



AGENDA

SPECIAL EL CERRITO MUNICIPAL SERVICES CORPORATION MEETING

Tuesday, March 6, 2012

**Immediately Following the Adjournment of the 7:00 p.m. Concurrent City Council Meeting and
Successor Agency to the Redevelopment Agency Meeting**

City Council Chambers

Meeting Location

El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Bill Jones – Chairperson

Vice Chairperson Greg Lyman
Boardmember Rebecca Benassini
Boardmember Scott Hanin

Boardmember Janet Abelson
Boardmember Ann Cheng
Boardmember Karen Pinkos

ROLL CALL

CONVENE SPECIAL MUNICIPAL SERVICES CORPORATION MEETING

1. BOARD / STAFF COMMUNICATIONS *(Reports of Closed Session and informational reports on matters of general interest which are announced by the Municipal Services Corporation & City Staff.)*

2. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the Board Secretary. Remarks are limited to 3 minutes per person. Please state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the Municipal Services Corporation Board deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

3. PRESENTATIONS – None

4. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 4A and 4B

Consent Calendar items are considered to be routine by the Municipal Services Corporation

Board and will be enacted by one motion unless a request for removal for discussion or explanation is received prior to the time the Board votes on the motion to adopt.

A. Minutes for Approval

Approve the: February 21, 2012 Special Municipal Services Corporation meeting minutes.

B. Authorization to Cast Ballots for the 2012 Clean Water Program

Adopt a Municipal Services Corporation resolution authorizing the Executive Director to cast ballots for the 2012 Community Clean Water Initiative in the affirmative for all parcels owned by the Corporation, and to submit those ballots to the proper authority by April 6, 2012.

5. POLICY MATTERS – None

6. ADJOURN SPECIAL MUNICIPAL SERVICES CORPORATION MEETING

A Special City Council Closed Session follows immediately after this Special Municipal Services Corporation Meeting in the Hillside Conference Room.

- Municipal Services Corporation Board Meetings can be heard live on **FM Radio**, KECG – 88.1 and 97.7 FM and viewed live on **Cable TV** - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of these meetings can be accessed from the City's website: <http://www.el-cerrito.org/gov/>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is seven days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Board meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Board.

EL CERRITO MUNICIPAL SERVICES CORPORATION

MINUTES

SPECIAL EL CERRITO MUNICIPAL SERVICES CORPORATION MEETING

Tuesday, February 21, 2012

Immediately Following the Adjournment of the 7:00 p.m. Regular City Council Meeting

City Council Chambers

Meeting Location

El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Bill Jones – Chairperson

Vice Chairperson Greg Lyman
Boardmember Rebecca Benassini
Boardmember Scott Hanin

Boardmember Janet Abelson
Boardmember Ann Cheng
Boardmember Karen Pinkos

ROLL CALL

Present: Board Members Abelson, Benassini, Hanin, Lyman, Pinkos and Chair Jones

Absent: Board Member Cheng.

CONVENE SPECIAL MUNICIPAL SERVICES CORPORATION MEETING

Chair Jones convened the Special Municipal Services Corporation meeting at 8:40 p.m.

1. **BOARD / STAFF COMMUNICATIONS** – *None.*
2. **ORAL COMMUNICATIONS FROM THE PUBLIC** – *No speakers.*
3. **PRESENTATIONS** – *None.*
4. **ADOPTION OF THE CONSENT CALENDAR** – **Item No. 4A**

Moved, seconded (Benassini/Pinkos; Ayes – Board Members Abelson, Benassini, Hanin, Lyman, Pinkos and Chair Jones; Noes – None; Absent – Board Member Cheng) and carried to adopt Consent Calendar Item No. 4A in one motion as indicated below.

A. Minutes for Approval

Approve the: February 6, 2012 Special Municipal Services Corporation meeting minutes.

Action: Approved minutes.

5. POLICY MATTERS

Mid Year Budget Update

Adopt a Municipal Services Corporation resolution amending the Corporation's Fiscal Year 2011-12 Annual Budget.

Presenter: Lori Treviño, Redevelopment Agency Manager.

Action: Moved, seconded (Benassini/Abelson; Ayes – Board Members Abelson, Benassini, Hanin, Lyman, Pinkos and Chair Jones; Noes – None; Absent – Board Member Cheng) and carried to adopt Municipal Services Corporation Resolution No. 2012-05.

**6. ADJOURNED SPECIAL MUNICIPAL SERVICES CORPORATION
MEETING at 8:44 p.m.**

***El Cerrito
Municipal Services Corporation***

**Agenda Report
Item No.4(B)**

Date: March 6, 2012
To: El Cerrito Municipal Services Corporation Board
From: Lori Trevino, City's Economic Development Manager
Subject: Authorization to cast Ballots for 2012 Community Clean Water Program

ACTION REQUESTED

Adopt a Municipal Services Corporation resolution authorizing the Executive Director to cast ballots for the 2012 Community Clean Water Initiative in the affirmative for all parcels owned by the Corporation, and to submit those ballots to the proper authority by April 6, 2012.

BACKGROUND

In 1992 the Contra Costa Clean Water Program (Program) was established by the County of Contra Costa, the nineteen cities/towns in the County, and the Contra Costa County Flood Control and Water Conservation District (Flood Control District) under the Municipal Regional Permit (MRP) issued by the San Francisco Regional Water Quality Control Board and/or the Central Valley Regional Water Quality Control Board (Water Board), to work together to meet the Water Board's requirements and comply with the Clean Water Act (Federal) and the Porter Cologne Act (State). The City of El Cerrito is one of the co-permittee municipalities.

In 1992 the Program established a Stormwater Utility Assessment (SUA) to fund the activities and all municipalities now charge the maximum rate authorized by the SUA. In 2009, the Water Board adopted a Municipal Regional Permit (MRP). The MRP is more prescriptive regarding ongoing pollution-prevention activities and mandates greatly expanded stormwater monitoring and trash controls. The municipalities are now mandated to perform activities well beyond their current funding capacity. The increased costs will result in a funding shortfall for El Cerrito of about \$254,000 by FY 2013-14.

ANALYSIS

The Corporation owns nine parcels, seven of which are subject to the fee, as detailed on the attached list of properties. The Executive Director is seeking authorization to cast the Corporation's ballots in the affirmative as recommended. A copy of one such ballot is attached for reference along with the official ballot guide that was included in the mailing. (Note that ballots were issued based on an out-of-date tax roll and the Corporation's ballots were mailed to the City of El Cerrito and El Cerrito Redevelopment Agency.)

FINANCIAL CONSIDERATIONS

The total assessment for the seven properties is \$496.98 per year. If passed by a majority of property owners casting ballots, the assessment would begin in Fiscal Year 2012-13, included on property tax bills paid from the Corporation's operating funds, and built into the FY 2013-13 budget.

LEGAL CONSIDERATIONS

The actions being considered are consistent with California Corporations Law, the Corporation's public and charitable purposes, its Amended and Restated Bylaws, and the Board's previous actions.

Reviewed by:

A handwritten signature in black ink, appearing to read 'S. Hanin', is written over a horizontal line.

Scott Hanin, Executive Director

Attachments:

1. Resolution authorizing the Executive Director to cast ballots for the 2012 Community Clean Water Initiative for all parcels owned by the Corporation
2. Property list
3. 2012 Community Clean Water Initiative Ballot and official ballot guide

MUNICIPAL SERVICES CORPORATION RESOLUTION 2012-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL CERRITO MUNICIPAL SERVICES CORPORATION AUTHORIZING THE EXECUTIVE DIRECTOR TO CAST BALLOTS FOR THE 2012 COMMUNITY CLEAN WATER INITIATIVE FOR ALL PARCELS OWNED BY THE CORPORATION

WHEREAS, the El Cerrito Municipal Services Corporation (the "Corporation") is a nonprofit public benefit corporation organized under the California Nonprofit Public Benefit Corporation Law for charitable purposes; and

WHEREAS, the specific charitable and public purposes for which the Corporation is organized are to benefit and support the City of El Cerrito (the "City") and the El Cerrito Redevelopment Agency (the "Agency"), in accordance with Section 509(a)(3) of the Internal Revenue Code of 1986, as amended, and to lessen the burdens of government of the City and the Agency by (1) utilizing private and public funding sources to combat community blight and deterioration in the City and contribute to the physical improvement of the City; (2) providing and expanding economic opportunities for low and moderate income households in the City; (3) encouraging and stimulating economic development within the City by assisting the Agency to eliminate blight within the Agency's project areas; and (4) implementing and assisting the Agency in redevelopment activities and programs that will lessen neighborhood tensions, and combat community deterioration; and

WHEREAS, the City of El Cerrito is a member of the Contra Costa Clean Water Program (the "Program") and a co-permittee under the San Francisco Regional Water Quality Control Board's Municipal Regional Permit; and

WHEREAS, the Program's previously established stormwater utility assessment is insufficient to fund activities the co-permittees are mandated to perform; and

WHEREAS, the Program has proposed the 2012 Community Clean Water Initiative, including property-related fees that would be paid to all municipalities in the County in order to fund stormwater permit implementation and drainage system maintenance, and has submitted it to be considered by property owners for approval as a mail ballot; and

WHEREAS, on February 21, 2012 ballots were mailed to all owners of parcels subject to the assessment under the 2012 Community Clean Water Initiative, which must be returned to the designated authority by April 6, 2012; and

WHEREAS, the Corporation owns multiple parcels that would be subject to said assessment, has received ballots accordingly, and has an opportunity to cast ballots for all parcels so assessed; and

WHEREAS, support of the Program is consistent with the Corporation's purpose to

Agenda Item No. 4(B)

Attachment 1

lessen the burdens of government and contribute to physical improvement of the El Cerrito community.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the El Cerrito Municipal Services Corporation authorizes the Executive Director to properly complete all ballots with a vote in the affirmative and return said ballots to the designated authority on or before April 6, 2012.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on March 6, 2012, the Board of Directors of the El Cerrito Municipal Services Corporation passed this Resolution by the following vote:

AYES:	BOARD MEMBERS:
NOES:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:

IN WITNESS of this action, I sign this document on March ____, 2012.

Cheryl Morse, Secretary

APPROVED:

William C. Jones III, Board Chairperson

Proposed 2012 Community Clean Water Initiative Fees

<u>APN</u>	<u>Address</u>	<u>Description</u>	<u>Fee</u>
5020620034	1925 Kearney St	temporarily paved	\$ 18.92
5020620281	11690 San Pablo Ave	temporarily paved	58.08
5020620299	11600 San Pablo Ave	temporarily paved	232.32
5024110230	10940 San Pablo Ave	partially paved	94.60
5041520304	10066 San Pablo Ave	Cerrito Theater	34.98
5133720150	11335 San Pablo Ave	vacant land	38.72
5133720184	6111 Potrero Ave	partially paved	19.36
			\$ 496.98

2012 COMMUNITY CLEAN WATER INITIATIVE
OFFICIAL BALLOT
CONTRA COSTA CLEAN WATER PROGRAM

Agenda Item No. 4(B)
Attachment 3(a)

In order to:

- Protect sources of clean drinking water from contamination and pollution;
- Keep trash and pollution out of lakes, creeks, rivers, the Delta and Bay;
- Prevent illegal discharges of pollution into water bodies through improved monitoring, investigation and enforcement;
- Catch, treat, and reuse rainwater; and
- Remove dangerous pollutants and toxins from water bodies;

Do you approve the proposed annual clean water fee for your property listed on the other side of this ballot?

☐ **YES**, I approve the proposed annual clean water fee.*

☐ **NO**, I do not approve the proposed annual clean water fee.*

***NOTE:**

The proposed annual clean water fee for your property is printed on the other side of this ballot.

Signed _____

Date _____

Signature of Record Property Owner, or Authorized Representative

Print Name _____

I hereby declare, under penalty of perjury, that I am the property owner or owner's authorized representative of the parcel identified on this official ballot.

Fold so that this side is on the inside before placing this ballot in the return envelope

Instructions for the completion and return of this Official Ballot are on the other side

Who May Complete this Official Ballot?

1. If the property is owned by an individual, the individual may sign.
2. If a property is held by a husband and wife, either may sign for both.
3. If two or more persons own the property as tenants-in-common or as joint tenants, any tenants-in-common, or joint tenant, may sign for all.
4. If the property is owned by a corporation, the ballot may be signed for the corporation by an officer or officers authorized to make contracts or by resolution of the corporation's Board of Directors.
5. If the property is owned by another legal entity, the ballot may be signed by any person authorized by law to make contracts for the entity.
6. If the property is owned by a public agency, the ballot may be signed by any person authorized by law to make contracts for the agency or by resolution of the agency's Governing Board.

Steps for Completing the Official Ballot

1. Verify the owner name, address, and parcel number listed on the assessment ballot are correct. If they are not correct, call 925-313-2360.
2. Fill in or clearly mark the oval next to the word "YES" or "NO" to approve or disapprove of the proposed clean water fee. To ensure a permanent mark, a pen should be used.
3. Sign and date this official ballot. Only official ballots which are signed and marked with the property owner's support or opposition will be counted. After marking your vote, simply FOLD the ballot so that your vote is on the inside of the fold. Then place the ballot in the return envelope provided. No postage is necessary to mail back your ballot.
4. If you make a mistake in completing your ballot or wish to change or withdraw your ballot, please call 925-313-2360.

5. To be tabulated, ballots MUST be received by Friday, April 6, 2012 at 5:00 p.m.

You may return your ballot in the following ways:

- A) Mail your ballot to the address shown on the enclosed return envelope so that it is received on or before April 6, 2012 at 5:00 p.m.
- B) Hand-deliver your ballot to the Clerk of the Board of Contra Costa County Supervisors at 651 Pine Street, 1st Floor, Room 106, Martinez, California so that it is received on or before April 6, 2012 at 5:00 p.m.



Please see other side to complete this ballot.

1 6 1 *****AUTO**5-DIGIT 94530
EL CERRITO REDEVELOPMENT AGY
10890 SAN PABLO AVE
EL CERRITO CA 94530-2321



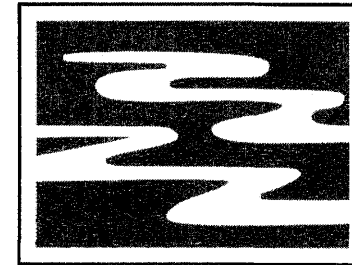
PARCEL
NUMBER
5024110230

PROPOSED ANNUAL
FEE
\$94.60

← FOLD HERE (this side should be on outside after fold)

Agenda Item No. 4(B)
Attachment 3(b)

Official Ballot Guide



CONTRA COSTA
CLEAN WATER
P R O G R A M

2012 Community Clean Water Initiative

**Please Return Your Ballot
Before Friday, April 6th at 5:00 p.m.**

Why Did You Receive This Ballot Guide and Official Ballot?

This ballot guide provides information about improving water quality in Contra Costa County through a proposed new Clean Water fee that will:

- Protect local sources of clean drinking water from contamination and pollution
- Remove harmful and dangerous pollutants, toxic chemicals, and potentially infectious bacteria and viruses from our local creeks, reservoirs, lakes, the Delta and Bay
- Capture, clean and use rainwater to irrigate local parks and landscaping. This "rainwater harvesting" will also decrease the impacts of polluted stormwater and urban runoff on our local creeks, lakes, the Delta and Bay
- Prevent illegal or toxic discharges from industrial and commercial properties
- Provide other clean water and pollution control services and facilities required by Federal and State clean water mandates
- Keep trash and pollution off our shorelines and out of our local creeks, reservoirs, lakes, the Delta and Bay

The official ballot included with this ballot guide allows property owners to decide on this proposed "2012 Community Clean Water Initiative." Please read the information in this ballot guide and call the Clean Water Program at 925-313-2360 if you have any additional questions. Then complete the official ballot to vote on this initiative.

Protecting Clean Water

Each year, tons of harmful and dangerous pollutants, bacteria and trash are carried through our communities and enter local creeks, reservoirs, lakes, the Delta and Bay. As water drains from streets, parking lots, and lawns, pollutants are picked up and enter the drainage system through thousands of catch basins throughout Contra Costa County. From there, this polluted water flows through a system of pipes, open channels and creeks into the Delta and Bay.

The Contra Costa Clean Water Program is composed of Contra Costa County, all of its nineteen cities and towns, and the Contra Costa County Flood Control & Water Conservation District. These twenty-one agencies are working cooperatively to prevent water pollution, but much more needs to be done to protect and improve local water quality. Also, new and expanded State and Federal clean water mandates require local communities to pay large fines if creeks, reservoirs, lakes, the Delta and Bay are not cleaned up. These are the reasons the Clean Water Program is proposing the 2012 Community Clean Water Initiative to improve local water quality and protect our communities from toxic and dangerous pollutants.



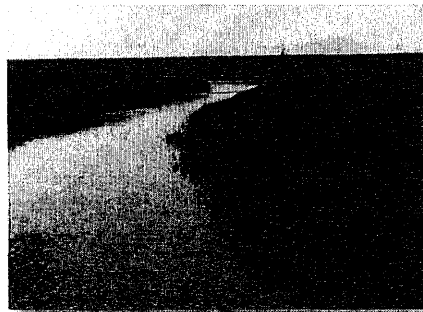
Local Clean Water Bodies in West County Communities

If this measure is approved, the following local creeks and water bodies will benefit from clean water services and projects:

- Baxter Creek
- Carquinez Shorelines
- Cerrito Creek
- Edwards Creek
- Garrity Creek
- Hilltop Lake
- Jewel Lake
- Maloney Reservoir
- North Reservoir
- Pinole Creek
- Point Pinole
- Refugio Creek
- Rheem Creek
- Rodeo Creek
- San Francisco Bay
- San Francisco Bay
Shorelines and Wetlands
- San Pablo Bay
- San Pablo Bay
Shorelines and Wetlands
- San Pablo Reservoir
- Summit Reservoir
- Wildcat Creek



Baxter Creek



Pinole Creek

Photo by Ted Thamiter



Pinole Shoreline

Photo by Ted Thamiter

Including Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo, San Pablo



San Pablo Creek



Hilltop Lake

Strict Fiscal Safeguards

The proposed 2012 Community Clean Water Initiative includes strict fiscal safeguards to ensure the proceeds are used only for local clean water and pollution control services:

- All funds shall ONLY be used for local clean water and pollution control services in your community
- 100% of all funding received will be used in the community where it was generated (i.e. 100% Return-to- Source)
- An Independent Citizens Oversight Committee will ensure all funds are spent properly
- Conduct Mandatory Annual Audits
- The Clean Water fee will expire after 10 years

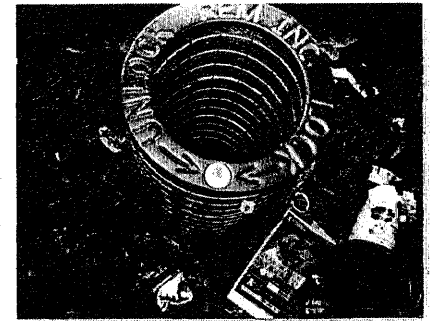
Information About Your Proposed Clean Water Fee

The proposed annual Clean Water fee for your property is printed on the official ballot included with this ballot guide. The total amount that would be raised County-wide by the proposed 2012 Community Clean Water Initiative for fiscal year 2012-13 is approximately \$8+ million. The proposed Clean Water fee is based on the cost of clean water and pollution control services and facilities needed to improve water quality and comply with federal and state mandates. The proposed Clean Water fee is calculated based on the average impervious surface (surfaces not permeable by water, such as driveways, pavement and buildings) for properties of different types and sizes. For example, properties with large impervious areas send more polluted water into the storm drain system than property types without impervious surfaces, such as open space.

The proposed annual Clean Water fee can only be increased by the consumer price index, or two percent, whichever is less. This will help ensure that Clean Water fee revenues keep pace with the cost of operating and maintaining our clean water and water pollution control services and facilities in future years. For more information, contact the Clean Water Program and/or review the Clean Water Fee Report available from the Program. Moreover, if approved, the Clean Water fee will be levied annually for a period not to exceed 10 years.



Trash in Creek



Device used to Capture Trash in Water Runoff

Balloting Process

You may return your ballot in the following ways:

- A) Mail your ballot to the address shown on the enclosed ballot return envelope so that it is **received on or before April 6, 2012 at 5:00 p.m.**
- B) Hand-deliver your ballot to the Clerk of the Board of the Contra Costa County Supervisors at 651 Pine Street, 1st Floor, Room 106, Martinez, California so that it is **received on or before April 6, 2012 at 5:00 p.m.**

If you have questions about the Clean Water fee or the proposed clean water services, lose your official ballot, require a replacement official ballot, need a proportional official ballot so you can vote your share of your property separately from other owners, or want to change your vote, call the Clean Water Program at (925) 313-2360. The Clean Water fee shall not be imposed if, upon the conclusion of the tabulation, official ballots submitted in opposition to the fee exceed the official ballots submitted in favor of the fee. Failure of any person to receive a ballot(s) shall not invalidate the proceedings.

Please Return Your Ballot Before Friday, April 6th at 5:00 p.m.

To be tabulated, Clean Water ballots MUST be
received by Friday, April 6, 2012 at 5:00 p.m.

Additional Information

For additional information on the Contra Costa Clean Water
Program, its services, the proposed Clean Water fee, the
ballot proceeding or to obtain a copy of the Fee Report,
call: (925) 313-2360 or visit: www.cccleanwater.org



Para Ayuda En Español

Este infome contiene información sobre su propuesta
iniciativa de agua limpia. Es muy importante que entienda
el material. Busque la asistencia de alguien que puede
traducirlo para usted.

