



May 23, 2017

The Honorable Cecilia M. Aguiar-Curry
State Capitol, Room 5144
Sacramento, CA 95814

Re: SB 231 (Hertzberg): Local Government: Fees and Charges

Position: SUPPORT

Dear Assembly Member Aguiar-Curry,

On behalf of the City of Santa Rosa I'm writing to express support for SB 231 by Senator Hertzberg, which would provide a necessary funding mechanism for local agencies to maintain and repair aging storm drainage infrastructure and to continue to keep pace with tightening storm water quality regulations.

CHRIS COURSEY
Mayor

JACK TIBBETTS
Vice Mayor

JULIE COMBS
ERNESTO OLIVARES
CHRIS ROGERS
JOHN SAWYER
TOM SCHWEDHELM

The City of Santa Rosa provides water, sanitary sewer, and storm water services to approximately 175,000 residents. The storm drain system is the City's largest unfunded infrastructure, which includes over 100 miles of open creeks, 322 miles of public underground pipes and over 18,000 structures. The City has a long-standing commitment to relieving drainage concerns, lessening the risk of flooding, proactively addressing and complying with stringent storm water quality regulations, and enhancing the health and vitality of our local creeks. Due to Proposition 218's restrictive requirements for levying storm water fees and charges, it has become increasingly more difficult to fund required infrastructure maintenance, repairs and improvements, water quality improvements and compliance work with scarce funding sources.

The City is a member of the California Stormwater Quality Association ("CASQA"), which is an association of hundreds of municipal members providing storm water services to more than 23 million people in California. We fully support the comments made by CASQA in their letter of support for SB 231.

SB 231 would update Proposition 218 Omnibus Implementation Act's definition of "sewer" to include services and systems for "drainage purposes" and "surface storm waters." The proposed definition of "sewer" comes from section 230.5 of the Public Utilities Code, which significantly predates the enactment of Proposition 218. In addition to defining "sewer" as it relates to Proposition 218, SB 231 would also affirm and reiterate that the definition found in the Public Utilities Code is the definition of "sewer" and "sewer service" that should be used in Proposition 218. It is also important to note, that in the 1987 amendments to the Clean Water Act, requiring the regulation of storm water, congress used the terms "municipal storm sewer systems" or "municipal storm sewers."

Proposition 218, as passed in 1996, creates a significant challenge for local governments to adequately fund storm water management and compliance programs by imposing substantive and procedural requirements for property-related fees or charges. Under Proposition 218, water and sewer projects are subject to one set of procedures regarding public notice and protests, while storm water projects are subject to an expansive election process even though storm water systems provide essential public health and safety services, including improvement to water quality, that are no less important than those provided by sanitary sewers, water supply, and refuse collection. The inconsistent procedures under Proposition 218 have resulted in lack of funding options for local governments to adequately capture and manage runoff and floodwaters as well as meet increasingly strict National Pollutant Elimination System (NPDES) permit and Total Maximum Daily Load requirements to reduce the discharge of pollutants into our waterways.

Clarifying the definition of “sewer,” as it relates to Proposition 218, would make it easier for local governments to enact a reliable funding source to adequately maintain storm water assets and meet stringent regulatory compliance, all while protecting the public health and welfare of our citizens and environment.

Thank you for your attention to and consideration of this important legislation. If you have any questions, please contact Rita Miller, Deputy Director of Environmental Services at (707) 543-3879 or rmiller@srcity.org.

Sincerely,

Chris Coursey
Mayor, City of Santa Rosa

cc: The Honorable Robert Hertzberg, California State Senate
Honorable Members of the Assembly Local Government Committee
The Honorable Assemblyman Mark Levine, 10th District
The Honorable Assemblyman Jim Wood, 2nd District