

RESOLUTION NO. 2014-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DESERT HOT SPRINGS, COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA, AMENDING DEVELOPMENT FEES FOR
CONSTRUCTION AND DEMOLITION PERFORMANCE
SECURITY AS REQUIRED BY DESERT HOT SPRINGS
MUNICIPAL CODE CHAPTER 8.08**

WHEREAS, the State of California (the "State") has enacted legislation that requires local jurisdictions to divert a minimum of 50% of solid waste from disposal and to annually report their progress to the California Department of Resources Recycling and Recovery; and

WHEREAS, the failure of a jurisdiction to meet State-mandated waste diversion targets annually can result in State-imposed sanctions including fines of up to \$10,000.00 per day; and

WHEREAS, the 2012 per capita disposal target of 3.8 pounds per person per day was established for the City of Desert Hot Springs (the "City") by the State, and the City's actual 2012 State-approved per capital disposal rate was 3.8 pounds per person per day; and

WHEREAS, the City Council enacted Municipal Code Chapter 8.08 requiring applicants of projects for a building or demolition permit to: (1) prepare a construction and demolition ("C&D") waste plan; (2) pay a performance security deposit that is 100% refundable if a minimum of 50% of C&D waste generated by the project is diverted from disposal; and (3) report on the C&D waste generated, diverted and disposed, as an economic incentive to divert C&D waste; and

WHEREAS, by previous ordinance the City Council established the C&D waste deposit at One Percent (1%) of the estimated value of a project and a maximum deposit of \$75,000.00; and

WHEREAS, the City Council created a City Council Subcommittee (the "Subcommittee") to review solid waste management practices within the City and the Subcommittee found that: (1) the City's C&D waste deposit was ineffective and did not produce the desired economic incentive to divert C&D waste; (2) C&D waste is the heaviest fraction of the waste stream; and (3) the City's failure to divert at least 50% of C&D waste could result in the City failing to comply with State-mandated per capita disposal rate targets and face potential sanctions by the State; and

WHEREAS, in light of the above, the Subcommittee recommends that the City require performance security for a C&D waste building or demolition permit as follows: (1) The C&D waste performance security shall be Two Percent (2%) of the estimated value of a project or \$3,000.00, whichever is greater; and (2) The non-refundable re-filing fee shall be \$3,000.00 for a project for which an applicant was previously issued a waiver for entering the preferred C&D waste hauler program but who failed to actively and regularly utilize the preferred hauler for C&D waste diversion

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Desert Hot Springs as follows:

Section 1. Recitals.

That the above recitals are all true and correct.

Section 2. Fees.

That the performance security for a C&D waste for a building or demolition permit established in the City's Development Fees be amended as follows: (1) The C&D waste performance security shall be Two Percent (2%) of the estimated value of a project or \$3,000.00, whichever is greater; and (2) The non-refundable re-filing fee shall be \$3,000.00 for a project for which an applicant was previously issued a waiver for entering the preferred C&D waste hauler program but who failed to actively and regularly utilize the preferred hauler for C&D waste diversion.

Section 3. Severability.

That should any provision, section, paragraph, sentence or word of this resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this resolution as hereby adopted shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions.

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 5. Certification.

That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 6. Effective Date.

That this Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on this 5th day of August, 2014 by the following vote:

AYES:

NAYS:

ABSENT:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, City Clerk

APPROVED

Adam Sanchez, Sr., Mayor

APPROVED AS TO FORM:

Steven Quintanilla, City Attorney