



# City of La Quinta

**CITY / SA / HA / FA MEETING DATE:** June 17, 2014

**AGENDA CATEGORY:**

**ITEM TITLE:** ADOPT RESOLUTION TO REAFFIRM ADOPTION OF ANNUAL ASSESSMENT FOR COUNTY SERVICE AREA 152, AUTHORIZE RIVERSIDE COUNTY TO CONTINUE TO LEVY ASSESSMENTS, AND INDEMNIFY AND HOLD THE COUNTY HARMLESS FOR LEVYING ASSESSMENTS ON CITY PARCELS

**BUSINESS SESSION:**

**CONSENT CALENDAR:** 5

**STUDY SESSION:**

**PUBLIC HEARING:**

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## **RECOMMENDED ACTION:**

Adopt a resolution to reaffirm adoption of the annual assessment for County Service Area 152 for Fiscal Year 2014/2015, authorize Riverside County to continue to levy assessments, and indemnify and hold the County harmless for levying assessments on City parcels.

## **EXECUTIVE SUMMARY:**

- The City has an agreement with Riverside County ("County") wherein the County assesses properties within the City for the maintenance and operations of street sweeping, flood control, retention basin and other drainage activities within the City in order to improve overall storm water quality.
- These activities are required under the Clean Water Act and the National Pollutant Discharge Elimination System Program.
- Annually, the City Council must adopt a resolution authorizing the County to assess City parcels and holding the County harmless for levying the assessments.
- For Fiscal Year 2014/2015, the assessment rate per parcel will remain unchanged from its original 1997 rate of \$9.99 per Benefit Assessment Unit.

## **FISCAL IMPACT:**

County Service Area ("CSA") 152 assessments will generate approximately \$285,000 during Fiscal Year 2014/2015, \$100,000 of which is used to offset retention basin maintenance in the City-wide lighting and landscape maintenance district.

## **BACKGROUND/ANALYSIS:**

In 1991, the County enacted CSA 152 to provide funding for local jurisdictions to maintain flood control and storm drain facilities. In 1994, the City joined CSA 152 and in 1997, the City Council adopted a resolution approving the Benefit Assessment Unit rate of \$9.99. The City/County Agreement is available for review in the Public Works Department.

The recommended action continues the City's participation in CSA 152 and authorizes the County to levy and collect these assessments for Fiscal Year 2014/2015.

The City of Murrieta was investigating the potential of raising the levy amount. The City Attorney spoke with the Deputy City Attorney for the City of Murrieta and found that any levy amount above \$9.99 (the maximum amount authorized by the County in 1991) must comply with Proposition 218 requirements for assessment districts. At this time, the County is not interested in increasing this assessment per the Proposition 218 requirements.

## **ALTERNATIVES:**

The City will receive approximately \$285,000 from the CSA 152 assessment, which helps offset flood control and storm drain maintenance costs. Since this requires annual affirmation of the requirements of CSA 152, staff does not recommend an alternative.

Report prepared by: Edward J. Wimmer, P.E., Principal Engineer

Report approved for submission by: Timothy R. Jonasson, P.E.

Public Works Director/City Engineer

**RESOLUTION NO. 2014 -**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, MAKING FINDINGS AND REAFFIRMING THE ESTABLISHMENT AND SETTING OF RATES FOR THE COUNTY SERVICE AREA 152 TO FUND THE CITY'S STREET SWEEPING PROGRAM AND OPERATE AND MAINTAIN THE CITY'S DRAINAGE AND FLOOD CONTROL SYSTEMS**

**WHEREAS**, the Riverside County Service Area 152 (CSA 152) was created under the Benefit Assessment Act of 1982 (Government Code Section 54702, *et seq.*), which authorized local agencies to impose benefit assessments to finance the maintenance and operation costs of flood control and drainage systems, based on the proportionate storm water runoff from each parcel; and

**WHEREAS**, under the federally-mandated but unfunded National Pollutant Discharge Elimination System Program, the City is required to have a valid permit from the Regional Water Quality Control Board to discharge water runoff from properties within the boundaries of the City; and

**WHEREAS**, street sweeping is a pro-active method of ensuring pro-active maintenance from street runoff into the flood control and drainage systems of the City; and

**WHEREAS**, the City is a co-permittee of Permit No. CAS-617002 with the Coachella Valley Water District, County of Riverside and the incorporated cities therein; and

**WHEREAS**, the City, by its Resolution No. 97-39, adopted on May 20, 1997, authorized Riverside County to levy and establish a Benefit Assessment Unit rate for the 1997-1998 Fiscal Year CSA 152 assessments; and

**WHEREAS**, the City by its Resolution No. 97-39, adopted on May 20, 1997, agreed to indemnify and hold the County harmless for levying Assessments on the City parcels under CSA 152; and

**WHEREAS**, the City uses revenues from CSA 152 assessments solely for the purpose of maintaining and operating the City's flood control and drainage system to comply with the National Pollutant Discharge Elimination System Permit and to provide street sweeping within the City of La Quinta; and

**WHEREAS**, Proposition 218, adopted by voters on November 6, 1996, established new procedures and approval requirements for all existing assessments, unless the assessment is exempt from the new requirements; and

**WHEREAS**, certain assessments that existed on November 6, 1996, are specifically exempt from the Proposition 218 procedures and approval requirements, including assessments imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of La Quinta, California, as follows:

Section 1. The City Council finds the foregoing recitals to be true and correct.

Section 2. The City Council finds and declares that the City's CSA 152 charges are assessments within the definition of California Constitution Article XIID, Section 2(b), in that they confer special benefits upon each parcel of property subject to the assessments.

Section 3. The City Council finds and declares that pursuant to Article XIID, Section 5(a), the City's CSA 152 assessments are exempt from the new procedures and approval requirements of Article XIID, Section 4, because the City's CSA 152 assessments existed before November 6, 1996, and the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for street sweeping, flood control, and drainage systems in the City.

Section 4. The City Council hereby reaffirms its adoption of the annual assessment for CSA 152 and hereby determines that the annual assessment rate for Fiscal Year 2014/2015 for CSA 152 is to be set at nine dollars and ninety-nine cents (\$9.99) per Benefit Assessment Unit. The method of computation has not been changed nor has the rate of assessment been increased since August 6, 1996.

Section 5. The City Council hereby authorizes the County of Riverside to levy assessments under CSA 152 for the benefit of the City. The City agrees that it shall indemnify, defend and hold County and members of its Board, and its officers, employees and agents harmless from (1) any and all claims, demands, and causes of action of any kind or nature whatsoever and (2) any and all liability of any kind or nature whatsoever that may arise out of or be caused by, or be attributable to the imposition, collection, or allocation of any tax (special or general), assessment fees or charges, and/or any other revenue generated through City's application of reliance on or use of County Service Area 152.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the La Quinta City Council held on this 17<sup>th</sup> day of June 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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DON ADOLPH, Mayor  
City of La Quinta, California

**ATTEST:**

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SUSAN MAYSELS, CITY CLERK  
City of La Quinta, California

(CITY SEAL)

**APPROVED AS TO FORM:**

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M. KATHERINE JENSON, City Attorney  
City of La Quinta, California

