



Town of Moraga

PUBLIC WORKS/ENGINEERING
DEPARTMENT

Notice of Public Hearing Town of Moraga Stormwater Fee

To: <<..Merge Prop Owner info..>>

From: Edric Kwan, Public Works Director

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the Town Council will hold a public hearing on a proposed Stormwater Fee for properties within the Town of Moraga.

DESCRIPTION OF PUBLIC HEARING

The Public Hearing has been scheduled for:

March 14, 2018
7:00 p.m.
Town Council Chambers
335 Rheem Boulevard, Moraga, California

At this public hearing, the Town Council will consider the proposed fee and hear all persons interested in the matter. The public is encouraged to attend.

The public hearing is held in accordance with Article XIID of the California Constitution (Proposition 218) and with the procedures adopted by resolution of the Town Council on January 24, 2018. The procedures may be accessed on the City's web site at www.moraga.ca.us/StormDrainFunding.

Any owner of a parcel of real property subject to the proposed Stormwater Fee may object to the proposed fee by filing with the Town Clerk, at or before the time of the hearing, a written protest containing a legible signature of that property owner, and identifying the parcel by address or assessor's parcel number. The property owner may also appear at the hearing and be heard on the matter.

If the Town Clerk does not receive written protests from a majority of property owners subject to the proposed Stormwater Fee before the close of the public testimony portion of the public hearing, the Town Council may authorize a mail ballot proceeding on the question of whether to approve the fee. Under this scenario, ballots would be mailed to all property owners whose parcels are subject to the fee.

The storm drain system is operated by the Town of Moraga, and the proposed Stormwater Fee would be collected and used strictly for stormwater purposes as detailed on the following pages.

If approved, these fees will be collected on the annual tax bill along with other fees and charges. The fee for a single-family home on a medium parcel between 10,000 sqft (.23 acre) and 22,000 sqft (1/2 acre), which is the most common fee, would be **\$120.38**. The entire schedule of proposed Stormwater Fee rates is shown in the table below.

Schedule of Proposed Rates

Land Use Category	Proposed Fee	
	FY 2018-19	Unit
Single-Family Residential *		
Small <i>(Under 10,000 sf)</i>	\$ 82.13	parcel
Medium <i>(10,000 to 22,000 sf)</i>	\$ 120.38	parcel
Large <i>(22,000 to 31,000 sf)</i>	\$ 145.48	parcel
Extra Large <i>(over 31,000 sf)</i>	\$ 150.31	parcel
Condominium	\$ 82.13	parcel
Single-Family Residential* - Zone B (HOA)**		
Small <i>(Under 10,000 sf)</i>	\$ 67.59	parcel
Medium <i>(10,000 to 22,000 sf)</i>	\$ 99.07	parcel
Large <i>(22,000 to 31,000 sf)</i>	\$ 119.73	parcel
Extra Large <i>(over 31,000 sf)</i>	\$ 123.70	parcel
Condominium	\$ 67.59	parcel
Non-Single-Family Residential		
Multi-Family Residential	\$ 715.76	acre
Commercial / Retail / Industrial	\$ 940.88	acre
Office	\$ 685.94	acre
Institutional / School / Church	\$ 409.31	acre
Park / Golf Course	\$ 29.91	acre
Vacant (developed)	\$ 50.22	acre
Open Space / Agricultural	exempt	
* Single-Family Residential category also includes du-tri- and four-plex units		
** Certain HOAs that maintain a private storm drain system will have a rate discounted by 17.7%		

COMMUNITY MEETINGS

The Town will also be conducting four community meetings to provide additional opportunities for the public to receive information and provide input regarding storm drainage infrastructure in Moraga. The date, time and place of the meetings are shown below:

Community Meeting #1:
 February 12, 2018
 3:30 - 4:30 p.m.
 Town Council Chambers
 335 Rheem Boulevard, Moraga

Community Meeting #2:
 February 12, 2018
 6:30 - 7:30 p.m.
 Town Council Chambers
 335 Rheem Boulevard, Moraga

Community Meeting #3
 February 20, 2018
 3:30 - 4:30 p.m.
 Hacienda de la Flores, Dance Room
 2100 Donald Drive, Moraga

Community Meeting #4
 February 20, 2018
 6:30 - 7:30 p.m.
 Hacienda de la Flores, Dance Room
 2100 Donald Drive, Moraga

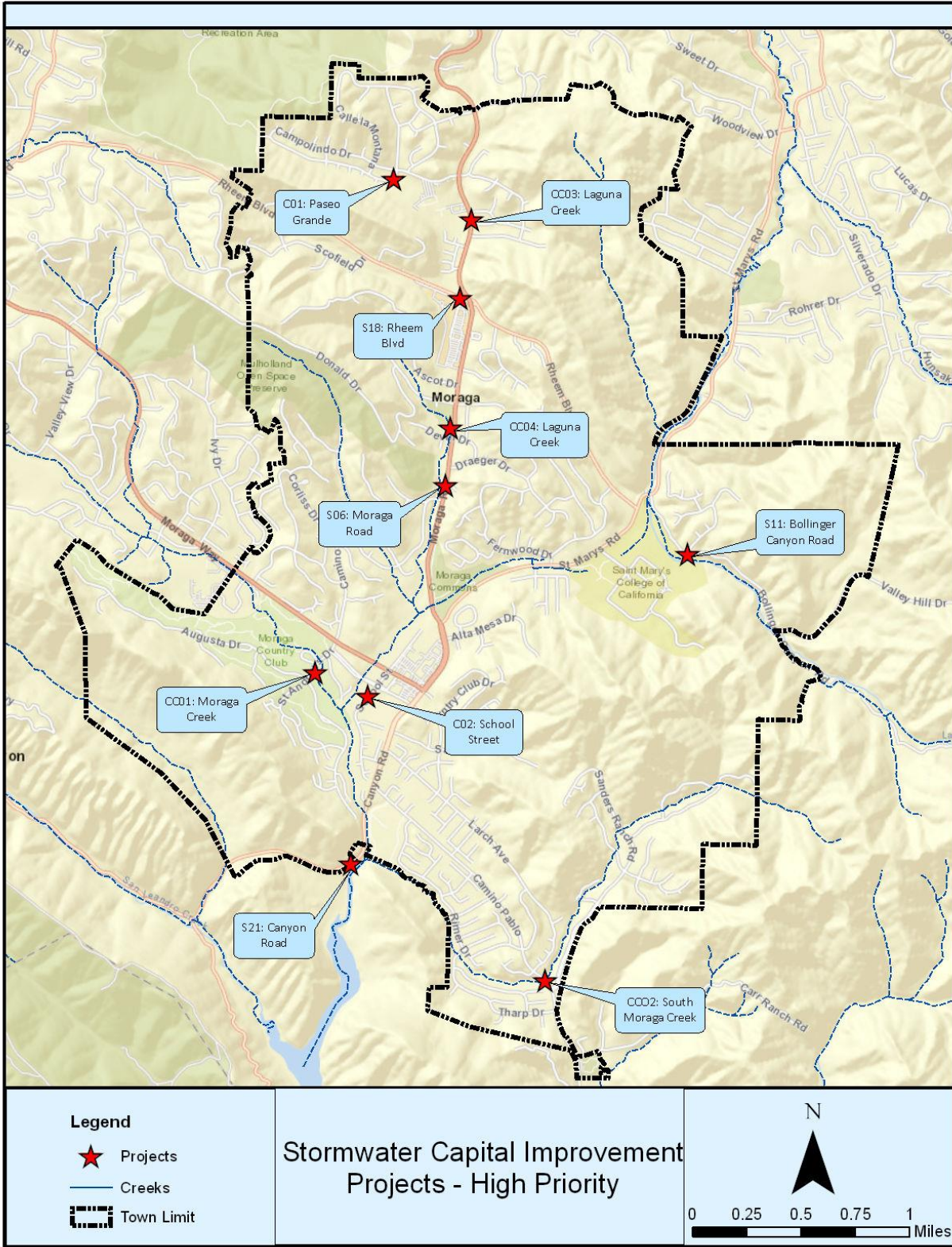
DESCRIPTION OF PROPOSED STORMWATER FEE

Reason for the Proposed Stormwater Fee. The Town of Moraga has experienced catastrophic storm drain failures in the past several years in the form of sinkholes that have disrupted the drainage system and traffic patterns, as well as significantly and negatively impacting the Town's financial situation. In 2015, the Town engaged engineering consultant Schaaf and Wheeler, Inc. to evaluate the condition and capacity of the Town's existing storm drainage infrastructure and develop a plan to address inadequacies. By resolution, the Town adopted a Storm Drain Master Plan which recommended several capital projects totaling \$26 million, with approximately \$9 million being identified as High Priority. The Plan also identified maintenance, operational and water quality services which were underfunded and in need of additional resources. Below is a summary of storm drainage system needs.

1. **Capital Improvement Program – High Priority Projects.** The 2015 Storm Drain Master Plan recommended 11 major High Priority projects across the Town that are needed to address deficiencies in three main categories: 1.) Capacity (the system is undersized to convey water generated by a major storm); 2.) Condition (badly deteriorated pipes are at risk of additional catastrophic failures) and 3.) Undersized Creek Culverts (creek culverts are too small to adequately allow major storm flows to pass under roadways.)

The following table and map provide additional details.

Category and Name		Location	Description	Cost
Storm Drain Capacity		Greatly reduce the risk of flooding in a 10-year event		
C01	Paseo Grande Project	near Paseo Del Rio	Replace 1,434 feet of undersized pipe	\$ 1,695,200
C02	School Street	Country Club Dr to Hazelwood Pl	Install 1,582 feet of pipe to re-route water flowing on School St	1,268,800
Category Subtotal				\$ 2,964,000
Storm Drain Condition		Fixes badly deteriorated pipes at risk of failing		
S06	Moraga Rd	near Paseo Linares	Replace 108 ft of pipe	\$ 74,400
S11	Bollinger Canyon Rd	at Joseph	Replace 139 ft of pipe	62,500
S18	Rheem Blvd	at Center	Replace 599 ft of pipe	1,325,700
S21	Canyon Rd	423 Canyon Rd	Replace 114 ft of pipe	30,800
Category Subtotal				\$ 1,493,400
Street Paving CIP		Addresses various pipeline problems in locations scheduled for street repaving improvements (not shown on map)		
--	10 locations	Various	Category Subtotal	\$ 140,400
Creek Culvert		Increases size of existing culvert to greatly reduce the risk of creek flooding		
CC01	Moraga Creek	at St. Andrews Dr	Increase size from 22 x 8 to 22 x 10	\$ 977,600
CC02	South Moraga Creek	at Camino Pablo	Increase size from 6.5 ft to 8 ft	364,000
CC03	Laguna Creek	at Woodford Dr	Increase size from 3.5 ft to 7 ft	2,069,600
CC04	Laguna Creek	at Hacienda de las Flores	Increase size from 8 ft to 8 x 10	1,050,400
Category Subtotal				\$ 4,461,600
TOTAL COST				\$ 9,059,400



2. Maintenance and Operations. The 2015 Storm Drain Master Plan also recommended the Town begin an annual program of performing additional video inspections, system cleaning, technical assessments and minor repairs and replacements of system elements. This would fall under the maintenance and operations function, and would greatly help the system to provide the greatest level of protection against flooding and pipeline failures. This is estimated to cost \$254,400 annually.
3. Safe, Clean and Healthy Water. One of the Town's obligations is to ensure that all the stormwater runoff meets strict State and Federal clean water standards. This activity is budgeted at \$155,000, and will help ensure that the East Bay drinking water sources remain clean and healthy.

The total amount to be collected by the proposed Stormwater Fee in Fiscal Year 2018-19 is \$787,500.

ADMINISTRATIVE ELEMENTS OF THE STORMWATER FEE

How the Fee Is Calculated. Moraga provides a service to all properties in the Town by collecting, conveying and managing all the rainfall that runs off those properties. The proposed Stormwater Fee is based on the quantity of water runoff produced by each parcel or category of parcel, which is proportional to the impervious surfaces (such as roof tops and pavement) found on the property or category of parcel. In some cases, storm drainage services are also provided by homeowners' associations ("HOAs"), and a discount is provided in the Town's fees in those cases. A copy of the full Stormwater Fee Report can be found on the Town's website at www.moraga.ca.us/StormDrainFunding.

Properties Subject to the Fee. All properties in Town are subject to the fee except for open space, agricultural land, and undeveloped vacant parcels that do not include impervious surfaces.

Annual Inflation Adjustment. In order to offset the effects of inflation on labor and material costs, the propose fee is subject to an annual increase based on the change in the Consumer Price Index, but will be limited to 3% in any single year.

Accountability and Oversight Provision. The proposed Stormwater Fee revenues will be collected and deposited into a separate account that can only be used for specified storm drain projects, maintenance and operations.

Please Complete Your Ballot and Mail It Back Promptly

Method of Voting

To complete the enclosed ballot, mark the oval next to either "Yes" or "No". Each ballot will count for as many votes as there are parcels listed on the ballot. Then sign the ballot, place it in the provided postage-paid return envelope and mail or hand deliver it to:

Town Clerk's Office
Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556

Only official ballots that are signed and marked with the property owner's support or opposition, and are received before 5:00 pm on Tuesday, May 15, 2018, will be counted.

The fee shall not be imposed if votes submitted in opposition of the fee exceed the votes submitted in favor of the fee. If a majority of votes returned are in support, the fee may be levied beginning in fiscal year 2018-19 and continuing in future years, as authorized by the Town Council, to fund stormwater capital improvement projects, maintenance and operations and clean water and pollution control services.

If you lose your ballot, require a replacement ballot, or want to change your vote, call (925) 888-7026 for another ballot. See the enclosed ballot for additional instructions.

Ballot Tabulation

Ballots will be tabulated under the direction of the Town Clerk at a location accessible to the public. The tabulation will commence at 9:00 am on May 16, 2018 in the Walnut Conference Room in the Town Hall at 329 Rheem Blvd. and continue between the hours of 9:00 am and 5:00 pm until the tabulation is complete. The tabulation is not expected to take more than one or two days. The tabulation may be performed by technological methods including, but not limited to, punch card or optically readable (bar-coded) ballots.

Additional Information

For additional information concerning the proposed fee, please contact: Edric Kwan, Public Works Director (925) 888-7026 or by email at ekwan@moraga.ca.us. Visit our website at www.moraga.ca.us/StormDrainFunding.

Public Accountability Safeguards

If approved by property owners, the proposed Stormwater Fee revenues will be collected and deposited into a separate account that can only be used for specified storm drainage services. The funds cannot be used for other purposes. The revenues and expenditures will be regularly audited by an independent auditor and the results presented annually at a public meeting.

In addition, the Town will appoint a citizens' oversight committee tasked with reviewing the use of Stormwater Funds.



A broken drainage pipe can lead to another major sink hole. (SDMP)

The Town's Goals for Local Infrastructure

- Invest in local infrastructure
- Prevent local flooding and ensure safe, clean and healthy water
- Engage the public to address our Town's critical issues in a substantive, transparent manner



Official Ballot Information Guide Town of Moraga Stormwater Fee

Why Did You Receive This Ballot?

The Town of Moraga operates and maintains a storm drainage system composed of an integrated system of storm drainage inlets, drain pipes, culverts, ditches and creeks. Much of the Town's storm drainage system is made up of pipes built before our local streets, including some pipes that are under private properties. The state-of-the-art industry life expectancy of a storm drain system is approximately 60 years. The majority of the Town's storm drain pipes were installed approximately 50 years ago, and, therefore, the system is approaching the end of its expected life. Moreover, some of the drainage system is undersized, and has inadequate capacity, which can result in local flooding.

Moraga has experienced a number of catastrophic storm drainage system "sink hole" failures in the past several years which have disrupted the drainage system, caused traffic problems and negatively impacted the Town's financial situation. In 2014, the Town engaged engineering consultant Scharaf and Wheeler to evaluate the condition and capacity of the Town's existing storm drainage infrastructure and develop a plan to address inadequacies. By resolution in 2015, the Town adopted the Moraga Storm Drain Master Plan ("SDMP") which recommended \$26 million in capital projects - with approximately \$9 million identified as High Priority. The Plan also recommends an operations and maintenance program to help the Town avoid major failures and extend the life of many pipes. Based on these findings the Town is proposing a stormwater fee.



A 30 foot by 15 foot deep sinkhole on Rheem Blvd that developed due to a broken drain pipe on March 13, 2016.



What This Fee Would Provide

If approved by property owners, the proposed Storm Drainage fee will provide funding for:

Capital Improvement Program - High Priority Projects

The 2015 Moraga Storm Drain Master Plan recommends 11 major High Priority projects, costing \$378,100 annually for 30 years, in various parts of the Town that are needed to address deficiencies in three main categories: 1) Inadequate pipe capacity (i.e., pipes too small to convey water generated by a major storm); 2) Poor Condition (i.e., badly deteriorated pipes at risk of additional catastrophic failures); and 3) Undersized Creek Culverts (i.e., culverts are too small to adequately allow major storm flows to pass under roadways).

Operations and Maintenance

The Storm Drain Master Plan specifies an annual program of performing repairs and replacements of system elements, system cleaning and inspections. This O&M program will ensure the drainage system provides the highest level of protection against flooding and pipeline failures. The estimated cost of the O&M program is \$254,400 annually.

Ensure Safe, Clean and Healthy Water

The Town is committed to ensure that all the stormwater runoff meets strict State and Federal clean water quality standards. This activity is budgeted at \$155,000, and will help ensure that the East Bay drinking water sources remain clean and healthy.

Please see the table and map on the following page for additional details.

A link to the 2015 Storm Drain Master Plan can be found on the www.moraga.ca.us/StormDrainFunding web page.

All Ballots Must Be Received Before 5:00 pm May 15, 2018, To Be Counted

Please Complete Your Ballot and Mail It Back Promptly
All Ballots Must Be Received Before 5:00 pm May 15, 2018, To Be Counted



Official Ballot Information Guide Town of Moraga Stormwater Fee

How Much is the Proposed Fee?

The total proposed fee for your property for fiscal year 2018-19 is printed on the Official Ballot included with this notice and information guide. The annual fee for a single-family home on a medium-sized parcel between 10,000 sqft (.23 acre) and 22,000 sqft (1/2 acre), which is the most common fee, would be \$120.38. The total anticipated revenue to be collected by the proposed Stormwater Fee in Fiscal Year 2018-19 is \$787,100. The entire schedule of proposed Stormwater Fee rates is shown in the table below.

Will the Fee Increase in the Future?

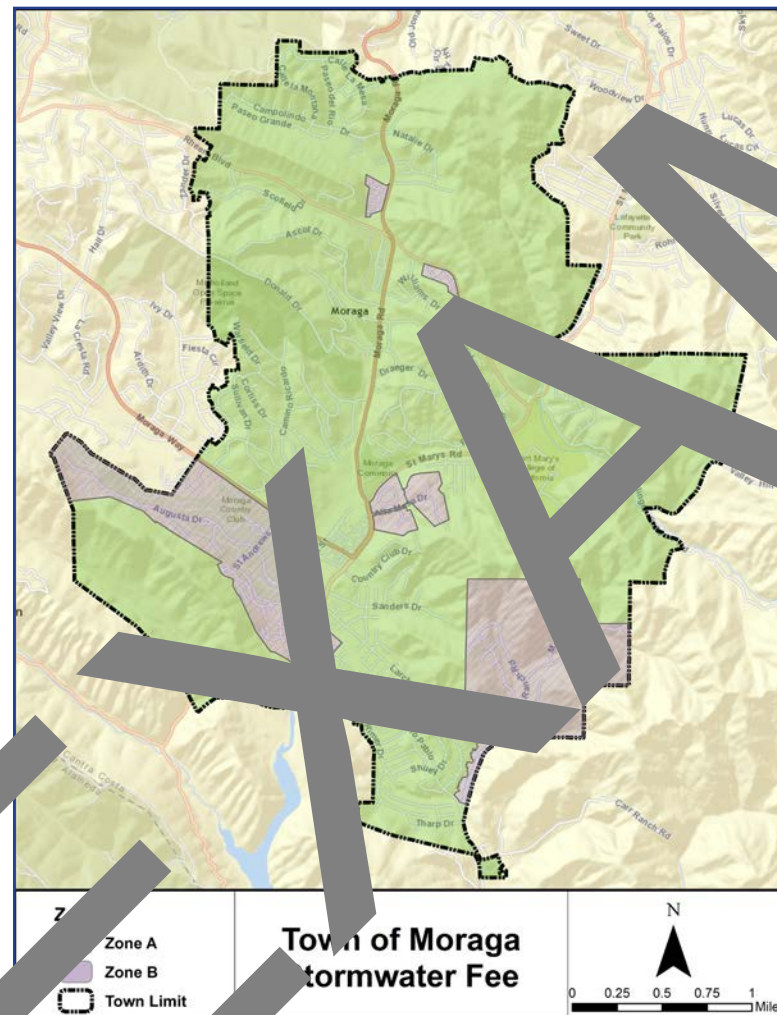
In order to offset the effects of inflation on labor and material costs, the proposed fee is subject to an annual increase based on the change in the Consumer Price Index ("CPI"), not to exceed 3 percent. The annual adjustment would be based on the US Department of Labor's Consumer Price Index for Northern California (San Francisco Bay Area).

Land Use Category	Proposed Fee FY 2018-19	Unit
Single-Family Residential* - Zone A		
Small (Under 10,000 sf)	\$ 82.13	parcel
Medium (10,000 to 22,000 sf)	\$ 120.38	parcel
Large (22,000 to 31,000 sf)	\$ 145.48	parcel
Extra Large (over 31,000 sf)	\$ 150.31	parcel
Condominium	\$ 82.13	parcel
Single-Family Residential* - Zone B (HOA)**		
Small (Under 10,000 sf)	\$ 67.59	parcel
Medium (10,000 to 22,000 sf)	\$ 99.07	parcel
Large (22,000 to 31,000 sf)	\$ 119.73	parcel
Extra Large (over 31,000 sf)	\$ 123.70	parcel
Condominium	\$ 67.59	parcel
Non-Single-Family Residential		
Multi-Family Residential	\$ 715.76	acre
Commercial / Retail / Industrial	\$ 940.88	acre
Office	\$ 685.94	acre
Institutional / School / Church	\$ 409.31	acre
Park / Golf Course	\$ 29.91	acre
Vacant (developed)	\$ 50.22	acre
Open Space / Agricultural	exempt	

* Single-Family Residential category also includes du- tri- and four-plex units
 ** Certain HOAs that maintain a private storm drain system will have a rate discounted by 17.7%

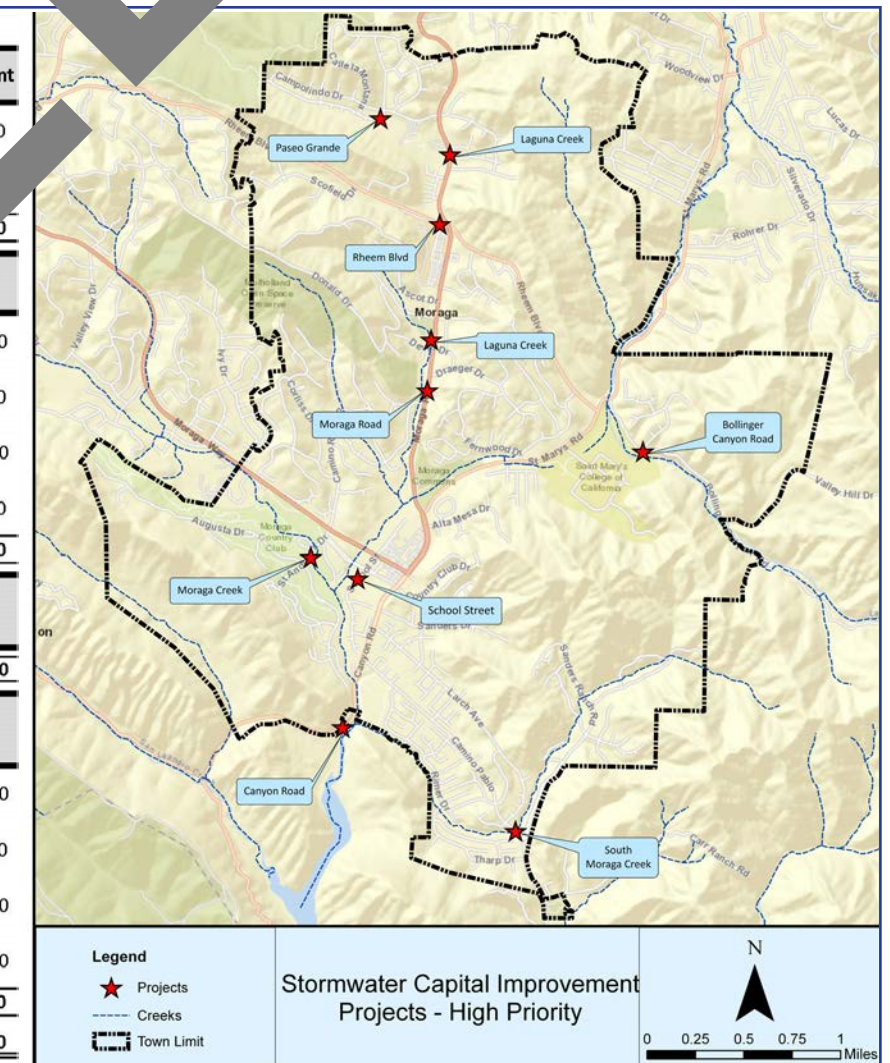
How was the Fee Determined?

Moraga provides a service directly to all properties in the Town by collecting, conveying and managing all rainfall (e.g., stormwater) and urban runoff. The proposed Stormwater Fee is based on the quantity of water runoff generated by each parcel or category of parcel, which is proportional to the impervious surfaces (such as roof tops and pavement) found on the property or category of parcel. In some cases, storm drainage services are also provided by homeowners' associations, and a discount is provided in the Town's fees in those cases (Zone B). A copy of the Stormwater Fee Ordinance and the Stormwater Fee Report can be found on the Town's website at www.moraga.ca.us/StormDrainFunding.



High Priority Capital Improvement Projects and Costs

Category and Name	Description	Cost
Capacity		
Greatly reduces risk of flooding in a 10-year event		
Paseo Grande Project	Replace 1,434 ft of undersized pipe	\$1,695,200
School Street	Replace 82 feet of pipe for routing flow on School Street	1,268,000
		Category Subtotal \$2,963,200
Conduits		
Fixes backlogs and deteriorated pipes at risk of overflowing		
Moraga Creek	Replace 108 ft of pipe	\$ 74,400
Bollinger Canyon Road	Replace 139 ft of pipe	62,500
Mem Blvd	Replace 599 ft of pipe	1,325,700
Canyon Road	Replace 114 ft of pipe	30,800
		Category Subtotal \$1,493,400
Street Paving		
Addresses pipeline problems in locations scheduled for street repaving (not shown on map)		
		Category Subtotal \$ 140,400
Creek Culverts		
Increases size of existing culvert to greatly reduce the risk of creek flooding		
Moraga Creek	Increase size from 22 x 8 to 22 x 10	\$ 977,600
South Moraga Creek	Increase size from 6.5 ft to 8 ft	364,000
Laguna Creek	Increase size from 3.5 ft to 7 ft	2,069,600
Laguna Creek	Increase size from 8 ft to 8 x 10	1,050,400
		Category Subtotal \$4,461,600
		TOTAL COST \$9,059,400



How Long will the Fee last?

There is no pre-determined end date for this fee. However, the Council must take action each year to review the Stormwater needs and the CPI before setting the rates for the following year.

Properties Subject to the Fee

All properties in the Town are subject to the fee except for parcels that do not include impervious surfaces (e.g. open space, agricultural, and undeveloped vacant).



A drainage pipe with the bottom rusted away in comparison to an intact drainage pipe (2015 SDMP)

Town Clerk's Office
Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556

OFFICIAL PROPERTY OWNER BALLOT

TOWN OF MORAGA STORMWATER FEE

To improve, upgrade and maintain the storm drain system by:

- addressing deteriorating pipes, infrastructure, and sinkholes;
- protecting drinking water sources from pollutants; and
- preventing local flooding due to insufficient capacity or condition.

shall the Town of Moraga enact an annual stormwater fee in the amount listed on the other side of this ballot that will only be expended on Moraga storm drains, will be subject to independent audits and citizen's oversight, and will include future annual adjustments for inflation equal to the Consumer Price Index, not to exceed 3% per year?

YES, I approve the proposed annual stormwater fee.*

NO, I do not approve the proposed annual stormwater fee.*

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

Signed _____ Print Name _____

Signature of Record Property Owner, or authorized representative

* (The proposed fee amount is printed on the back of this ballot, which will count for as many votes as there are parcels listed. A full schedule of rates is included in the Ballot Guide).

INSTRUCTIONS FOR THE COMPLETION AND RETURN OF OFFICIAL BALLOTS

An explanation of who may complete the ballot on behalf of the recorded property owner and additional instructions are provided on the other side of this Official Property Owner Ballot. To be tabulated, property owner ballots MUST be received by **Tuesday, May 15, 2018 at 5:00 p.m. at the Town Clerk's Office, 329 Rheem Boulevard, Moraga, CA 94556**. The Ballots will be counted beginning 9:00 a.m. May 16, 2018 in the Walnut Conference Room at the Clerk's Office.

You may return your ballot in the following ways: 1) Mail your fee ballot to the address shown on the enclosed return envelope so that it is received on or before May 15, 2018 by 5:00 p.m. 2) Deliver it in person to the Town Clerk's Office at 329 Rheem Blvd, Moraga, CA 94556 by May 15, 2018 by 5:00 p.m.

FOLD SO THAT THIS SIDE IS ON THE INSIDE OF THE FOLD BEFORE PLACING THIS BALLOT IN THE RETURN ENVELOPE

Who May Complete This Official Property Owner Ballot

1. If the property is owned by an individual, the individual may sign.
2. If a property is held by more than one person, any one may sign for all.
3. If the property is owned by a corporation, the property owner 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.
4. If the property is owned by another legal entity, the property owner ballot may be signed by any person authorized by law to make contracts for the entity.
5. If the property is owned by a public agency, the property owner 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.

Please see other side to complete this property owner ballot

DOE JOHN AND JANE
123 ELM ST
MORAGA, CA 94556

Steps for Completing the Official Property Owner Ballot

1. Verify that the owner name, address and parcel number(s) listed on the ballot are correct. If they are not correct, please call (925) 888-7026.
2. Fill in or clearly mark the oval next to the word "YES" or "NO" to approve or disapprove the proposed fee. You may use a pencil or pen.
3. Sign and date the property owner ballot. Only official property owner ballots which are signed and marked with the property owner's support or opposition will be counted. After marking your vote, simply **FOLD the property owner ballot so that your vote is on the inside of the fold. Then place the property owner ballot in the return envelope provided.** No postage is necessary to mail back your property owner ballot.
4. If you make a mistake in completing your ballot or wish to change or withdraw your ballot, please call (925) 888-7026.
(See enclosed notice for further information)

Parcel	Fee
258-123-456-1	\$120.38
258-123-457-9	\$120.38
258-123-458-0	\$ 82.13
258-123-459-3	\$588.76

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