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Long Beach, California

C-5

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August 7, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt Resolution of the City Council of the City of Long Beach in Support of State Constitutional Amendment 12 (Torlakson/Yee) Exempting Local Government Imposed Fees for Storm Water Management from Proposition 218

DISCUSSION:

Pursuant to your request of July 24, 2007, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By AMY R. BURTON
Deputy City Attorney

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH IN SUPPORT OF SENATE CONSTITUTIONAL AMENDMENT 12 INTRODUCED BY SENATORS TORLAKSON AND YEE, EXEMPTING NEW OR INCREASED STORMWATER FEES OR CHARGES FROM THE CALIFORNIA CONSTITUTIONS VOTER APPROVAL REQUIREMENTS FOR PROPERTY RELATED FEES AND CHARGES

WHEREAS, Proposition 218, approved by California voters in 1996, requires either a majority of property owners or a two-thirds vote of residents in a specific area to raise property-related fees; and

WHEREAS, fees for water, sewer, and garbage collection were specifically exempted from these requirements; and

WHEREAS, after Proposition 218 passed, the federal Clean Water Act placed more responsibility on local governments to monitor and treat stormwater and urban runoff; and

WHEREAS, this runoff washes pollution and debris into storm drains and eventually into creeks, rivers, bays, harbors, and oceans, and can significantly damage aquatic habitat and has been attributed to beach closings and advisories; and

WHEREAS, State Senators Torlakson and Yee have introduced SCA 12, to exempt new or increased stormwater and urban runoff management fees or charges from the California Constitutions voter approval requirements for property-related fees and charges and gives voters the opportunity to create an additional resource for local governments to fund such programs; and

WHEREAS, Senate Constitutional Amendment 12 by Senators Torlakson

1

1 and Yee amends the California Constitution to make fees for stormwater and urban *runoff*

2 management work the same way as fees for garbage collection, sewer, treatment, and

3 water;

4   NOW, THEREFORE, the City Council of the City of Long Beach resolves as

5 follows:

6   Section 1.   That the City Council hereby supports the passage of State

7 Senate Constitutional Amendment 12 - Property Related Fees and Charges by Senators

8 Torlakson and Yee, and directs the City Manager to advocate for passage of this bill.

9   Section 2.   The City Clerk is directed to transmit a copy of this resolution

10 to Senators Torlakson and Yee, the members of the California Legislature representing

11 the Long Beach area, and other officials, agencies, entities, and individuals as

12 determined by the City Manager.

13   Section 3.   This resolution shall take effect immediately upon its adoption

14 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

15   I hereby certify that the foregoing resolution was adopted by the City

16 Council of the City of Long Beach at its meeting of _____, 20____ by the

17 following vote:

18   Ayes: Councilmembers: _____

19 _____

20 _____

21 _____

22   Noes: Councilmembers: _____

23 _____

24   Absent: Councilmembers: _____

25 _____

26

27

28 _____
                        City Clerk

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