discharge enforcement), proposed BMPs, and an implementation schedule.

Solano Stormwater Alliance

The Solano Stormwater Alliance (Alliance) is a group of cities and utilities that manage storm drain networks in Solano County collaborating to prevent pollution from entering waterways that flow to the San Francisco Bay. Alliance members follow regulations specified within the Municipal Regional Stormwater National Pollutant Discharge Elimination Permit issued by the San Francisco Regional Water Quality Control Board, and include City of Vallejo, Vallejo Flood and Wastewater District, City of Fairfield, and City of Suisun City. The Fairfield-Suisun Sewer District manages the Alliance regional and Bay-wide collaboration efforts.

The County of Solano coordinates Housing and Homeless initiatives focused on the Behavioral Health population, in coordination with Health and Social Service Divisions, County Departments, Solano Homeless Continuum of Care and other community partners. The purpose of these efforts is to promote fully integrated independent living, self-sufficiency and resilience for the people served.

Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP)

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association of thirteen cities and towns in Santa Clara Valley, the County of Santa Clara, and the Valley Water (formerly the Santa Clara Valley Water District). SCVURPPP participants are part of the Santa Clara Basin Watershed, which generally follows the boundaries defined by the USGS HUC 8 digit "Coyote" watershed with some minor adjustments made by SCVURPPP to account for catchment areas that have changed with urbanization and modifications to the built environment. The watershed comprises 709 square miles.

There are two significant areas of Santa Clara County that are outside of the SCVURPPP area not addressed by the BMPs described in this Report. The northeastern part of the County is in a watershed that drains to Alameda County. It is largely undeveloped. The southern end of Santa Clara County ("South County"), including the Cities of Morgan Hill and Gilroy, is excluded because it drains to Monterey Bay. Thus, South County is not part of the San Francisco Bay Regional Water Quality Control Board Region 2 or the Bay Area Integrated Regional Water Management Plan region, and it is not covered by the San Francisco Bay Region MRP. This area

is part of Region 3, under the jurisdiction of the Central Coast Regional Water Quality Control Board.

In Santa Clara County, efforts to provide services to unsheltered populations are led by the [Santa Clara County Continuum of Care](#) (SCC CoC), which is a broad group of stakeholders dedicated to ending and preventing homelessness in Santa Clara County. The key CoC responsibilities are ensuring community-wide implementation of efforts to end homelessness, as well as ensuring programmatic and systemic effectiveness. The SCC CoC developed the [Community Plan to End Homelessness \(2020-2025\)](#) through a robust community engagement process. This plan will guide the County, cities, nonprofits, and other community members as they make decisions about funding, programs, priorities, and needs. The Plan aims to:

- Achieve a 30% reduction in annual inflow of people becoming homeless,
- House 20,000 people through the supportive housing system,
- Expand the Homelessness Prevention System and other early interventions to serve 2,500 people a year,
- Double temporary housing and shelter capacity to reduce the number of people sleeping outside; and
- Address the racial inequities present among our unhoused people and families and track progress towards reducing disparities.

3 BEST MANAGEMENT PRACTICES

To support the development of this Regional BMP Report, the BAMS Collaborative Work Group surveyed regional agencies to identify BMPs that address the discharges from unsheltered homeless populations in San Francisco Bay Region. Results of the survey, including the description of BMPs, goals, challenges, lessons learned, partners and collaborators, and other considerations, have been organized into BMP Factsheets. The BMP Factsheets also include local examples of BMPs being implemented or planned for implementation by Permittees, and do not necessarily reflect the extent to which the BMP is implemented across the region.

Attachment A includes the BMP Fact Sheets developed as part of this Regional BMP Report and are designed to serve as a resource for Permittees and other interested parties.

The BMPs identified in the fact sheets have been organized based on the type and level of implementation:

- Support (Direct): These BMPs provide services and incentives offered directly to unsheltered homeless populations.
- Outreach (Direct): These BMPs provide information about resources and programs offered directly to unsheltered homeless populations.
- Programmatic (Indirect): These BMPs are implemented across a region or municipal jurisdiction and provide services offered indirectly to unsheltered homeless populations.

Each BMP Fact Sheet also includes the following information:

- Impact to Water Quality: Whether the BMP has a direct impact on water quality (e.g., by providing portable toilets) or an indirect impact (e.g., by providing access to housing)

- Area of Implementation: Whether the BMP is implemented locally or regionally.
- COVID-19: Whether COVID-19 was a driver for BMP implementation.
- Clean Water Needs Met: If the BMP also helps meet the unsheltered population's clean water needs. For example, providing access to sanitation services, drinking water, handwashing, showers, and laundry.

4 MILESTONES

The MRP requires the Regional BMP Report to describe milestones for reducing non-stormwater discharges from unsheltered populations within a given timeframe. As described in Section 1.5, homelessness is a complex issue and identifying BMPs and strategies to manage the discharges associated with unsheltered populations does not inherently address the issues contributing to and impacting chronic homelessness in the region. Many factors, including rising housing costs, lack of affordable housing, mental health issues, and loss of employment, contribute to homelessness, and cannot be addressed by stormwater agencies. However, Permittees plan to continue to implement BMPs to address non-stormwater discharges from unsheltered homeless populations.

The BAMS Collaborative has identified the following milestones for implementation in the MRP 3.0 term, i.e., by June 30, 2027. Recognizing the complexity of the issue, these milestones aim to improve collaboration between different agencies and ensure that all Permittees have access to information and resources for potential local implementation of BMPs.

Milestone	Timeframe
1. At the local, countywide, or regional level, participate in stormwater related regional or statewide meetings (e.g., BAMS Collaborative Work Group meeting, California Stormwater Quality Association (CASQA) Annual Conference, CASQA Quarterly Seminars) by presenting local, Bay Area, case studies or obtaining information on activities outside the Bay Area ¹ .	Once each fiscal year through June 2027
2. At the local or countywide level, present information to local CoC groups on stormwater permit requirements to improve collaboration	Present information at least two times to each CoC by June 30, 2026
3. Distribute the Regional BMP Report to municipal staff from other departments to inform them of efforts being made across the region.	October 2023
4. Ensure that staff from other municipal departments are aware of BMPs that can reduce non-stormwater discharges	Ongoing
5. Ensure that each Permittee agency has a list of local resources (e.g., housing services, mental health services, access to	Countywide Programs verify resource list is available and distributed

Milestone	Timeframe
restrooms and laundry facilities) that can be offered to unsheltered populations	to Permittees by December 2023

Notes:

¹Examples of practices of interest outside of the Bay Area include [Hygiene Hubs](#) in Portland, OR that are operated by unhoused individuals and provide multiple services; [Microsites](#) (i.e., various types of small temporary shelters) in Eugene, OR to provide safe locations for those in need and that are managed by community partner non-profits; and, the [Housing First](#) program, developed in Houston, TX, which has reduced the unhoused population in that region by [53% between 2011 and 2020](#).

ATTACHMENT A

Best Management Practices Fact Sheets (including references)

ATTACHMENT A – BMP FACT SHEETS

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Portable toilets and handwashing station. Image credit – City of Cupertino

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☒ Covid-19
- ☒ Ongoing Implementation
- ☒ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Handwash stations and portable toilets can protect water quality by containing human waste, thereby reducing discharges of bacteria and other pollutants to storm drains and water bodies. Implementation of this BMP rose considerably in many Bay Area cities during the COVID-19 pandemic due to the stay on encampment removal and to prevent the spread of infection. This BMP is continuing to be implemented. Handwash stations and portable toilets require regular cleaning/maintenance. Cleaning/maintenance for a portable toilet generally includes emptying the waste tank, providing toilet bowl liners and small amounts of toilet paper, and cleaning the unit and surrounding area. Cleaning/maintenance for a sink includes filling up the water tank, restocking the soap and paper towels, providing trash cans and a trash collection service, and cleaning the unit and surrounding area.

BMP Goals:

- Service people’s basic needs and build meaningful relationships with local, unhoused members of the community.
- Reduce non stormwater discharges.
- Provide mobile/moveable sanitation services to known encampments and public gathering locations.
- Improve sanitation for neighboring sheltered residents and public areas.

Challenges:

- Routine maintenance required to clean portable toilets and refill handwash stations.
- Accounts of mobile toilets being destroyed, being used for illicit activities and/or vandalized. Costs escalate for replacing units.
- Portable toilet locations can become places where unwanted loitering and littering can occur.
- Space constraints for placing portable toilets and handwashing stations

Lessons Learned:

- If resources are available, continue to try to find areas where portable toilets may be beneficial and at minimal risk for vandalism/ destruction.
- Placing portable toilets in high-visibility areas may help prevent vandalism.
- Engaging with a homeless individual at the location to monitor the portable toilets may help prevent vandalism.
- Exploring new structures made of steel that discourage destruction of property.

Other Considerations:

- Personnel: Contractors for placing the portable toilets; contractors for refilling hand wash stations; disposal hauler for routine maintenance
- Other Collaborators: Local non-profit agencies for providing locations for placing portable toilets, outreach, etc.

Local Implementation Examples:

- The City of San José provides portable toilets at 15 of San José's largest encampments. In addition, the City addresses the removal of human waste at encampment locations as part of the encampment trash program. Human waste in containers (e.g., buckets, bags) and trash/debris soiled with human waste are also removed and disposed of appropriately.
- The City of Cupertino began providing portable toilets with secondary containment and hand washing stations during the COVID-19 pandemic. The practice is ongoing as needed for encampments in the City's right-of-way. The City funds and contracts with a private toilet/sink provider for maintenance.
- The City of Oakland has been providing portable toilets and washing stations since October 2016. By the spring of 2019, the number of sites receiving portable toilets and washing stations was 20, and this increased to 40 during the COVID-19 pandemic. The City provides cleaning services at these sites. During the pandemic, cleaning service at most sites increased from three times per week to four times per week. The typical configuration of a site includes two standard portable toilets and a two-faucet wash-station. The City also implements a janitorial leadership development program at sites where regular outreach and engagement alone are not sufficient in addressing challenges such as portable toilet units being damaged and difficult relationships between the vendor and the site residents. This program includes stipends (in the form of \$25 gift cards) for participating individuals, and cleaning supplies for the site. It has proven to be an effective intervention for the successful maintenance of the portable toilets.
- During the COVID-19 pandemic, the City of Redwood City provided portable toilets, handwashing stations, and other critical support for COVID-19 health and safety, including Personal Protection Equipment (PPE), which was donated by local non-profits.
- During the COVID-19 pandemic, the City of Albany provided portable toilets and wash stations at three locations. The City worked with a contractor for regular maintenance.

At times, emergency cleanups were required because of public concerns regarding hygiene and safety.

- Contra Costa County began providing portable toilets and wash stations at known encampment locations in October 2020 in attempts to help address health and safety needs of the unhoused community during the COVID-19 pandemic when many stationary services became unavailable. Unfortunately, services were discontinued in March 2022 due to accounts of recurring vandalism, rendering them unusable and unpumpable.

References and Resources:

- City of Oakland Human Services Department – Hygiene Site Background, Review and Recommendations October 2020, Attachment D



A mobile shower facility in Oakland.

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (direct)
- ☐ Water Quality (indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☒ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☒ Regional implementation

Access to shower and laundry services significantly helps reduce non-stormwater discharges from homeless encampments and can restore dignity to individuals experiencing homelessness. Important factors to consider when providing mobile shower and laundry services include: frequency of service, the number of individuals requiring service, and space available to park.

BMP Goals:

- Reduce non stormwater discharges.
- Provide mobile/moveable sanitation services to known encampment locations.
- Establish meaningful relationships with unsheltered populations.

Challenges:

- Requires staff and/or volunteers trained in safe sanitation procedures and, at times, conflict resolution.
- Utilization may be low because it is difficult to find the best time and location to offer the service.
- Encampments may be small and scattered, making it challenging to reach more potential participants.
- Funding constraints and space constraints for parking the mobile unit.
- Access to potable water, energy and wastewater utilities.

Lessons Learned:

- This is a well-received and beneficial resource for people experiencing homelessness.

Other Considerations:

- Personnel: Contractors/non-profits that provide these services; trained staff (provided by municipal agency or non-profit) for interacting with unsheltered populations.

- Other Collaborators: Some projects have utilized unsheltered individuals to staff locations and provide them with jobs and a feeling of ownership of the facilities (See Fact Sheet on Incentives for Individuals Conducting Cleanups/Sanitation Services)

Local Implementation Examples:

- Several local agencies, including the Cities of Santa Clara, Oakland, Berkeley, and East Palo Alto, work with [Project WeHOPE](#) (a non-profit organization) to provide a mobile hygiene service called “Dignity on Wheels”. The service includes access to free showers and laundry in a mobile trailer. Each four-hour operation session may provide up to 30 showers and up to 14 single loads of laundry. The schedule showing locations and times is available on the Dignity on Wheels website. The City of Oakland also works with [Urban Alchemy](#) to provide mobile shower services.
- In 2018, the City of Fremont and the City of Union City received \$125,000 in funding from Alameda County to purchase a mobile hygiene unit, which has two showers and a washer and dryer for laundry. The unit rotates to different locations in Fremont and Union City and provides access to showering and laundry facilities. Waste and wastewater are disposed of at appropriate facilities located at the City of Fremont’s corporation yard. The service, called CleanStart Mobile [Hygiene Unit](#), was recently restarted and is serving unhoused residents with a new schedule.
- Mobile showers and sanitation services are provided at multiple locations within Contra Costa County by partner agencies in Contra Costa County's Continuum of Care (CoC) such as Clean Start Showers, SHARE Community Mobile Showers, Shower House Ministries, and Safe Organized Spaces (SOS) Richmond.
- The City of Antioch partners with [SHARE Community](#) (a local non-profit) to offer mobile shower services at two sites. In addition, in partnership with a small Antioch-based Ministry group, vouchers for one load per week are distributed at these sites to unhoused residents.

References and Resources

- City of Fremont Direct Discharge Trash Control Program Report, 2018
- CleanStart Mobile Hygiene Unit: <https://www.fremont.gov/government/departments/human-services/homeless-care-response/programs-services/cleanstart>
- Dignity on Wheels: <https://wehope.org/dow-schedule>
- Contra Costa Health, Continuum of Care: <https://cchealth.org/h3/coc/#Map>
- Safe Organized Spaces (SOS) Richmond: <https://www.sos-richmond.org>

STATIONARY SHOWER AND LAUNDRY SERVICES

S-03

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☒ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Laundry and shower facilities provided at fixed locations (e.g., faith-based organizations, community centers) for unsheltered populations.

BMP Goal:

- Reduce non stormwater discharges.
- Provide sanitation services to unsheltered populations.
- Service people's basic needs and build meaningful relationships with local, unhoused members of the community.

Challenges:

- Availability of locations that are willing to offer showers and laundry facilities to unsheltered populations.
- Finding funding and appropriate and effective non-profits to provide staff/volunteers to coordinate.

Lessons Learned:

- Additional staff may be required to monitor and maintain the laundry and shower facilities.
- Stationary facilities should be located in or near encampments or transportation hubs, and generally be accessible, including for individuals with physical disabilities.

Other Considerations:

- Personnel: Staff for facilities.

- Other Collaborators - Faith based organizations, local non-profits, school districts, community centers

Local Implementation Examples:

- In partnership with a local church and community volunteers, the City of Alameda provides space for weekly showers to unsheltered individuals. In addition, in partnership with Building Futures, laundry services are offered at the Alameda Housing Resource Center every Monday.
- The City of San Leandro works with non-profit organizations to provide shower facilities to the homeless at a church or at the City of San Leandro's Boys and Girls Club.
- The City of Albany partners with the [Albany Community Foundation](#) and [Albany Thrives Together](#) (local non-profits) to provide free showers to unsheltered populations at the Albany School District.
- The Cities of San José, Saratoga, Cupertino, Los Gatos, Monte Sereno and the County of Santa Clara provide funding to [West Valley Community Services](#) which offers comprehensive programs to low-income and homeless families in the West Valley region of Santa Clara County. Their services include distributing laundry quarters and hygiene kits to unsheltered populations.

References and Resources:

GARBAGE COLLECTION AND DISPOSAL SERVICES

S-04



Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☒ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Disposal containers keep trash and other disposed materials, such as recyclable and compostable items, encapsulated and enclosed prior to collection helping to reduce discharges to the stormwater conveyance system and receiving waters. Providing disposal collection services to encampments requires coordination between different departments and contractors. The size of the encampment generally determines the size of the disposal containers and frequency of pick-up. Local jurisdictions may also need to supply trash bags to encampment residents.

BMP Goals:

- Reduce trash-related water quality issues
- Reduce illegal dumping

Challenges:

- Disposal containers can be destroyed and/or vandalized or could be used for other purposes than garbage disposal.
- Need space for placing disposal containers.
- These areas can become an illegal dumping spot for other people not residing in the encampment.

Lessons Learned:

- Disposal containers must be kept accessible for waste haulers. Carts get moved around and can become inaccessible. One solution is getting garbage bins without wheels.
- Some disposal hauler staff will not exit their vehicle to service in an active encampment. Containers can become inaccessible if there is trash/debris in front of the container that would have to be moved first to service the container.

- Garbage collected must be removed relatively quickly to prevent rummaging.

Other Considerations:

- Personnel: Contractors for placing the disposal containers; disposal haulers for routine maintenance.
- Funding: Some agencies utilize their franchise agreements with disposal haulers to provide the services. The services may or may not be included in the agreement resulting in cost savings or additional costs to the jurisdiction.

Local Implementation Examples

- The City of Cupertino provided garbage containers to residents of an encampment that developed on a City sidewalk during the COVID-19 pandemic. The City initially provided plastic trash containers. However, these got moved around and the garbage hauler could not access them for trash disposal. The City then replaced the plastic trash containers with metal containers (Figure xx) which could not be moved around.
- The City of San José began a garbage pickup program as part of its response to COVID-19 but has continued it as a core element of its Encampment Management Program. The City provides trash pickup at 150+ encampment locations weekly or every other week depending on need. In addition, litter bags are distributed and collected from each encampment, human waste is properly disposed of, and escalated actions to remove debris including encampment abatement, are utilized to manage discharges into waterways. These efforts also offer an opportunity to engage residents and educate them on the importance of bagging and containing their trash to prevent it from entering the storm drains.
- Contra Costa County's Coordinated Outreach Referral, Engagement (CORE) program works to engage and stabilize homeless individuals living outside through consistent outreach to facilitate and/or deliver health and basic need services and secure permanent housing. The CORE team regularly distributes trash bags to individuals and coordinates with Contra Costa County Public Works' contractors for trash pick-up.
- The City of Albany's Public Works Department has a contract with the City's waste management contractor to clean up trash from encampments on an 'as needed' basis.

References and Resources

INCENTIVES FOR INDIVIDUALS CONDUCTING CLEANUPS/SANITATION SERVICES

S-05

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Providing cash incentives to unsheltered individuals for picking up litter around encampments or cleaning portable toilets can help reduce water quality impacts. This BMP also helps build relationships with individuals so they are more receptive to other interventions and can provide work experience for other job opportunities.

BMP Goals:

- Prevent litter and other pollutants from entering waterways.

Challenges:

- Building trust between individuals and organization offering incentives
- Individuals feeling safe to do this type of work in encampments

Lessons Learned:

- Make the process as simple and straightforward as possible to increase engagement
- Make sure the type of incentive is a good fit for the specific unsheltered population (e.g. accessible, convenient, desired, etc.)

Other Considerations:

- Personnel: Contractors for placing the garbage containers; Garbage haulers for routine maintenance
- Funding: This program can result in cost savings compared with having municipal crews collect litter and illegally dumped materials.

Local Implementation Examples

- The City of Oakland implements a janitorial leadership development program at encampment sites where regular outreach and engagement alone are not sufficient in addressing challenges such as portable toilet units being damaged and difficult

relationships between the vendor and the site residents. This program includes stipends (in the form of \$25 gift cards) for participating individuals, and cleaning supplies for the site. It has proven to be an effective intervention for the successful maintenance of the portable toilets.

- Through its Cash for Trash program, the City of San José enlists unsheltered homeless individuals to bag their trash to prevent it from entering waterways, stormdrains or contributing to blight. City staff provide a redemption value of \$5 per bag of trash collected. Each program participant can submit up to five bags per week for a total redemption value of \$25 per week. Funds are loaded onto a reloadable Mastercard. These reloadable debit cards are program-specific cards that Mastercard has enabled maintenance-free, as part of this partnership. Funds can be used to pay for essential items with minor restrictions on items like alcohol and tobacco.
- San Mateo County and the City of Half Moon Bay, partner with Abundant Grace Coastsides Worker to conduct job-readiness programming, including its Coastsides Clean Team, which picks up trash along the beaches and trails of Half Moon Bay.
- A non-profit called Downtown Streets Team partners with cities across the Bay Area (i.e. Palo Alto, Oakland, Redwood City, Sunnyvale, Berkeley) to build teams of unhoused individuals to engage in community beautification and clean-up projects. Downtown Streets Team also provides a pathway to recover from homelessness by providing access to case management and employment placement services. Unhoused people hear about these services through peer-to-peer outreach from current members of the team.

References and Resources

- Abundant Grace Coastsides Worker: <https://abundantgracecw.org/index.html>.
- Downtown Streets Team: <https://www.streetsteam.org/>.



Encampment cleanup at Guadalupe Ponds in San José .
Image credit – Valley Water

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Individuals experiencing homelessness can generate waste during their daily activities of food preparation and consumption, shelter building and maintenance, storing their possessions, eliminating unwanted materials, and gathering recyclable materials of value. The resulting refuse may become harborage and food sources for vectors and related pathogens, sources of odors, fuel for fires, and unattractive nuisances to the public. Local jurisdictions conduct cleanups of encampments on an as-needed basis. Encampment cleanups do not involve removing people or property from the site.

BMP Goals:

- Significantly reduce trash/illegal dumping that results from vacated homeless encampments.
- Reduce litter entering local storm drains and waterways.

Challenges:

- Staff time intensive
- Is a temporary best management practice, if implemented without additional integrative supportive services or temporary housing solutions from other agencies.

Lessons Learned

- May require coordination with police and staff trained in conflict resolution to provide support during cleanups.
- Storing personal property, as required by law, requires a lot of staff time so this could be an area that is helpful to partner with a non-profit

Other Considerations:

- Personnel: Contractors for removing and hauling away waste materials; Trained staff (provided by municipal agency or non-profit) for placing notices regarding cleanups and interacting with unsheltered populations

Local Implementation Examples:

- The City of Santa Clara Police Department (SCPD) Community Response Team routinely conducts cleanup operations throughout the city, including those near waterways. Specific site cleanups are conducted on an as-needed basis. SCPD coordinates with the City's Department of Public Works, Valley Water, private property owners, and a contractor to conduct cleanups.
- Valley Water coordinates with local municipalities to clean up trash, debris and hazardous pollutants generated from encampments near waterways to reduce the amount of these pollutants entering streams. In FY 21-22, responding to higher volumes of encampment-generated trash and debris in creeks throughout the county, Valley Water managed 1,457 acres to clean up 868 tons of trash, debris, and hazardous pollutants, exceeding the goal of managing 300 acres annually.
- Valley Water posts signs with 72-hours notice before an encampment cleanup. The signs ask encampment residents to place their belongings they do not want to be removed within a 12' x 12' area around their living space. During clean up, any trash and debris left outside of that area is removed. Personal items found outside the 12' x 12' area are bagged and left onsite.
- The City of Alameda's Public Works Maintenance crews perform bi-weekly cleanups at the Main Street encampment site. Municipal street sweepers are active in peripheral paved areas at least weekly.
- The City of Oakland's Public Works and Keep Oakland Clean and Beautiful (KOCB) crews are involved in weekly garbage removal efforts and publicly post the locations of garbage removal, days of scheduled pickup and the type of intervention (pile removal, garbage cart service, porta potty, wash stations, abandoned auto).
- The City of Redwood City's Public Works Department conducts garbage pickup services, including clean-up related to RVs on the street as well as encampments of all types throughout the City. In December 2021, the City enlisted the services of an NGO to assist with Encampment Waste Services as a pro-active approach to address trash and waste pick-ups, especially at homeless encampments.
- Contra Costa County's CORE program includes education and outreach to unhoused community members about the importance of keeping encampment sites tidy and encourages residents to pick up their own trash. The CORE team also distributes trash bags and coordinates trash pick-ups at encampments.

- The City of Suisun City recently identified and posted signs in 'Environmental Sensitive Areas' that have been effective at reducing non-stormwater discharges associated with homelessness, including along the Suisun Marsh shoreline.
- Abundant Grace Coastsides Worker's Clean Team has had success with cleaning up abandoned encampments within Half Moon Bay and mobilizing the local unhoused population to ask for help with keeping their encampments clean.



References and Resources

- Valley Water. 2022 - Safe Clean Water and Natural Flood Protection, FY 21-22 Annual Report, Valley Water <https://fta.valleywater.org/dl/avGW319qbo>

TEMPORARY SAFE PARKING PROGRAMS FOR CARS AND RECREATIONAL VEHICLES

S-07

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☒ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Temporary Safe Parking Programs aim to minimize public health concerns while helping unsheltered individuals transition to alternative permanent housing. Participants of these programs are consolidated in a specified area, thereby consolidating waste, cleaning locations, and general areas of living activity. Temporary parking areas for cars generally include access to a kitchen, indoor restrooms, and showers.

BMP Goals

- Reduce the costs and staff time related to RV residency-related clean-up and response to calls.
- Assist RV residents transition into permanent housing.
- Reduce RV-residency related environmental and public health impacts.

Challenges:

- Limited availability of business/institutional partners willing to provide parking spaces.
- Limited availability of public parking spaces
- Often limited to working RVs/cars only

Lessons Learned:

- Its helpful to have parking located in safe areas and to have the support of the community.
- There may be a need for access control and other rules/regulations to manage the space.

Other Considerations:

- Personnel: Municipal staff
- Other Collaborators - Local businesses or faith-based organizations to provide parking spaces)

Local Implementation Examples:

- In July 2018, the City of East Palo Alto permitted Project We Hope (a local non-profit) to utilize a City-owned parking lot and operate a temporary overnight RV parking program from 7:00 pm to 7:00 am for RVs owned by homeless individuals or households. During the COVID-19 pandemic, Project We Hope operated the program during daytime hours, allowing RVs to remain on-site for 24 hours per day. The daytime program operation was authorized separately through City Council resolution (Resolution No. 49-2020) when the County Shelter-in-Place Order took effect. The City Council extended the program into early 2023.
- Several cities in Santa Clara County provide funding toward the Rotating Safe Car Park Program in partnership with several local faith organizations. These organizations host guests for at least one month and up to three months per calendar year. Guests at the host location have access to indoor restrooms.
- The City of Mountain View offers a safe parking program that is operated 24 hours a day, seven days a week. Most of the participants are families and are residing in oversized vehicles, such as RVs. The City has been instrumental in: supporting the formation of a local, nonprofit, safe parking provider (MOVE Mountain View); launching small, safe parking programs at faith-based locations; adopting a Safe Parking Ordinance to facilitate the creation of safe parking locations on private lots; securing three dedicated safe parking lots; partnering with the County of Santa Clara to provide safe parking and a range of other services to support unstably housed residents on a path to permanent housing; and growing to become the largest safe parking provider in the region with the capacity for up to 101 parking spaces (includes both municipal and faith-based lots).
- The City of Union City offers a safe overnight parking program called [CAREavan](#) in coordination with local community and faith-based organizations. It provides a safe place to park overnight for families and/or individuals who have been displaced and are temporarily homeless.
- The City of Fremont's [Safe Parking Host Site Program](#) (SPHS) is designed as a safe, transitional space for individuals living in their vehicle. The program is a rotational model, with five faith-based organizations across the City hosting individuals or couples on their site for one month before rotating to the next site. Each site provides parking for 15 vehicles. The City's goal is to expand the program and the City is looking for a permanent site on public property. The City also refers homeless individuals who sleep and live in their vehicles or RVs to the City of Union City's CAREavan program.
- The City of Alameda coordinates with a local non-profit to provide overnight parking for people living in cars and RVs. Bathrooms and washing facilities are available at the parking site.
- The Alameda County Safe Parking program offers a 24-hour safe parking program to single individuals living in cars. Participants are provided access to portable toilets and handwashing stations at the parking location.

- In the fall of 2020, Redwood City launched the Temporary RV Safe Parking Program to address over 110 households living in RVs on the street in the City. Since the launching of the program, the number of unsheltered households living in RVs on the street in Redwood City has dropped significantly to 10-15 RV/Motor Homes on any given night (Redwood City Homeless Outreach RFP, May 2022).
- San Mateo County and the City of Half Moon Bay have begun to explore a partnership with WeHope to set up a safe parking program on the San Mateo Coastside. If this partnership proves fruitful it would help unsheltered homeless populations by providing them with safe parking, social support, bathrooms, showers, laundry facilities and meal services. A full-time security officer would also be at the site.

References and Resources

- Alameda Safe Parking Program: <https://homelessness.acgov.org/safe-parking.page>
- City of Alameda - <https://www.alamedaca.gov/files/assets/public/departments/alameda/comm-services/formsandhandouts/day-center-and-safe-parking-info-7-days.pdf>
- Rotating Safe Car Park Program: <https://www.propeace.org/rscpshelter.html>
- Memorandum to the Mountain View City Council, from Kimberly S. Thomas (Assistant to the City Manager and Praneet Dhindsa (Human services Manager) re: Human Services Division Update on Initiatives to Assist Homeless and Unstably Housed Residents. December 15, 2022.
- WeHope: <https://wehope.org/>

SEWAGE PUMP-OUT SERVICES FOR RECREATIONAL VEHICLES

S-08

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☐ Covid-19
- ☐ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Providing free wastewater disposal services to individuals living in RVs is a way for jurisdictions to prevent illegal dumping of sewage down storm drains or waterways. The following are types of services that may be provided:

- Voucher programs where individuals can take RVs to a pump-out site or for free disposal.
- Mobile pump-out vehicles that can drive to the RV to collect waste.
- Sewer hook ups at safe parking sites.
- Using sewer manholes to discharge wastewater to the municipal collection system.
- Providing discharge location at a municipal wastewater treatment plant.

BMP Goals

- Reduce illicit discharges or illegal dumping.

Challenges:

- Utilization of the free pump-out program has been very low.
- Older RVs do not work with RV pump out locations or mobile services.
- RV hook up equipment is broken or inoperable and cannot work with RV pump out locations or mobile services.
- Many RVs are inoperable, and owners cannot drive them to the pump-out sites.
- Lack of contractors that provide mobile pump-out services.

Lessons Learned:

- Utilization of the free pump-out program has been very low to none in the two agencies that offered it.

- Some people living in RVs do not make use of the vehicle's sanitary systems, instead using public restrooms in City facilities, stores, or gyms in the areas surrounding their parking site.
- Some RV owners who rent RVs pay for mobile sanitary waste disposal services for their renters.

Other Considerations:

- Personnel: Municipal staff or trained outreach staff (municipal agency or not-for-profit) to distribute vouchers or information about pump out locations; Mobile pump out contractors; municipal staff to monitor discharge locations

Local Implementation Examples

- The City of Mountain View conducted a 12-week pilot program to provide free waste pump-out services to people living in RVs. The pilot program was conducted from January through April 2018, with services offered at two locations. Securing a vendor to provide the pump-out service proved challenging. In response to a Request for Proposals (RFP) issued to three prospective vendors, no proposals were received in the first round, and one proposal was received in the second round. To advertise the program, staff and CSA outreach workers contacted RV residents directly or by leaving information and a voucher packet on RV doors or windshields if the attempt to contact the individual was unsuccessful. The City also provided a courtesy notice to residents within a 500' radius of each service location. Information on the program was available on the City's website, and the City received media interest and coverage of the program. Despite considerable outreach, the utilization of the pilot was relatively low, with 3.08 visits to the pilot sites per four-hour session and a cost of \$935 per individual RV serviced. Considering the limited pilot usage, challenges with siting, the high costs associated with providing waste disposal service through a mobile vendor or as a City operation, as well as the high cost to construct a dump station on City land, the City decided to not proceed with the provision of providing a free waste disposal service. The City of Mountain View shared their experiences with addressing the issue of providing pump-out services to people living in RVs to reduce the likelihood of discharges to the storm drain in a SCVURPPP Industrial and Illicit Discharge Detection and Elimination (IND/IDDE) Ad Hoc Task Group (AHTG) workshop on May 30, 2019 and at an ACCWP Industrial and Illicit Discharge Control (IIDC) Subcommittee workshop on November 6, 2019.
- Valley Water coordinates with the County of Santa Clara, and the Cities of Morgan Hill and Gilroy to distribute vouchers to people living in RVs to provide free pump-out services at County facilities at Mt. Madonna and Coyote Lake County Park. However, no vouchers have been used so far.
- Recreational Vehicles users can dump their waste for free at the Vallejo Flood and Wastewater District's RV dump site. This free service is used on average 22 times per week, though the type and housing status of users is not tracked.
- The City of Pacifica provided one time RV disposal at their Wastewater Treatment Plant.

References and Resources

- Recreational Vehicle Waste Disposal Pilot Results and Consideration of Ongoing Waste Disposal Services. City of Mountain May 15, 2018.

PROGRAMS TO ESTABLISH RELATIONSHIPS WITH HOMELESS POPULATIONS

O-01

Implementation Level:

- ☐ Support (Direct)
- ☒ Outreach (Direct)
- ☐ Programmatic (Indirect)

At-a-glance:

- ☐ Water Quality (Direct)
- ☒ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Establishing relationships and trust with unsheltered populations is important to ensure their willingness to engage in and eventually accept social services and move into temporary or permanent housing. Building relationships takes time, often many weeks or months. These outreach efforts also help identify other needs such as behavioral health and recovery services, employment, general hygiene, etc. that may not be known. Efforts to establish relationships with homeless populations often occur through non-profit, contracted outreach teams or municipal police departments.

BMP Goals:

- Provide an opportunity for homeless outreach workers and mental health clinicians to regularly visit encampments, establish relationships, and provide resources to homeless individuals.
- Understand and offer both basic services as well as options for social services and emergency housing

Challenges:

- Requires staff trained in various disciplines (e.g., outreach, behavioral health, social services)

Lessons Learned:

- Consistent efforts to establish long-term relationships with unsheltered populations have a higher likelihood of resulting in services being accepted.
- It may be challenging to establish relationships if there is an association or perceived association with the police department or law enforcement. Consider moving support officers under medical services or fire department.

Other Considerations:

- Personnel: Municipal social service and police departments
- Collaborators: Non-profits that can provide staff trained in various disciplines (e.g., outreach, behavioral health, social services) and other contracted outreach teams

Local Implementation Examples

- San Mateo County, in coordination with Coastside Hope, provides emergency safety net assistance for the unsheltered including food, rental, and utility assistance, referrals for healthcare, help with complex forms, and advocacy. Coastside Hope's services play an important role in building relationships, keeping individuals housed, and preventing homelessness, which ultimately prevents the development of encampments and potential for stormwater pollution.
- Contra Costa County's Coordinated Outreach Referral, Engagement (CORE) program has been very successful in building long-term relationships and trust with unsheltered homeless individuals. Through this trust, residents are more likely to accept social services and to participate in clean-ups of their encampment areas. It may take a long time to establish this trust, but it has proven to be successful over the long-term.
- The City of San José's contracts with a local non-profits to implement its Services Outreach Assistance and Resources (SOAR) program at 15 of San José's largest encampments. Participating sites receive proactive, regular street outreach and case management.
- The City of Los Altos Police Officers conduct outreach to unhoused individuals on a regular basis. They also provide resource cards providing information on shelters and other helpful organizations.
- Redwood City has a Downtown Streets Team (DST) to work with homeless individuals who are not otherwise utilizing the county's CES by providing a pathway to ending homelessness through employment and housing with an emphasis on peer-to-peer support and encouragement. Through the encouragement and support of DST staff and peers, DST participants or "Team Members" often connect to and follow-through with CES and other services they otherwise are not actively engaging in. The DST program provides volunteer work experience opportunities for individuals experiencing homelessness in Redwood City. Team members volunteer work experience includes picking up litter, emptying trash receptacles, and assisting with clean-ups throughout the City. In exchange for volunteering, Team Members receive stipends in the form of gift cards, rent, storage, and basic needs; and are offered the additional support services. The DST Program launched in October 2019 ([Redwood City Staff Report to City Council, August 22, 2022](#)).
- In 2022, the City of Half Moon Bay launched the Crises Assistance Response & Evaluation (CARES) pilot program. Through a contract with El Centro de Libertad, the CARES program provides an alternative response to mental health related 911 calls traditionally answered by fire, ambulance, or law enforcement. Service calls appropriate for the CARES team include welfare checks, suicidal ideation and other mental health distress, substance abuse, and low-level, nonviolent concerns related to behavioral health. The team is staffed by a 2-person, bilingual mobile unit made up of a specially trained behavioral health professional and emergency medical technician.

References and Resources

- San Mateo County: <https://coastsidehope.org/>
- Contra Costa County Coordinated Outreach Referral, Engagement (C.O.R.E.) program: <https://cchealth.org/h3/services.php>
- Redwood City Staff Report on Study Session on homelessness Initiatives Work Plan Implementation, August 22, 2022: <https://meetings.redwoodcity.org/AgendaOnline/Documents/ViewDocument/9A.%20STAFF%20REPORT%20-%20HOMELESSNESS%20INITIATIVES%20UPDATE%20AND%20STUDY%20SESSION.pdf?meetingId=2342&documentType=Agenda&itemId=7588&publishId=12155&isSection=false>
- El Centro de Libertad: <https://www.elcentrodelibertad.org/?lang=es>

Implementation Level:

- ☐ Support (Direct)
- ☐ Outreach (Direct)
- ☒ Programmatic (Indirect)

At-a-glance:

- ☐ Water Quality (Direct)
- ☒ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☒ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☒ Regional implementation

Supportive housing programs are generally implemented by the County Continuum of Care (CoC) Programs. Local jurisdictions and non-profits coordinate with the CoC Programs to offer housing and other services to unsheltered and sheltered individuals and families. Housing assistance programs are classified into the following types:

- Emergency shelter - provides a safe place to sleep for people who are unhoused. Provides meals, showers, other basic needs services, and connections to community resources.
- Transitional housing - provides temporary housing and services for people who are unhoused and seeking a more structured living environment, especially youth and veterans.
- Rapid rehousing - provides supportive services and temporary rental assistance to people who are unhoused. Helps individuals and families obtain permanent housing and increase income so that they can remain housed independently.
- Interim housing - provides temporary housing for people who are unhoused and have been enrolled in a rapid rehousing or permanent supportive housing program while they are searching for a permanent place to live.
- Permanent supportive housing - helps individuals and families with disabilities maintain permanent housing through long-term rental subsidies, connections to medical and behavioral health care, and other services.

BMP Goals:

- Offer housing to all unsheltered individuals.
- Connect people with a home so they are in a better position to address other challenges that may have led to their homelessness, such as obtaining employment or addressing substance abuse issues.

Challenges:

- The need for housing is much higher than available funding and housing.
- Social services are needed to support individuals entering supportive housing and to ensure they have the skills needed to remain housed. Funding and availability of social services are limited.
- Individuals may not accept housing, or the type of housing offered.
- Neighboring businesses have reported a large influx of homeless persons and crime/loitering on community streets and properties in the vicinity of supportive housing properties. This can occur when individuals who are forced out of temporary housing facilities because they could not or would not abide by the rules are left to wander local streets.
- Some housing services are available to certain demographics (e.g., only women and children, young adults (ages 18-24), single men, no pets, etc.)

Lessons Learned:

- Requires coordination between multiple agencies.
- The amount and duration of housing should be enough to help people secure a permanent place to live. This assistance shouldn't be a standard "package" but flexible to meet unique needs. This is particularly important when financial circumstances or housing costs change.

Other Considerations:

- Personnel: Municipal staff, County staff,
- Collaborators: Multiple non-profit agencies

Local Implementation Examples:

- Contra Costa County has many emergency, transitional, and permanent housing options available either directly through the County's Health, Housing, and Homeless (H3) Services or through community-based organizations located throughout the County in Contra Costa County's Continuum of Care (CoC). According to the 2022 Point in Time County, approximately 2,680 emergency, transitional, and permanent housing beds were present in Contra Costa County on February 23, 2022. The number of beds fluctuates depending on the time of year, weather conditions, and resources available.
- In 2020, the City of Pittsburg purchased a local motel and converted it into a homeless shelter where services are ongoing. It was noted that most of the residents at the shelter are brought in from other cities (7% Pittsburg vs. 93% other city origins) thereby adding to the existing City unhoused population when they leave the shelter. Nearby sheltered residents have commented on the facility and its effectiveness for various real or perceived reasons.
- The County of Santa Clara Project Roomkey was established in March 2020 as part of the state response to the COVID-19 pandemic to provide non-congregate shelter options, such as hotels and motels, including three meals per day for people

experiencing homelessness. The County also entered into a service agreement with a non-profit agency to operate a motel program for families with children. The goal of this temporary shelter program/interim housing program is to support households with basic needs resources to regain self-sufficiency and exit homelessness or to provide households with short-term housing while they search for permanent housing or wait for a permanent housing unit to open. In addition, the County partners with Casitas de Esperanza (a local non-profit) to provide temporary housing for unhoused families serving up to 25 families per night. The County's Office of Supportive Housing has service agreements with non-profit agencies to provide Temporary Housing and Basic Needs Services for clients seeking assistance including access to ADA-compliant restroom and shower trailer seven days a week, and a laundry trailer four days a week.

- The City of San José has constructed six interim housing sites totaling 499 beds in 385 individual units. They are temporary, non-congregating shelters, where individuals receive support services and assistance finding stable housing.
- San Mateo County partnered with service provider [Abode Services](#) from 2016 to 2018 to provide rapid rehousing services. The agreement was funded using Measure A Sales and Use tax revenue allocated to Homeless Services and was claimed under Measure A initiative tracking code HSALA. In the fiscal year 2022, Abode Services assisted 5,534 individuals in rapid rehousing programs, and 60 percent of households housed through rapid rehousing programs exited to permanent housing.
- The City of Oakland works with several non-profit organizations to provide rapid rehousing programs to families and/or youth, including, but not limited to, East Oakland Community Project, Building Futures with Women and Children, Abode Services, and Bay Area Community Services.
- In San Mateo County, LifeMoves opened the Coast House to provide interim housing and support services to families, couples, and individuals experiencing homelessness in Half Moon Bay. With 52 private rooms, the Coast House offers safe shelter and wraparound case management services to help clients work toward long-term self-sufficiency and returning to homes of their own. Since it opened in 2020, the Coast House has served 151 people, with 68 of the participants successfully moving into permanent housing. In 2022, Abundant Grace was able to house 17 of its unhoused workers and move 20 of their unhoused workers into the Coast House Shelter.
- San Mateo County is constructing two community services and affordable housing facilities: Navigation Center Shelter and Middlefield Junction Community Hub. The City of Half Moon Bay is also in the process of converting its property at 555 Kelly Avenue into 40 units of affordable housing and a resource center for low-income farmworkers. These facilities are designed to provide permanent housing.

References and Resources:

- Ending Homelessness 2022 – The State of the Supportive Housing System in Santa Clara County, County of Santa Clara.
<https://osh.sccgov.org/sites/g/files/exjcpb671/files/documents/SOH%202022%20report%20web.pdf>

- Rapid Rehousing Resources, including toolkit, a building owner’s toolkit, rapid re-housing benchmarks and standards: <https://endhomelessness.org/rapid-re-housing-works/>
- San Mateo County Rapid Re-housing: <https://www.smcgov.org/ceo/ending-homelessness-rapid-re-housing-abode-services>
- Abode Services: <https://www.abodeservices.org/programs-and-services>
- Performance Audit of the City of Oakland’s Homelessness Services, September 2022: https://www.oaklandauditor.com/wp-content/uploads/2022/09/20220919_Performance-Audit_The-City-of-Oaklands-Homelessness-Services_Final.pdf
- Abundant Grace Coastside Worker: <https://abundantgracecw.org/index.html>.
- LifeMoves: <https://www.lifemoves.org/>.

Implementation Level:

- ☐ Support (Direct)
- ☐ Outreach (Direct)
- ☒ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☒ Regional implementation

Encampment management policies establish guidance for municipal staff for implementing practices to manage the adverse impacts of homeless encampments.

BMP Goals:

- Provide consistent guidance to municipal staff across departments to manage encampments.

Challenges:

- Coordination across municipal departments and maintaining common goals
- Implementing encampment management policies while navigating unknowns and potential safety concerns

Lessons Learned:

- Consider public perception of encampment management policies and balance the interests of all residents, sheltered and unsheltered
- Keep camps small (<20 people), if possible, so they are easier to manage, safer and smaller impact on surrounding neighbors.

Other Considerations:

- Personnel: Municipal staff from various departments
- Collaborators: Contractors as needed

Local Implementation Examples

- The City of Oakland's Encampment Policy was developed as part of its PATH (Prevention, Emergency Response, Housing Development) Framework, which was adopted in December 2019. The Encampment Management Policy is consistent with the

guidance and best practices promoted by the City’s Department of Race and Equity. The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing the interests of all residents, focusing on encampment actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes. The policy includes definitions of locations deemed high and low sensitivity (i.e., 50 feet from a playground, within 50 feet of a protected waterway, etc.) and outlines a variety of ways that the Encampment Management Team (EMT) can intervene to help achieve the goals of the policy. The City of Oakland prioritizes encampment cleaning operations if an encampment is near a waterway or storm drain.

- The City of San José’s City Roadmap – Encampment Management and Safe Relocation Policy, which began during the COVID-19 pandemic, outlines principles of an equitable, effective, and efficient approach to encampment management. The four objectives of the City’s Encampment Management and Safe Relocation Policy include: clean the City’s public spaces, create setbacks for priority locations, identify sites that promote safety and belonging, connect people to social services and meet their basic needs. Abatements are minimized to limit impacting the most vulnerable people in society. Redwood City began implementing the Resolving Encampments through Effective Engagement (REEE) Pilot Program. REEE will focus specifically on addressing homeless encampments – addressing health and safety concerns, offering services and housing to encampment residents, and ultimately reducing the number of homeless encampments in the City.
- The City of Fremont created an Assessment and Evaluation Form for Homeless Encampments and Hot Spots as part of its Trash Control Program. The City conducts weekly site assessments of encampments using this form to gather data for evaluation, and effective management of encampments. This form allows inspectors to track number of camps, location, impacts to waterways, property ownership, site condition, safety concerns, potential abatement/enforcement mechanisms, as well as maintenance and management needs.
- Similarly, Valley Water created a Water Resources Encampment Risk Assessment to aid staff in documenting and assessing risks related to encampments located on Valley Water lands. The form allows for tracking of encampment locations, infrastructure, waterways, maintenance needs, safety issues, environmental impacts, and adjacent facilities. In this form, there is a hazard rating scale to help inform encampment management including if an abatement is warranted for the encampment. This tool helps ensure the protection of natural resources, water quality, and the health and safety of employees and the public.

References and Resources

- San José Encampment Management and Safe Relocation Policy:
<https://sanjose.legistar.com/View.ashx?M=F&ID=10860685&GUID=3BEB1411-FBEC-4F19-9163-CC120C6ED303>
- City of Oakland’s 2019 Permanent Access to Housing (PATH) Framework Update

<https://www.oaklandca.gov/documents/2019-permanent-access-to-housing-path-framework-update>

- Oakland encampment cleanup schedule:
<https://www.oaklandca.gov/resources/homeless-encampment-cleanup-schedule>
- Direct Discharge Trash Control Program. City of Fremont February 1, 2018.
- Water Resources Encampment Risk Assessment. Valley Water. 2022.

Implementation Level:

- ☐ Support (Direct)
- ☐ Outreach (Direct)
- ☒ Programmatic (Indirect)

At-a-glance:

- ☐ Water Quality (Direct)
- ☒ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☒ Regional implementation

Local, Countywide, State, Federal, and Bay Area/Regional-level funding initiatives ensure the long-term sustainability and the ongoing implementation of efforts to mitigate the public health and environmental impacts of homelessness, and support implementation of long-term solutions. Funding initiatives are often sourced through municipal general fund allocations, countywide measures, HUD, local, regional, or statewide grants, and NGO fundraising efforts.

BMP Goals:

- Increase resources allotted to housing and programs serving unsheltered homeless populations.
- Enhance opportunities for cross-agency collaboration to implement BMPs.

Challenges:

- Grant funding for housing and homelessness programs can be regionally competitive.
- Grants require significant staff time to prepare and submit applications.
- Countywide measures that require passing via a vote require public outreach.
- Public opinion and support can stop or slow down programs

Lessons Learned:

- Be very clear about goals, objectives, the need for the funding and outcomes
- Collaborate and partner with other organizations including regionally to pool resources and increase chances for funding

Other Considerations:

- Personnel: Municipal staff and/or contractors to prepare grant funding applications
- Collaborators: Non-profit organizations

Local Implementation Examples

- Project Homekey is an initiative by the state of California that provides local government agencies with funds to purchase and rehabilitate housing – including hotels, motels, vacant apartment buildings and other properties – and convert them into permanent, long-term housing for people experiencing or at risk of homelessness. Funding comes from the state’s allocation of federal Coronavirus Aid Relief Funds and the state’s General Fund. The County of San Mateo, the County of Santa Clara, County of Contra Costa, and many counties and cities in the Bay Area received funding through Project Homekey to purchase hotels.
- Annually, the City of San José receives funds from the U.S. Department of Housing and Urban Development (HUD) to administer various grants that benefit unsheltered or low/moderate income persons. These include the following:
 - [Community Development Block Grant \(CDBG\)](#) - This program funds various nonprofit agencies and other city departments to implement services that benefit low- and moderate-income persons, resolve slum and blight concerns, or address community development needs. Grantees are generally selected through a competitive process and provide such services as senior nutrition, neighborhood engagement, legal services for tenant rights and fair housing, homeless outreach, housing rehabilitation, and code enforcement.
 - [Emergency Solutions Grant \(ESG\)](#) - This program is designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help them quickly regain stability in permanent housing. Grantees are generally selected through a competitive process and provide such services as homeless outreach, shelter for families and victims of domestic violence, and rental assistance.
 - [HOME Investment Partnership \(HOME\)](#) - HOME provides formula grants to states and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. It is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. The City of San José currently dedicates HOME funds for the development of new affordable housing projects, and Tenant-Based Rental Assistance ([TBRA](#)).
- Voters in San José approved Measure E on March 3, 2020. It enacted a Real Property Transfer Tax, which is imposed on property transfers of \$2 million or more. Revenues generated by Measure E provide funding for general City services, including affordable housing for seniors, veterans, disabled, and low-income families; and helping families who are homeless move in to shelters or permanent housing.
- The City of Pittsburg was awarded funds from the Community Development Block Grant CARES Act (CDBG-CV) program to prevent, prepare for, and respond to the spread of COVID-19. The funds supported the City's efforts in addressing the health and safety concerns associated with the local unsheltered community during the Covid-19 pandemic.

- The San Mateo County Board of Supervisors awarded three cities, Redwood City, Millbrae and Half Moon Bay, grants in December 2022 to address homelessness. Redwood City and Millbrae will expand existing programs that steer individuals and families experiencing homelessness into shelters and services. Half Moon Bay will provide a safe parking area, with hygiene facilities and outreach services for people living in vehicles.
- The City of Milpitas provides support to homeless populations from the following funding sources:
 - The City Council designated \$950,000 in American Rescue Plan Act funding to expanding the Rent Relief Program to a Rent & Mortgage Relief Program.
 - Permanent Local Housing Allocation (PLHA) is a California Department of Housing and Community Development grant. The City of Milpitas has been approved for its 2019, 2020, and 2021 entitlement of \$1,017,554. The City is waiting for the Standard Agreement but was approved for 20% (\$193,335.26) of the funding to go to the Homeless Engagement and Access team (HEAT). The HEAT team conducts homeless outreach, assessment, and street-based case management services.
 - Mayor Rich Tran requested support of one-time funding as part of the FY22-23 State budget from Assemblymember Alex Lee’s Office. Assemblymember Lee approved the one-time state funding request, including \$1,500,000 for homelessness prevention and unhoused services. The initial request was for continuation and expansion of the City’s mobile shower and laundry services, twice a week, for a period of three years (\$300,000), establish a Milpitas Resource Center as a 2-year pilot program (\$500,000) and provide rent relief to vulnerable Milpitas residents (\$700,000).
- The City of Alameda uses a creative method to raise funds for unsheltered populations in the City. They have installed specially designed orange “parking meters” to collect spare change and credit card donations at 20 sites to raise funds for homeless services. Businesses, individuals, families, and groups may also sponsor a meter. The City has created a [map](#) of the meter locations.

References and Resources

- Project Homekey: <https://www.hcd.ca.gov/grants-and-funding/homekey>, <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/homekey/Homekey-2021Guidelines-NOFA-Amended-05-05-22.pdf>
- Federal grants received by the City of San José - <https://www.sanjoseca.gov/your-government/departments-offices/housing/resource-library/hud-reports>

INTER-DEPARTMENT AND INTER-AGENCY INFORMATION SHARING

P-04

Implementation Level:

- ☐ Support (Direct)
- ☐ Outreach (Direct)
- ☒ Programmatic (Indirect)

At-a-glance:

- ☐ Water Quality (Direct)
- ☒ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☒ Regional implementation

It is important for municipal stormwater staff to coordinate with other departments within their agency (e.g., housing services, City/Town/County/Agency manager's office) and with other municipal agencies to develop and implement strategies to address non-stormwater discharges from unsheltered homeless populations. This coordination may offer opportunities for additional funding, to obtain staff with appropriate and applicable expertise, and to receive data that may inform and improve future efforts.

BMP Goal:

- Connect with other departments and municipal agencies to share information and resources.

Challenges:

- Scheduling meetings and coordinating meetings across different departments and agencies can be difficult.
- Detracting from programs to provide housing and social services being implemented by appropriate and qualified organizations with implementation of temporary, water quality based BMPs.

Lessons Learned:

- Funding and resources may be available from other departments (e.g., City Manager's office) and agencies (County Housing Departments) that share similar goals.

Other Considerations:

- Personnel: Municipal staff from different agencies and departments Collaborators: NA

Local Implementation Examples

- On September 15, 2015 (Item No. 27), with recommendations from the County of Santa Clara’s Housing Task Force (HTF), the County Board of Supervisors directed the Administration to expand and improve homelessness prevention programs in Santa Clara County. The HTF’s recommendations were intended to develop an effective and efficient coordinated network of service partners that could fully serve individuals and families who are on the brink of homelessness. The HPS Pilot was established in 2017 in a unique partnership between public agencies, private funders, and non-profit services providers. D:H ([Destination: Home](#)) is the Administrative Lead of the HPS Pilot while Sacred Heart as the Program Lead works with partner agencies under a “no wrong door” policy that removed barriers to county residents seeking homelessness prevention services at any of the participating agencies. Additionally, as the Program Lead, Sacred Heart oversees the training and coordination of the HPS Pilot with the partner agencies to ensure the prevention services provided meet the community needs. The HPS Pilot targets households with the highest needs and provides longer-term financial assistance, case management services, employment services, legal services, childcare, and transportation. The HPS Pilot has made it possible to streamline and standardize service delivery, assessments, prioritization, and data collection. Since 2017, the HTF Pilot has assisted 4,455 unduplicated households and 95.8% of those households have been able to retain their housing.
- In March 2020, the Santa Clara County and its partners established the Housing Joint Departmental Operations Center (JDOC), which brought together the Office of Supportive Housing (OSH), Valley Homeless Healthcare Program (VHHP), Behavioral Health Services Department (BHSD), Public Health Department (PHD), and the City of San José to implement strategic and collaborative responses to protect the health and safety of unhoused individuals and families. On April 2, 2020, the JDOC launched a hotline to centralize referrals to temporary housing programs. Requests for shelter are received from hospitals, homeless service providers, and unhoused individuals and families. The intake process includes an assessment to determine the appropriate placement for each individual. The hotline has proven effective in preventing unhoused residents and County partners from needing to call or visit multiple shelter sites to determine availability and eligibility. This centralization also enables improved data collection to analyze trends and system gaps. Due to the success of the hotline and the increased shelter utilization, the OSH identified State funding to continue the operations for a two-year pilot period.
- To further efforts in collaborating with other agencies in tackling the homeless concerns, the City of Fremont actively engages in Homeless Task Force meetings that include staff from Abode Services and various City departments (Fremont Direct Discharge Trash Control Program, 2018).
- The City of Santa Clara has convened a Homelessness Taskforce that includes stakeholders with a range of perspectives and experience to help identify priorities and provide recommendations related to the development of a City Plan to address Homelessness and its impacts. The City has received feedback on the [Homelessness Plan](#)

[Draft Framework](#), conducted a Study Session, and will be submitting a finalized plan to City Council in 2023.

- The County of Alameda coordinates weekly Alameda County Health Care for the Homeless Meetings, monthly Alameda County all-city meetings around homelessness, and monthly Alameda County all-city meetings around Housing.
- The City of Albany organizes monthly case conferences with Albany Project Hope (a local non-profit), Albany Policy Department, Albany Public Works, Alameda County Homeless Services Regional Coordinator, and the Lifelong Street Medicine Program Manager. The Lifeline Street Medicine is the largest provider of Street Medicine services in Alameda County.
- The City of Redwood City's Homeless Services Manager leads the City's inter-departmental and inter-agency efforts. The City is deeply integrated into the County Homeless Services System and the City recently expanded these efforts through a \$1.8 million contract to create a Redwood City Coordinated, Inter-Agency Homeless Outreach Strategy Team. The City has invested one time City resources and sought outside funding for this work.
- The City of Hayward has an internal team consisting of staff from Community Development, Police Department, Water Pollution Source Control (stormwater program), Code Enforcement and other interested parties that work together to abate encampments and help provide services to needy individuals.
- The City of Cupertino has an internal working group comprised of Emergency Services Division, Public Works Director, and Stormwater Program representative and coordinates with Santa Clara Housing as well as Caltrans.
- The City of Walnut Creek has established the Walnut Creek Homeless Community Task Force, which is composed of Walnut Creek City staff, the Walnut Creek Police Department, community organizations, local businesses, and community residents. The task force has been meeting regularly for over four years with a mission to research and identify best, promising, and emerging practices for short-term and long-term solutions to the causes of homelessness; to present information and recommendations to Walnut Creek City staff and City Council; and to work collaboratively to put into place respectful and compassionate solutions.
- The Contra Costa Council on Homelessness (the Council) provides a forum for the Continuum of Care (CoC) to communicate the implementation status of strategies to prevent and end homelessness. The purpose of the forum is to educate the community on homeless issues and advocate for Federal, State, County and City policy issues that affect people who are homeless or at-risk of homelessness. The Council provides advice and input on the operations of homeless services, policy formulation and program development efforts in Contra Costa. Furthermore, it establishes the local process for applying, reviewing, and prioritizing project applications for funding in U.S. Department of Housing and Urban Development (HUD) Homeless Assistance Grant Competitions, including the CoC Program and the Emergency Solutions Grant (ESG) Program.
- The City of San Mateo Police Department has a Homeless Outreach Coordinator

References and Resources:

COORDINATION WITH STATE AND RAIL AGENCIES

P-05

Implementation Level:

- ☐ Support (Direct)
- ☐ Outreach (Direct)
- ☒ Programmatic (Indirect)

At-a-glance:

- ☐ Water Quality (Direct)
- ☒ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☒ Regional implementation

As many encampments across the Bay Area are located on Caltrans, California Highway Patrol (CHP), and Union Pacific (or other railroad properties) properties, some cities and counties in the Bay Area have established Memorandum of Understandings (MOUs) or Memorandum of Agreements (MOAs) between their jurisdiction and these agencies to formalize shared boundaries and come to an agreement on processes for responding to homelessness (e.g., timing of notifications for service requests, applications for funding). Conducting outreach to and offering supportive services to encampments on Highway 101 for example, requires coordinating with Caltrans, working across agency policies and timelines, and using available resources. By having established relationships in the form of MOUs and MOAs, and consequentially, smooth workflows, defined fiscal responsibilities, clearing and cleaning, access, and notification times, local jurisdictions can be as responsive to homelessness as possible.

BMP Goals:

- Develop processes for responding to water quality impacts from unsheltered population located on properties that are not under the jurisdiction of local agencies.

Challenges:

- Difficult to find appropriate contacts at State and railroad agencies.
- Different priorities and difficulty agreeing on a management process.
- Not simply moving the issue from one jurisdiction to another.

Lessons Learned:

- Make a commitment to establishing relationships and regular communication, potentially in the form of a work group or task force

- State and rail agencies may have a list of local collaborators (non-profits) that they work with and can share with local municipalities.

Other Considerations:

- Personnel: Law enforcement agencies and enforcement departments of railroad agencies may need to be involved where transportation safety issues and locations of unhoused populations are at conflict.
- Collaborators - Faith based organizations, local non-profits, school districts, community centers.
- Location: Transportation agencies typically prioritize locations of unhoused populations that involve a safety risk to both the unhoused individuals as well as the general public (e.g., on highway off-ramps).

Local Implementation Examples:

- The City of San José executed a Memorandum of Understanding (MOU) in December 2020 with Union Pacific Railroad Company to coordinate resources to clean up trash, debris, overgrown vegetation, and encampments on their respective properties. The parties will conduct a minimum of eight coordinated cleanups, as needed, per year under this MOU. In FY 2021-2022 there were six cleanups that occurred along railroad property.
- In March 2022, Redwood City initiated a meeting with Caltrans and State legislative representatives which resulted in the establishment of a working group to address homeless encampments on Caltrans properties. The working group continues to meet every two months to request Caltrans action on homeless encampments and to assure sufficient lead time (e.g., two weeks' notice) to provide intensive outreach to encampment residents by offering shelter and housing options as well preventing loss of personal belongings which occurs when minimal notice is given prior to encampment clear-outs. As a result of the initial March meeting, CalTrans has also taken action to modify the landscape of critical locations such as the Woodside Road/El Camino Real cloverleaf to reduce the likelihood of re-encampment. The City will continue to share information with Caltrans where there are concerns regarding health and safety at the encampments on Caltrans right of way.
- Contra Costa County Public Works Maintenance and Environmental Health coordinate regularly with Caltrans and the railroads for encampment cleanups.
- Caltrans representatives participated in a BAMS Collaborative Work Group information sharing meeting on January 24, 2023. After the meeting, Caltrans shared with the BAMS Collaborative Work Group contact information for key Caltrans staff working in the Bay Area on homelessness and encampments and a list of 23 local partners Caltrans collaborates with in Alameda, Contra Costa, San Mateo, Santa Clara, and Solano Counties, including non-profit organizations.

References and Resources

- City of San José – San José Direct Discharge Report, FY 21-22

Implementation Level:

- ☐ Support (Direct)
- ☐ Outreach (Direct)
- ☒ Programmatic (Indirect)

At-a-glance:

- ☐ Water Quality (Direct)
- ☒ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☒ Regional implementation

Non-profit organizations have the expertise, set-up, and staff to provide a wide range of services to unsheltered populations, including those that address non-stormwater discharges. The services may include conducting cleanups at areas where unsheltered populations congregate, establishing relationships with unsheltered individuals, providing them with information on shelter, job development or other BMPs, etc. Additionally, unsheltered populations may be more receptive to receiving information and services from these organizations rather than government agencies.

BMP Goals:

- Provide a range of services to unsheltered populations, including those that address non-stormwater discharges.

Challenges:

- Finding the appropriate non-profit organizations
- Funding and public support for these programs can be difficult.
- Monitoring the program to make sure they are within budget and workers are following the scope (i.e., only cleaning in approved areas and capping the maximum number of participants as outlined in the program).

Lessons Learned:

- These programs require a lot of oversight and support from organizations running the program.
- Good relationships with local solid waste haulers are invaluable due to the flexibility that can be required to run these programs.

Other Considerations:

- Personnel: Municipal staff oversight of programs
- Collaborators - Faith based organizations, local NGOs, school districts, community centers

Local Implementation Examples:

- The City of Sunnyvale collaborates with the Downtown Streets Team (DST), a non-profit organization, to conduct regular cleanups in the downtown area. In addition, DST provides aid and support to homeless individuals with the goal of transitioning the homeless into permanent housing. DST clients serve on a team of volunteers that provide community services throughout the year. The City is also implementing a one-year pilot to provide services to unhoused populations as a complement to services provided by Santa Clara County. The City contracted with HomeFirst to provide services, including outreach, case management services to direct to support services available, and dedicated shelter beds for individuals needing accommodation beyond what is available from the County. HomeFirst provides two dedicated staff for these services. The City created an interdepartmental team lead by the Assistant City Manager, and City staff meet periodically with the contractor to discuss progress on outreach, determine additional locations for action, and share information gained from the community. The project funding is also available to address site cleanup, as needed.
- The Cities of San José , Saratoga, Cupertino, Los Gatos, Monte Sereno and the County of Santa Clara provide funding to [West Valley Community Services](#) which offers comprehensive programs to low income and homeless families in the West Valley region of Santa Clara County. Their services include distributing laundry quarters and hygiene kits, referrals to shelters, and safe parking areas. In addition, West Valley Community Services owns and operates two apartment complexes that offer permanent housing to low-income households. These complexes are managed through the City of Cupertino Below Market Rate Housing Program.
- The City of Albany has created a partnership, known as [Albany Project Hope](#) (APH), with Berkeley Food & Housing Project (BF&HP) and the Solano Community Church to assist those living unsheltered in Albany find permanent housing (or, if appropriate or necessary, alternatives such as transitional housing, return to families, homeless shelters, residential care or other living situations).
- The City of Milpitas receives Community Development Block funding from the Housing and Urban Development Department. One of the organizations it funds is LifeMoves who provide shelter and intensive care management services to Milpitas residents across its facilities in Santa Clara County.
- LifeMoves Homeless Outreach Team (HOT) also works throughout San Mateo County to meet unsheltered clients wherever they are and provide services in the field. HOT canvasses the streets and known encampments to identify, build relationships, and assist unsheltered clients as needed.
- The City of Half Moon Bay has a contract with the local nonprofit Abundant Grace Coastsiders Worker. Abundant Grace Coastsiders Worker aims to transform the lives of Coastsiders experiencing or at risk for homelessness through meaningful employment,

community-building, food justice, and other support services. They provide workforce training opportunities through their coastal clean team and farm apprenticeship programs. In 2020, they purchased a workforce development center that provides a physical location for their programs as well as access to showers, laundry, Wi-Fi, mail delivery, temporary storage, food distribution, job/housing program assistance, and a safe gathering space for UHIs.

References and Resources

- Albany Project Hope <https://albanycommunityfoundation.org/what-we-do/projects-and-community-spirit/project-hope/>
- West Valley Community Services: <https://www.wvcommunityservices.org/about-us>
- Abundant Grace Coastside Worker: <https://abundantgracecw.org/index.html>.

STANDARD OPERATING PROCEDURES FOR RESPONDING TO RV AND ENCAMPMENT ILLICIT DISCHARGES

P-07

Implementation Level:

- ☒ Support (Direct)
- ☐ Outreach (Direct)
- ☒ Programmatic (Indirect)

At-a-glance:

- ☒ Water Quality (Direct)
- ☐ Water Quality (Indirect)
- ☐ Covid-19
- ☒ Ongoing Implementation
- ☐ Clean water needs
- ☒ Jurisdiction-specific implementation
- ☐ Regional implementation

Standard Operating Procedures (SOPs) that focus on how to respond to RV and encampment illicit discharges, and that focus especially on responses to discharges of human waste and other immediate threats to water quality, provide tried and tested options to municipal agencies on how to manage encampment discharges and prevent the reoccurrence of waste accumulation in closed and abated encampments. The SOPs can be shared with other jurisdictions and provide opportunities for cross-agency collaboration.

Challenges:

- Staff time to develop, review, and revise SOPs over time.
- Special training for municipal staff sanitizing sidewalks, plazas and other public right of way areas.

Lessons Learned:

- Encompass needs of specific locations (i.e. near waterways) or times of year in the SOP

Other Considerations:

- Personnel: Municipal staff
- Collaborators - Faith based organizations, local NGOs, school districts, community centers.

Local Implementation Examples:

- The City of Berkeley's SOP for Managing Vehicular Homelessness in the Public Right-of-Way, developed in September 2022, outline the ways in which the Homeless Response Team and its participating departments will ensure Municipal Code standards are maintained. These include, for example, prioritizing initial outreach and attempting

voluntary compliance and if these are not abided by, implementing remedies such as scheduling deep cleanings to remove debris.

- The City of Pleasanton utilizes an SOP for when an encampment is along or near a waterway. It includes Police Department, Code Enforcement, and Environmental Services staff responsibilities. The City works closely with its local flood control agency (Zone 7) for encampments on their property as well.
- The City of Oakland uses an internal SOP for how to respond to illicit discharges from encampments and/or RVs, including cleaning storm drains and addressing human waste discharges.
- West Valley Clean Water Authority developed sanitization procedures best management practices (BMPs) for municipal maintenance staff to use when publicly used areas present an elevated risk to public health. The BMPs include protecting storm drains and receiving water from any discharges related to the cleaning activities.

References and Resources



Date: July 19, 2023
To: Administrative Committee
From: Elizabeth Yin, Program Consultant
Subject: Discuss the MRP 3.0 Permit Amendment Schedule and Review Select Committee

Recommendation:

Discuss the schedule for permit amendment language adoption and provide Contra Costa Clean Water Program (CCCWP) staff with direction on the need for reviving the Select Committee.

Background:

During the MRP 3.0 adoption hearing in 2022, the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) asked SFBRWQCB staff to report back to them at their August 9, 2023, meeting. Specific items for reconsiderations included:

- Special Category C projects.
- Roads in disadvantaged communities.
- Alternative treatment systems compliance.
- Monitoring requirements.

In April 2023, SFBRWQCB staff released an Administrative Draft of the potential permit amendment language. In response to this language, CCCWP convened the Select Committee to review and develop a comment letter. Development Committee also reviewed and supported the development of the comment letter. This Management Committee approved the Program's MRP 3.0 Comment Letter on the Administrative Draft Permit Language at the April 25, 2023 Special Meeting of the Management Committee. The approved comment letter was subsequently submitted to the SFBRWQCB.

Since the submittal of the comment letter, CCCWP staff have been tracking progress of the MRP 3.0 Permit Amendment Language process, and CCCWP staff would like the Management Committee to be aware of the current schedule for developing permit amendment language.

At the June 22, 2023 Bay Area Municipal Stormwater Collaborative (BAMSC) Steering Committee meeting SFBRWQCB staff shared that they anticipate sharing the Tentative Order of the permit amendment with enough time to hold the adoption hearing at the September 2023 Water Board meeting. However, CCCWP staff have not received the Tentative Order, and the requirements for the public comment process of the Tentative Order language suggest that an adoption hearing in September 2023 may not be possible.

CCCWP will continue to track the progress of the MRP 3.0 Permit Amendment Language and will work with the Select Committee in being prepared for this response. If any member of the Management Committee wishes to join the Select Committee, please let staff know.

Schedule:

Schedule is TBD.

Fiscal Impact:

None at this time.

Attachments:

No attachments at this time.



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: July 19, 2023

To: Management Committee

From: Erin Lennon, Watershed Management Planning Specialist

Subject: CCCWP FY23-24 Budget Update, Development Committee Tasks

Recommendations:

1. Accept the Development Committee's recommendations and approve the two (2) Fiscal Year 2023-2024 (FY23-24) budget line-item update requests noted below:
 - **\$9,000** for New Task, MRP 3.0 Permit Amendment support (Tentative language changes for Provisions C.3.c., C.3.e., and C.3.j.) from the General Technical Line Item
 - **\$6,000** for Task 11.1, Hydromodification Management (HM) Applicability Map Update (Provision C.3.g.) from the HM Map Update Line Item
2. Accept Contra Costa Clean Water Program (CCCWP) staff's recommendation and provide feedback and direction for utilizing the FY23-24 budget line item of **\$20,000** allocated for MRP 3.0 Provision C.21, Asset Management.

Background:

The Development Committee (DC) is responsible for making recommendations to the Management Committee (MC) on land development activities. This includes, but is not limited to, activities relevant to implementing MRP 3.0 Provisions C.3 (New Development and Redevelopment) and C.21 (Asset Management).

DC and CCCWP staff have determined that budget allocation updates are needed to complete certain DC-related tasks, including high-priority tasks directly impacting Permittee deliverables due in September 2023. Table 1 outlines budget update recommendations for FY23-24 budget line items relevant to the DC. Justifications for these budget updates are summarized below and described in the *CCCWP Budget Adjustment Tracker for Fiscal Year 2023-2024; Updates for Development Committee Related Tasks* (see the Attachment).

1. Allocation of FY23-24 Development Committee Related Budget

1.a Permit Amendment Support (New Task)

At the June 28, 2023, Development Committee meeting, an allocation from the FY23-24 General Technical Support budget was requested to assist with a new task in continuation of the MRP 3.0 Permit Amendment process. Drafts of the proposed amendment language have included changes for various sub-provisions relevant to the Development Committee, including MRP 3.0 Provisions C.3.c. (Alternative Treatment Systems), C.3.e. (Affordable Housing); and C.3.j. (Green Infrastructure).

\$9,000 was approved in FY22-23 for Haley and Aldrich and Lotus Water to lead the review and preparation of comments in response to Administrative Draft permit language and to attend and/or lead related meetings. The additional budget requested for FY23-24 would provide the same level of support as during FY22-23, including comments preparation on the Public Draft Tentative Order, facilitating a review meeting with permittees, and attending the September 13th, 2023 Hearing.

1.b Hydromodification Management (HM) Map Support (Task 11.1)

Also, at the June 28, 2023, Development Committee meeting, a \$6,000 allocation from the \$10,000 FY23-24 HM Map Update budget line item was recommended to assist with completing Task 11.1, HM Applicability Map Updates (MRP 3.0 Provision C.3.g.). The Management Committee approved a budget and Scope of Work for Lotus Water in FY22-23, with a task completion date of July 2023. However, due to the unanticipated AGOL access issues, data request delays, and Scope of Work increases, the updated task completion date is now set for September 2023 with the Annual Report submittal.

This additional budget for the overall task (between FY22-23 and FY23-24) would support facilitating the final HM Applicability Map approval at Development and Management Committee meetings, incorporating the revised HM Applicability Map into Annual Reports, and posting and distributing the revised 2023 HM Applicability Map.

Based on the discussions at their June meeting, the Development Committee is recommending that the Management Committee approve the following FY23-24 budget allocation updates:

- (1) \$9,000 for MRP 3.0 Permit Amendment support (New Task) from the General Technical Support Line Item; and
- (2) \$6,000 for completing Task 11.1, HM Applicability Map Updates from the HM Applicability Map Updates Line Item.

2. Allocation of FY23-24 Provision C.21 Asset Management Budget

2.a Provision C.21, Asset Management Framework (Task 30.1)

In the adopted FY23-24 CCCWP Budget, \$20,000 is allocated to support MRP 3.0 Provision C.21, Asset Management. There is currently no assigned lead for this budget line item, nor is there a defined Scope of Work for this task.

In the past, the Management Committee approved the formation of an ArcGIS On-Line (AGOL) Work Group. This AGOL Work Group, or Ad Hoc (Select) Committee, successfully provided a venue for Contra Costa Permittees to discuss AGOL needs and outline Scopes of Work to administer other relevant MRP Provisions.

CCCWP staff believe it would benefit the MC to reconvene the AGOL Select Committee and invite Development Committee representatives and other interested permittees to participate. The goal of this Select Committee would be to determine Permittee AGOL needs and to outline the next steps for AGOL-related tasks. The purpose of DC participation would be to define the Scope of Work for the MRP 3.0 Provision C.21, Asset Management Framework, budget line-item, about the AGOL Scope of Work.

CCCWP staff recommends that the MC consider reconvening the AGOL Select Committee to define the Scope of Work for the Permittees' AGOL needs and to provide feedback and direction on utilizing the budget line item for C.21, Asset Management Framework.

Related Tasks and Next Steps:

Should the Management Committee approve the two (2) budget update recommendations and one (1) budget utilization recommendation for Development Committee-related tasks, staff, and technical consultant will proceed with the tasks as budgeted and scheduled.

Fiscal Impact:

No fiscal impact on the overall Program Budget. Associated budget line items are already approved.

Should the Management Committee accept and approve the two (2) budget update recommendations and one (1) budget utilization recommendation for Development Committee-related tasks, then a total of \$35,000 would be utilized to complete these three tasks for FY23-24.

Table 1: Budget Update Summary – Development Committee Related Items

Task Description	MRP 3.0 reference(s)	Lead(s)	Budget Update Recommendation
(New Task) MRP 3.0 Permit Amendment	C.3.c. C.3.e. C.3.j.	Haley and Aldrich, Lotus Water	\$9,000 from CCCWP FY23-24 General Technical Line-Item (\$9,000 allocated for this task in FY22-23)
Task 11.1 Hydromodification Management (HM) Applicability Map Update	C.3.g	Lotus Water	\$6,000 from CCCWP FY23-24 HM Map Update line item (\$10,000 allocated for this task in FY23-24)
Task 30.1 Asset Management	C.21	TBD	MC to direct the development of the Scope of Work (\$20,000 allocated for this task in FY23-24)

Attachment:

CCCWP Budget Adjustment Tracker for Fiscal Year 2023-2024, Updates for Development Committee Related Tasks (June 2023)

BUDGET ADJUSTMENTS TRACKER
Contra Costa Clean Water Program - Updates for Development Committee Related Tasks (Reviewed June 2023)

Contractor	Term	Task Code	Description	Approved Budget	Adjusted Budget Requested	Justification Category	Justifications	Source of Funding
Haley & Aldrich	FY 23-24	none assigned yet	Permit Amendment	TBD (July MC Agenda Item)	\$9,000.00	New Task	\$9,000 was approved in FY 22-23 for H&A and Lotus Water to lead review of and response to Administrative Draft permit language and attend and/or lead related meetings. This \$9,000 is to provide the same level of support/leadership for FY 23-24 in order to provide comments on the Public Draft Tentative Order as well as attend the September 13th, 2023 Hearing.	FY23-24 General Technical Line Item (July MC Agenda Item)
Lotus Water	FY 23-24	11.1	Hydromodification Management Map	TBD (July MC Agenda Item)	\$6,000.00	Unanticipated Issues	<p>Additional budget is requested to complete task, support final approval at Development and Management Committee Meetings, incorporate into Annual Reports and support CCCWP in successful posting of the revised 2023 map.</p> <p>This request is due to unanticipated issues and scope of work increase due to the following: 1) Previous 2017 map consultant did not respond in a timely fashion to requests for data and data history from 2017 map, and also lost key data documentation from past decision-making. 2023 consultant team spent additional time requesting data and working to understand limited data that was provided and how to proceed; 2) CCCWP had limited access to the server where the draft 2017 map is currently hosted and 2023 consultant team worked closely with CCCWP to determine work-arounds for use of server; 3) In order to get project back on schedule and to ensure timely response from CCC and CCFCD on TBD areas, Lotus developed an excel worksheet with tabs and maps of each TBD area to facilitate and document CCFCD (Tim Jensen) decisions for each TBD area, and worked with CCFCD to support decision-making.</p>	<p>FY23-24 HM Map Update Line Item</p> <p>Note: \$6,000 of \$10,000 line 46 HM Map Update</p>



Date: July 19, 2023

To: Management Committee

From: Rinta Perkins, Interim Program Manager

Subject: Regional Grant Opportunities

Recommendation:

Receive information on climate resilience regional grant funding opportunities.

Background:

Climate Resilience Regional Challenge (NOAA-NOS-OCM-2023-2008068).

The National Oceanic and Atmospheric Administration (NOAA) has allocated \$575 million for its Climate Resilience Regional Challenge initiative for projects that build the resilience of coastal communities to extreme weather and other impacts of climate change (including sea level rise and drought) with an emphasis on risk reduction, regional collaboration, equity, and building enduring capacity. This grant does not have a matching requirement.

Key grant priority programs/projects:

- Risk reduction to coastal populations, infrastructure, economies, and ecosystems from drought, extreme heat, sea level rise, floods, wildfires, and/or other future weather and climate impacts.
- Proposed adaptation actions can include nature-based and hybrid green and gray actions that provide co-benefits and alleviate multiple stressors within communities (i.e., reduce pollution burden, enhance habitat or other environmental benefits, and provide access to safe parks, natural areas, and waterways).
- Regional coordination and collaboration to improve regional resilience.
- Inclusive and equitable adaptation strategies and actions with marginalized, underserved, and underrepresented communities to ensure that benefits flow to them.
- Enduring capacity to sustain community readiness that promotes continuous adaptation to the impacts of weather and climate, including developing and maintaining specific workforce capabilities and capacities.

There are two parallel but separate funding tracks (funding is to be spent over the next five years):

- **Track One** (Regional Collaborative Building and Strategy Development) supports building capacity for developing and collaborating on transformational resilience and adaptation strategies for coastal communities. Total Funding: up to \$25 million (\$500,000 - \$2 million per project) to support regional scale coordination, engagement, planning, advancement of equitable outcomes, and capacity building for resilience and adaptation.
- **Track Two** (Implementation of Resilience and Adaptation Actions) supports implementing transformational resilience and adaptation strategies (or actions) and associated activities for coastal communities anchored in previous planning efforts. Total Funding: up to \$550 million (\$15 - \$75 million per project) to support adaptation actions that build the resilience of multiple communities within a coastal region, including those that are underserved or underrepresented.

Timelines:

- Letter of Intent is due on August 21, 2023.
- Invited full application is due on February 13, 2024.

Regional Resilience Planning and Implementation Grant Program.

The Integrated Climate Adaptation and Resiliency Program (ICARP) is making available a \$25 million grant funding through Regional Resilience Program (RRGP) for planning and implementing projects that advance climate resilience and respond to the greatest climate risks in their regions. The total available funding in Round 1: \$9.4 million. The funding range for planning projects is \$150,000 to \$650,000. The funding range for implementation projects is \$650,000 to \$3 million. The RRGP plans to allocate at least 51% of grant funds to projects benefiting disadvantaged communities. This grant does not have a matching requirement.

Key grant program priorities:

- Support regional projects aligned with ICARP priorities that improve regional climate resilience and reduce climate risks from wildfire, sea level rise, drought, flood, increasing temperatures, and extreme heat events.
- Support projects or actions that address the greatest climate risks in the region, particularly in the most vulnerable communities.

- Address gaps in climate resilience funding by supporting sustainable and cohesive climate-resilience projects.
- Support equitable outcomes.

Eligible planning and/or implementation projects or actions:

- Regional collaboration to amend, update, integrate, align, or prepare one or more State-required, regional, local, or tribal planning documents to address climate risk.
- Implementing state, regional, local, or tribal adaptation strategies or planning documents that address climate risk.
- Conducting and/or implementing projects that address regional-scale climate vulnerability or risk assessments.
- Capacity building, such as staff training related to climate resiliency, community awareness, and sustainable workforce.

Timeline:

Complete application due on August 29, 2023.

Fiscal Impact:

None at this time

Attachments are provided in Groupsites:

1. NOAA Climate Resilience Regional Challenge grant overview [\[Groupsites\]](#)
2. Regional Resilience Grant program overview [\[Groupsites\]](#)

Management Committee: Agenda Topics for FY 23/24: Q1

Date	Action	Key MRP 3.0 Agenda Topics	Lead
19-Jul-23	Approve	Final Stormwater Funding Options Report Phase 2	Mitch
19-Jul-23	Approve	Final Trash Monitoring Plan	Lisa W.
19-Jul-23	Review	Draft Regional Unsheltered Homeless BMP Report	Liz
19-Jul-23	Presentation	Comment Letter on MRP 3.0 Permit Amendment Language: Schedule for Development	Liz
19-Jul-23	Information	Climate Change Adaptation Grant Opportunities	Rinta / E. Corwin
19-Jul-23	Information	Review MRP 3.0 5-yr workplan spreadsheet	Liz
19-Jul-23	Information	Annual Report Update	Liz
19-Jul-23	Information	BAHM Model Update - Documentation & Training Opportunities	Erin/Nancy G.
16-Aug-23	Review	CCCWP Mercury and PCBs Control Measures Update Report	Lisa W.
16-Aug-23	Review	PCBs in Building Materials Report	Lisa W.
16-Aug-23	Review	Fish Risk Reduction Status Report	Lisa W.
16-Aug-23	Review	Draft HM Management Plan Technical Report	Erin/Nancy G.
16-Aug-23	Review	Comment Letter on MRP 3.0 Permit Amendment Language	Rinta/Liz
16-Aug-23	Approve	Final Regional Unsheltered Homeless BMP Report	Liz
16-Aug-23	Presentation	Update on Strategic Staffing Plan	Rinta/Allison
16-Aug-23	Presentation	Budget Status Updates	Rinta/Andrea
16-Aug-23	Information	Annual Report Update	Liz
16-Aug-23	Information	Funding Options Workshop Information Item	Rinta/TBD
16-Aug-23	Information	BAHM Model Update - Documentation & Training Opportunities	Erin/Nancy G.
9/14/2023*	Approve	Program Annual Report, Appendix, Submittal Letter	Liz, all
9/14/2023*	Approve	CCCWP Mercury and PCBs Control Measures Update Report	Lisa W.
9/14/2023*	Approve	PCBs in Building Materials Report	Lisa W.
9/14/2023*	Approve	Fish Risk Reduction Status Report	Lisa W.
20-Sep-23	Approve	Final HM Management Plan Technical Report	Erin/Nancy G.
20-Sep-23	Approve	Comment Letter on MRP 3.0 Permit Amendment Language	Rinta/Liz
20-Sep-23	Information	CASQA quarterly meeting registration	Andrea
20-Sep-23	Report	Quarterly Status Report on Grant Opportunities	Sandy M/Zaida C.
20-Sep-23	Report	Alternative Compliance Status Update	A. Booth/Liz
20-Sep-23	Report	Update on C.3 Guidebook	Nancy G.

Notes:

September 14, 2023 is a Special Meeting of the Management Committee to approve items necessary for the Annual Report to be submitted on time.