City Council

Mike Anderson, Mayor
Susan Candell, Vice Mayor
Steven Bliss, Council Member
Cameron Burks, Council Member
Teresa Gerringer, Council Member

August 12, 2019

Grand Jury
P.O. Box 431
Martinez, CA 94553

In reply to Grand Jury Report No. 1907, "Stormwater Trash Reduction" please read the City of Lafayette's responses below: Lafayette is required to report back to the Grand Jury in regards to Findings F1, F3, F6, F7, and F9 and in regards to Recommendations R3 and R4.

Findings and Recommendations

F1. The 2015 Municipal Regional Stormwater Permit requires most of the cities, towns, and the County to take actions to reduce trash discharges by 80%, from 2009 baseline levels, by July 1, 2019.

The City of Lafayette agrees with this finding.

F3. 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.

The City of Lafayette agrees with this finding, and specifically agrees that Lafayette has exceeded the 80% reduction goal and will be reporting a reduction of 88.5% for fiscal year 18/19.

F6. Both the Contra Costa County Clean Water Program (CCCWP) and the Contra Costa Local Agency Formation Commission (LAFCO) report that the unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County.

The City of Lafayette agrees with this finding.

F7. Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek have established ordinances banning Styrofoam food packaging in their communities.

The City of Lafayette agrees with this finding, particularly with regard to Lafayette's ban on Styrofoam food packaging.

F9. 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.

The City of Lafayette agrees with this finding.

3675 Mount Diablo Boulevard, Suite 210, Lafayette, CA 94549
Phone: 925.284.1968 Fax: 925.284.3169
www.ci.lafayette.ca.us

R3. 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.

The recommendation has not yet been implemented, but will be implemented for the 2019-2020 Report.

R4. 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 liability, by June 30, 2020.

The recommendation requires further analysis. The Lafayette City Council has discussed the potentially unfunded mandates of the Clean Water Act at several meetings. The City has also tried to pass sales tax and bond measures multiple times over the last 15 years, at least in part to help comply with stormwater requirements. The residents of Lafayette have voted down all of those measures. Short of a sales tax or bond measure passing, Lafayette will be forced to utilize more of their General Fund to meet Permit requirements, particularly as more extensive requirements may be added over time without relief from any of the past requirements.

We hope this letter is responsive to your request.

Sincerely,

Mike Anderson
Mayor, City of Lafayette