

RESOLUTION NO. 2018-XXX

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"); and

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 15-16 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 2018/2019 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.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the 6th day of March 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney