Busting the Silos:

Eliminating Bureaucratic Separations between Flood Control, Internal Drainage and Stormwater Management

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September 7, 2018
Stormwater Vocabulary

- Stormwater Management
- Storm Drainage
- Storm Sewers
- NPDES
- Water Quality
- BMPS
- SB 231

Flood Vocabulary

- Internal Drainage
- Flood Control
Storm Drainage/Internal Drainage

Utilities:
- Sewer
- Water
- Solid Waste
- Roads

Cities & Counties

Flood Control Agencies

Flood Control

Storm Drainage/Internal Drainage
Stormwater Management

- Red-headed Step-child Among Utilities
- Not Considered a Utility by Most People
- Proposition 218 Funding
  - Cleaned up later by Courts – *Stormwater requires balloting*
- National Perspective
  - Create a Stormwater Utility – Set a Fee (automatic authority)
Stormwater...A Brief History

- Drainage Just Happens – Did Not Need a Utility
  - Water and Sewer Systems Had To Be Built
- Condition of the Land – NOT Part of the Commons
  - Each Landowner Managed His Own System
- Cities Began to Inherit Main Drainage Systems.
  - Pipe & Channel Systems Were “Self-Maintaining”
- No Health & Safety Regulations Until Recently
  - Water & Sewer Systems had Regulations for 100 years
Ascendency of Stormwater

- Federal Clean Water Act (1970s)
  - National Pollutant Discharge Elimination System (NPDES)
  - Went after Point Source Pollution
    - Factories
    - Sewer Plants
    - Good, but NOT Good Enough

- Revised Act in late 1980s
  - Non-Point Source Pollution
    - All Water Run-off
  - Municipalities Were Responsible (MS4)
    - Had to obtain an NPDES Permit

- It’s the Wild West Out There
Elements of Stormwater

- Operations & Maintenance
- Storm Drainage
- Water Quality (NPDES)
- Capital Projects
- Permit Compliance
- Administration
- Engineering
Infrastructure Examples
Water Quality gets a C.I.P.

Low Impact Development (LID)
Green Infrastructure (GI)
Green Streets
Green Streets
Identity Crisis is NOT Just Local

- No State-Wide Organization or Association
  - CASQA is Primarily for Water Quality
  - Maintenance Manager’s Association (not State-wide, not formalized, old school)
- Who Lobbies
  - League of Cities, California Association of Counties..???
    - They are such broad organizations, too diluted
- Who Coordinates
  - E.g. Strategic Deployment of SB 231

No One...!!! (Yet)
## California Stormwater Funding Efforts

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Status</th>
<th>Annual Rate</th>
<th>Year</th>
<th>Mechanism</th>
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<tbody>
<tr>
<td>San Clemente</td>
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<td>$60.15</td>
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<td>Rancho Palos Verde</td>
<td>Successful, then recalled and reduced</td>
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<td>Encinitas</td>
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<td>2006</td>
<td>Non-Balloted Property Related Fee adopted in 2004, challenged, ballot and failed in 2006</td>
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<td>Ross Valley</td>
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<td>San Clemente</td>
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<td>Solana Beach</td>
<td>Non-Balloted, Threatened by lawsuit, Balloted, Successful</td>
<td>$21.84</td>
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<td>City of Berkeley</td>
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<td>varies</td>
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</table>
Quick Prop 218 Brush-Up

- California voters adopt Prop 218 in 1996:
  - Amends the California Constitution, and
  - Restricts local government’s ability to impose taxes, assessments, and fees.
- Omnibus Implementation Act adopted immediately after Prop 218:
  - Amends the Government Code, and
  - Helps local agencies comply with the new law.
More Quick Prop 218 Brush-Up

- Prop 218’s procedure for adopting Property Related Fees:
  1. Fee analysis and report
  2. Mail Notices
  3. Conduct Public Hearing
  4. Conduct Balloting

But balloting is exempted for:

“...fees or charges for sewer, water, and refuse collection services...”
The Solution - SB 231?

- Signed by Governor Brown 10/6/17
- Modifies the Proposition 218 Omnibus Implementation Act (53750)
- Defines the term “sewer”...it should be interpreted to include services necessary to collect, treat, or dispose of sewage, industrial waste, or surface or storm waters.
Flood Control
Mind Blown..!!!
Blurry Lines Indeed

Don’t let THIS.....turn into THIS
Stormwater Management

- Act Like a Utility
  - Get Organized with Strategic and Financial Planning
  - Bring the Orphans Back Home (Water Quality, Infrastructure, Flood Control)
- Create an Identity & Sell Yourself to the Community
  - Branding – Get Your Story Out There Early and Often
- Demand a Seat at the Table
  - Funding
  - Visibility
  - Respect
One (Drainage) Water: Breaking Down Silos

- Better Coordination of Infrastructure
- Better Governance of Infrastructure
- Better Opportunity for Reuse
- More Funding Opportunities
Questions