

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA,
CALIFORNIA, DETERMINING THE ANNUAL STORMWATER POLLUTION
PREVENTION FEE FOR FISCAL YEAR 2017-18

WHEREAS, the City of Santa Clarita (City) is empowered by Health and Safety Code Section 5471, Government Code Section 54300 et seq., Government Code Section 54999 et seq. and Chapter 15.50 of Title 15 of the City's Municipal Code (Code) to prescribe and collect rates and charges, including storm drainage user charges and fees for services and facilities furnished by the City in connection with its stormwater drain system; and

WHEREAS, in order to better provide for storm drainage and flood control services, including pollution prevention for the City, the City Council of the City of Santa Clarita (City Council) proposed to restructure its storm drainage pollution abatement charge to be known as the "Stormwater Pollution Prevention Fee" (Fee); and

WHEREAS, a written report entitled, "Rate Analysis Report," dated February 23, 2009, (Report) was prepared for the City by Harris & Associates and filed with the City Clerk of the City (City Clerk) relating to the Stormwater Drainage Utility (Program), containing 1) the identification of the parcels of land within the City upon which the Fee should be imposed (Identified Parcels), 2) the method for determining the amount of the Fee to be imposed each year upon the Identified Parcels as a source of funding for such storm drainage and flood control services, including but not limited to services with which to manage stormwater runoff so as to better protect life and property within the City, and 3) the proposed Fee amount of \$21.50 per Equivalent Residential Unit (ERU) for Fiscal Year 2009-10 and the maximum annual amount thereafter to be imposed on the Identified Parcels; and

WHEREAS, by its Resolution No. 09-16, adopted on March 10, 2009, the City Council accepted the Report, and scheduled a public hearing; and

WHEREAS, in compliance with the provisions of Section 6 of Article XIID of the California Constitution (Section 6 and Article XIID, respectively), the Proposition 218 Omnibus Implementation Act (Government Code Section 53750, et seq.) (Implementation Act) and the Code, the City Council, on May 26, 2009, and continued to June 9, 2009, conducted a public hearing on the matters of the Program, the proposed Fee, and any other aspect of the Report; and

WHEREAS, following a determination that there was not a majority protest, the City Council in its Resolution No. 09-50, confirmed the Report, as modified, and called a special mail ballot election for August 25, 2009 (Election); and

WHEREAS, by resolution adopted on September 8, 2009, the City Council declared that the ballot measure to authorize the restructuring and levy of the Fee, as described and subject to the terms and conditions of the prescribed by the Report, is passed; and

WHEREAS, by Ordinance No. 10-14 adopted on October 27, 2009, the City Council authorized and adopted the restructuring, levy, and collection of the Fee, beginning with the fiscal year 2010-11; and

WHEREAS, the Fee would continue to be collected on the County of Los Angeles tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the City in the manner prescribed by Sections 5473 et seq. of the California Health and Safety Code, as provided in Chapter 15.050 of the Code; and

WHEREAS, pursuant to Section 15.50.070 of the Code, the City shall annually hold a public hearing or meeting where oral and written presentations may be made in connection with the Fee; and

WHEREAS, the City Clerk has published notice of such annual public hearing as provided by law, and a public hearing was held on May 9, 2017, where oral and written testimony was taken; and

WHEREAS, pursuant to Section 3 of Ordinance No. 09-14, the City Council shall determine the amount of the Fees for the Fiscal Year 2017-18, subject to the maximum Fees authorized by Ordinance No. 09-14 and as set forth in the Report, and, in connection therewith, an annual report or list of the Fee for each Identified Parcel for Fiscal Year 2017-18 has been prepared (Annual List); and

WHEREAS, it is now appropriate that the City Council determine the amount of the Fees for Fiscal Year 2017-18.

THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals True and Correct. The foregoing recitals are true and correct, and the City Council hereby so finds and determines.

SECTION 2. Annual Procedure for Determination of Fees to be Levied. Pursuant to Ordinance No. 09-14 and applicable law, without voter approval, in any year, the City Council may do any of the following: a) discontinue the Fee, b) reduce the actual rate imposed below the maximum rate authorized, or c) increase the rate up to or below the maximum voter-authorized rate if it has been previously set below such rate. The City Council shall not be required to include an inflation increase in each year but may accumulate the inflationary increase and enact the cumulative amount. In no event shall the City Council increase the rate in excess of the maximum rate approved by the voters without voter approval required by Section 6 of Article XIID.

SECTION 3. Amount of 2017-18 Fee. The City Council has determined to set the Stormwater Pollution Prevention Fee for Fiscal Year 2017-18 will be \$24.51 per ERU, for each Identified Parcel as provided in the Annual List on file with the City Clerk and incorporated herein by this reference. The Annual List is hereby approved. The amount of the Fee for Fiscal

Year 2017-18 is equal to the maximum voter-approved rate inclusive of a rate increased by an amount equal to the Consumer Price Index for All Urban Consumers, for the Los Angeles, Riverside, and Orange County areas.

SECTION 4. Transmittal to County Auditor. On or before August 10, 2017, or such other earlier deadline as the Los Angeles County Auditor (County Auditor) may prescribe, the Willdan Financial Services, Inc., shall cause the filing on behalf of the City with the County Auditor of the Annual List to be posted to the tax roll for collection, together with such additional information and in such format as the County Auditor customarily requires.

SECTION 5. Severability. If any one or more of the terms, provisions, or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdictions, then each and all of the remaining terms, provisions, and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

SECTION 6. Non-Exclusivity. Nothing in this Ordinance shall limit or preclude the enforcement of other applicable laws.

SECTION 7. Effectiveness. This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 8. Publication. The City Clerk is directed to cause this Ordinance to be published within 15 days of its passage in a newspaper of general circulation published and circulated within the City of Santa Clarita.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

DATE: _____

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

I, Mary Cusick, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Ordinance 17- was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 9th day of May 2017. That thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council on the 23rd day of May 2017, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

AND I FURTHER CERTIFY that the foregoing is the original of Ordinance and was published in The Signal newspaper in accordance with State Law (G.C. 40806).

CITY CLERK