



Town of Moraga

TOWN MANAGER

August 29, 2019

Via US Mail and Email: ctadmin@contracosta.courts.ca.gov

Richard S. Nakano, Foreperson
Contra Costa County Civil Grand Jury
P.O. Box 431
Martinez, CA 94553

**SUBJECT: TOWN OF MORAGA'S RESPONSE TO GRAND JURY REPORT NO. 1907,
"STORMWATER TRASH REDUCTION"**

Dear Jury Foreperson Nakano:

In accordance with your request and California Penal Code Section 933 et seq., the Town of Moraga is submitting responses to Findings 1, 3, 6 and 9 and Recommendations 2, 3 and 4 in the subject Grand Jury Report. The response was reviewed and authorized by Town Council at the August 28, 2019 Town Council meeting:

RESPONSES TO GRAND JURY FINDINGS 1, 3, 6 and 9:

GRAND JURY FINDING #1:

"The 2015 Municipal Regional Stormwater Permit requires most of the cities, towns, and the County to take action to reduce trash discharges by 80%, from 2009 baseline levels, by July 1, 2019."

RESPONSE: The Town of Moraga agrees with the finding.

GRAND JURY FINDING #3:

"Using the formula prescribed in the Permit, Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek report that they have already reached their July 1, 2019 trash reduction goals."

RESPONSE: The Town of Moraga agrees with the finding.

GRAND JURY FINDING #6:

"Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County."

RESPONSE: The Town of Moraga agrees with the finding.

GRAND JURY FINDING #9:

"No narrative summary of the accomplishments, challenges, costs, and funds needed to fully comply with the Permit is provided in the required annual reports prepared by CCCWP, the County, and each city and town."

RESPONSE: The Town of Moraga agrees with the finding.

RESPONSES TO GRAND JURY RECOMMENDATIONS 2-4

GRAND JURY RECOMMENDATION #2:

"The City/Town Councils of Antioch, Brentwood, Clayton, Danville, Moraga, Oakley, Orinda, Pleasant Hill, and San Ramon should consider limiting the use of Styrofoam containers in their communities by June 30, 2020."

RESPONSE: The recommendation will not be implemented because it is not warranted or is not reasonable. The Town of Moraga recommends limitations on Styrofoam containers be handled at the State and/or County level as it is impractical for staff to develop, implement and monitor compliance with a policy due to limited staff resources.

GRAND JURY RECOMMENDATION #3:

"The Board of Supervisors and all City/Town Councils should consider directing staff to provide a concise summary of their Annual Reports, citing their accomplishments, challenges, costs, and funds needed to fully comply with the Permit, by December 31, 2019."

RESPONSE: The recommendation requires further analysis. The recommendation affects not only the cities of Contra Costa County and the county itself but also the full 76 co-permittees under the Municipal Regional Permit. The annual form report is collaboratively prepared by a Bay Area Stormwater Management Agencies Association (BASMAA) workgroup and reviewed and approved by the Regional Water Quality Control Board staff. This requires the consensus of many parties. While the Town of Moraga is willing to propose this change, it could not be implemented until at least a year from the date of this letter.

GRAND JURY RECOMMENDATION #4:

"The Board of Supervisors and all City/Town Councils should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability, by June 30, 2020."

RESPONSE: The recommendation requires further analysis. Identifying additional funding sources is ongoing as a matter of course. Staff continuously looks for funding sources in concert with the Contra Costa Clean Water Program. This effort goes to grant funding programs at the state level and does include the Contra Costa effort to add a new stormwater utility assessment in 2012, which failed at the ballot box. The Town of Moraga conducted a Proposition 218 Property-Related Fee mail-in ballot measure in 2018, which unfortunately also failed at the ballot box. Searches for new funding for elements of the permit requirements includes the implementation of the BASMAA Roadmap for funding sustainable street projects that goes to the Green Infrastructure requirement of the Permit. While there still are funding needs to address cleanwater mandates, funding specifically for trash reduction is not warranted since the Town of Moraga has met the 80% reduction requirement.

The Town of Moraga thanks the Contra Costa County Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Edric Kwan, Public Works Director/Town Engineer at (925) 888-7025 or myself at (925) 888-7020 should you need additional information.

Sincerely,



Cynthia Battenberg
Moraga Town Manager

cc: Moraga Town Council