

ORDINANCE NO. 467

**AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES
AMENDING CHAPTER 3.44 OF TITLE 3 OF THE RANCHO
PALOS VERDES MUNICIPAL CODE REGARDING THE
ANNUAL STORM DRAIN USER FEE.**

WHEREAS, the owners of properties that utilize the City of Rancho Palos Verdes' storm drain system approved an annual Storm Drain User Fee pursuant to a mail ballot election held on August 30, 2005, by adopting Ordinance No. 418, which amended the Rancho Palos Verdes Municipal Code (the "Municipal Code") by adding new chapter 3.44; and

WHEREAS, a measure to repeal the annual Storm Drain User Fee has qualified for the ballot and will be submitted to the City's electorate at the November 6, 2007 election; and

WHEREAS, in lieu of repealing the Storm Drain User Fee, the People of the City of Rancho Palos Verdes desire to amend its provisions by shortening the duration of the annual Storm Drain User Fee from thirty years to ten years and by establishing an oversight committee of City residents to monitor the annual Storm Drain User Fee expenditures; and

WHEREAS, if both this ordinance amending Chapter 3.44 of the Municipal Code and the measure repealing the annual Storm Drain User Fee receive a majority vote of the voters who vote on each measure at the November 6, 2007 election, it is the People's intent that the provisions of both cannot be placed into effect and are in hopeless and irremediable conflict; and

WHEREAS, it is the People's express intent that this ordinance amending Chapter 3.44 of the Municipal Code shall be considered a conflicting measure to the measure repealing the annual Storm Drain User Fee, such that pursuant to Article II, Section 10(b) of the California Constitution and Section 9221 of the Elections Code, the measure receiving the highest affirmative vote shall prevail at the election;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF RANCHO PALOS VERDES DO ORDAIN AS FOLLOWS:

Section 1. Section 3.44.070 of Chapter 3.44 of Title 3 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

"3.44.070 Duration.

Unless repealed previously by the city council pursuant to section 3.44.020(G)(i), the storm drain user fee imposed by this chapter shall expire on June 30, 2016, and shall not be levied by the city during any subsequent fiscal year."

Section 2. Chapter 3.44 of Title 3 of the Rancho Palos Verdes Municipal Code is hereby amended by adding Section 3.44.080 thereto to read as follows:

“Section 3.44.080 Storm Drain User Fee Oversight Committee

A. An oversight committee (“committee”) is created and established. The committee shall hold at least one public hearing and issue a report, on at least an annual basis, to inform city residents and the city council regarding how storm drain user fee revenues are being spent and to make recommendations to the city council regarding future expenditures of the storm drain user fee revenues. In addition, the oversight committee shall make a recommendation to the city council regarding whether to collect the storm drain user fee for the upcoming fiscal year, and, if so, the rate per ERU for that fiscal year. In making its recommendation to the city council, the oversight committee shall consider the current and projected revenues of the city for the upcoming fiscal year, including but not limited to, property taxes, sales taxes and transient occupancy taxes; the current and projected expenditures of the city for the fiscal year, including, but not limited to, proposed expenditures in connection with the city’s storm drain system; the balance, if any, in the water quality and flood protection program enterprise fund, and the current and projected general fund reserves. The oversight committee shall forward its report and recommendations to the city council prior to the annual public hearing on the storm drain user fee that will be conducted by the city council. The oversight committee also shall perform other assignments regarding the water quality and flood protection program, as directed by the city council or upon request by staff.

B. The oversight committee shall consist of five residents of the city who shall be appointed by, and shall serve at the pleasure of, the city council. The term of office for three members of the oversight committee shall be four years, and the initial term of office for two members of the oversight committee shall be two years. After the initial term, all members of the oversight committee shall have four-year terms. The terms of office shall expire on the date of the second regular city council meeting in January of even years, or until a successor is appointed.”

Section 3. The provisions adopted by this Measure shall be amended or repealed only by the voters of the City of Rancho Palos Verdes at an election held in compliance with State law and local ordinances.

Section 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The People of the City of Rancho Palos Verdes

hereby declare that they would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 5. The People of the City of Rancho Palos Verdes hereby declare that this Measure conflicts in its entirety with the provisions of the initiative measure on the ballot for the November 6, 2007 election to repeal the Storm Drain User Fee (the "initiative"). If this Measure receives a higher number of affirmative votes than the initiative, the provisions of this Measure shall control and the initiative shall not take effect for any purpose pursuant to Article II, Section 10(b) of the California Constitution and Section 9221 of the Elections Code.

Section 6. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this Ordinance to be posted as required by law.

PASSED, APPROVED AND ADOPTED by the voters at the regular General Municipal Election held on November 6, 2007.



Mayor

Attest:



City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Ordinance No. 467 was duly and regularly passed and adopted as Measure C by the voters of the City of Rancho Palos Verdes at the General Municipal Election held on November 6, 2007.



City Clerk



RANCHO PALOS VERDES

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF RANCHO PALOS VERDES)

AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the appointed City Clerk
of the City of Rancho Palos Verdes;

That on December 14, 2007, she caused to be posted the following document entitled: ORDINANCE NO. 467 – AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 3.44 OF TITLE 3 OF THE RANCHO PALOS VERDES MUNICIPAL CODE REGARDING THE ANNUAL STORM DRAIN USER FEE, a copy of which is attached hereto, in the following locations:

City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes

Ladera Linda Community Center
32201 Forrestal Drive
Rancho Palos Verdes

Hesse Park
29301 Hawthorne Blvd.
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit of posting.



City Clerk