

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA MAKING ITS FINDINGS AND ESTABLISHING THE RATES FOR COUNTY SERVICE AREA 152 TO FUND THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

WHEREAS, the City of Desert Hot Springs ("City") is a co-permittee under the National Pollution Discharge Elimination System ("NPDES")

WHEREAS, under the NPDES Permit and the NPDES Municipal Separate Storm Sewer System ("MS4") Permit, the City is required to monitor, inspect and clean the City's storm channels so as to prevent unauthorized and potentially hazardous discharge into the Whitewater River Watershed and carry out programs and activities to maintain compliance with the MS4 Permit; and

WHEREAS, on December 21, 1993, the City was annexed into County Service Area ("CSA") 152 to assist in funding the City's responsibilities under the NPDES Permit; and

WHEREAS, the County of Riverside ("County"), by its Resolution No. 93-454 annexed the City into CSA – 152; and

WHEREAS, when the County established CSA – 152, the maximum assessment per benefit assessment unit ("BAU") was set at \$10.00; and

WHEREAS, the City Council of the City of Desert Hot Springs established and set the rates for CSA – 152 and adopted an Administrative Services Agreement for CDA 152 Program Between Riverside County and the City to fund the City's NPDES Permit to operate and maintain the City's drainage and flood control systems and set the City's annual assessment rate at \$10.00 per "BAU", and authorized the County of Riverside to levy assessments under CSA-152 for the benefit of the City; and

WHEREAS, the current NPDES (MS4) Permit adopted on June 20, 2013, requires the City to inspect, clean, and maintain all of the City's storm channels every two years; increases the frequency of inspection of construction and industrial and commercial businesses; and further requires the City to develop programs to reduce bacteria pollution in the Santa Ana River; and

WHEREAS, NPDES (MS4) Permit program requirements have increased compliance costs for the City, and the City annual assessment was increased to the maximum allowed in Fiscal Year 15-67 to the maximum rate of \$10.00 to provide funds for the increased cost; and

WHEREAS, in order to recover NPDES (MS4) Permit program costs the City finds it necessary to authorize the County to continue CDA 152 assessments effective with the 2017/2018 property tax bill at \$10.00 per BAU.

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

Section 1: The City Council hereby finds and determines that each and every recital set forth above is true and correct.

Section 2. Based upon the facts set forth herein, the City Council finds that CSA – 152 charges are assessments that confers benefits upon each parcel of property subject to the assessments. Pursuant to Section 5(a) of Article XIID of the California Constitution, the CSA – 152 Desert Hot Springs assessments are exempt from the procedures and approval process because CSA – 152 existed before the effective date of Article XIID. Further, pursuant to Section 5(a) of Article XIID, any future increases are also exempt. The proposed changes to the annual assessment do not exceed the maximum assessment and do not constitute an increase in assessment for purposes of Article XIID.

Section 3. That the City of Desert Hot Springs requests that the Riverside County Board of Supervisors impose the CSA – 152 assessments within the City of Desert Hot Springs to \$10.00 per benefit assessment unit.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the 18th day of April 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST:

APPROVED:

Jerryl Soriano, CMC, City Clerk

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney

CERTIFICATE OF CLERK

I, Jerryl Soriano, CMC, City Clerk of the City of Desert Hot Springs, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of the City of Desert Hot Springs duly and regularly held at the regular meeting place thereof on April 18, 2017, of which meeting all of the members of said City Council had due notice, and at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I do hereby further certify that an agenda of said meeting was posted at least 72 hours before said meeting at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240, and a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I do hereby further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

Dated: April 18, 2017

City Clerk of the City of Desert Hot Springs

[SEAL]