

CHAPTER 8.           STORM DRAIN MANAGEMENT PROGRAM

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8.010 Purpose of Chapter. To conserve and protect District's sanitary sewer system from the burden placed on it by the increasing flow of untreated non-point source pollution and to assist Campbell, Monte Sereno and Los Gatos (collectively referred to as the "CITIES") in regulating and managing their respective storm sewer systems in accord with the requirements developed by the Santa Clara Valley Non-Point Source Control and Storm Water Management Program established to comply with the Clean Water Act, EPA Regulations and the CITIES' NPDES permits.

8.020 District Service Area Defined. "Zone A," "Zone B" and "Zone C" means and refers to all that territory situated within Zone A, Zone B and Zone C of the District as shown and delineated by a report entitled "Establishment of Storm Drainage Management Zones within the West Valley Sanitation District," dated May 27, 1992, which is kept at the District office and is signed by the District Manager and Engineer. The delineation of the territory comprising the Storm Drainage Management Zone areas and the number of Zones established are subject to change annually, upon a noticed public hearing.

8.030 Storm Drainage Service Charge. A storm drainage service charge shall be assessed all properties within Zone A, Zone B and Zone C to pay for the costs of implementing and enforcing this Chapter. The District's Board of Directors shall, by resolution, set forth the specific amounts of the fee for each Zone and what those amounts were based on, describe the reasonable relationship between the storm drainage management fee and District's storm drainage management program and identify what the fee is to be used for.

On an annual basis the District's Board of Directors shall review the amounts set for the storm drainage service charges, and may, by resolution, modify such amounts.

8.040 Purpose of Storm Drainage Service Charge. The purpose of the storm drainage service charges established pursuant to this Chapter is to derive revenue which shall be used only for the maintenance and operation of the District's storm drainage management program and for direct and administrative costs of the District in collecting the storm drainage service charges and for direct and indirect overhead costs of the District in performing any tasks, including, but not limited to, calculation of the benefits received by properties within the Zones from the storm drainage management program.

As used in this section, "direct costs" means wages and salaries and costs of employee fringe benefits incurred by the District and other governmental agencies attributable to said collection activities. As used in this section, "administrative costs" includes, but is not limited to, all costs for computer service, materials, postage, supplies and equipment.

8.050 Determination and Imposition of Charges. For the purpose specified in Section 8.040, the storm drainage service charges established pursuant to this Chapter are hereby prescribed and imposed, and shall be paid to and collected by the District, for services and facilities furnished by the District in connection with its storm drainage management program for each premises located within the designated Zones which is benefited directly and indirectly by said storm drainage management program or any part thereof, or from which any storm water is conveyed or discharged directly or indirectly into the CITIES' storm drainage systems. The amount of said charge for each premises shall be set forth in the Resolution Establishing Storm Drainage Zones and Service Charges adopted by the Board of Directors of District as may be amended from time to time, and shall be payable and collected as hereinafter provided.

8.060 Effective Date of Charges. The storm drainage service charges shall become effective on the effective date of the Resolution Establishing Storm Drainage Zones and Service Charges.

8.070 Charges Collected with General Taxes. The storm drainage service charges shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with, and not separately from its general taxes. [Source: Health & Safety Code Section 5473]

8.080 Collection of Delinquent Charges. Delinquent storm drainage service charges may be collected either pursuant to Section 8.070 of this Chapter or pursuant to the procedure set forth in Section 10.170 of this Ordinance Code, or both.

8.090 Special Accounts Created; Restricted Use of Revenues. All revenues collected pursuant to this Chapter shall be placed into three separate accounts designated for each of the CITIES which

accounts are hereby created for such purpose and which shall be known as the "storm drainage service charge funds." Such revenues may be used for the purpose specified in Section 8.040, and for no other purpose.

(Adopted by Ord. 114, May 27, 1992)