

RESOLUTION NO. 2023-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, REGARDING COUNTY SERVICE AREA 152 AND SETTING THE BENEFIT ASSESSMENT UNIT RATE FOR FISCAL YEAR 2023 FOR THE CITY OF CORONA TO FUND THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM

WHEREAS, in 1990 the County of Riverside (the "County") and the incorporated cities therein requested an area-wide National Pollutant Discharge Elimination System ("NPDES") permit ("Permit") for their urban storm water runoff; and

WHEREAS, in 1991 the County of Riverside (the "County") established Community Service Area 152 ("CSA 152"), for the purpose of funding the area-wide storm water NPDES Compliance Program; and

WHEREAS, the CSA 152 is the principal permittee for the Permit; and

WHEREAS, in Fiscal Year 1992-93 the County established an assessment within CSA 152 at the maximum rate of \$10.00 per Benefit Assessment Unit; and

WHEREAS, the City of Corona (the "City") has certain responsibilities for managing storm water within its jurisdiction and is a co-permittee under the Permit; and

WHEREAS, pursuant to Resolution No. 92-63, adopted by the City Council on June 17, 1992, the City requested the Local Agency Formation Commission ("LAFCO") to take proceedings to annex the City to CSA 152; and

WHEREAS, pursuant to Resolution No. 92-79, adopted by LAFCO on September 24, 1992, LAFCO approved the annexation of the City to CSA 152; and

WHEREAS, pursuant to Resolution No. 92-520, adopted by the County Board of Supervisors on December 1, 1992, the County approved the annexation of the City to CSA 152 to facilitate the collection of funds for services provided by the City to comply with the Permit; and

WHEREAS, pursuant to Resolution No. 93-19, adopted by the City Council on March 17, 1993, the City approved the annexation of the City to CSA 152, which annexation is referred to as ("CSA 152 - Corona"); and

WHEREAS, pursuant to Resolution No. 93-19, the City also established an assessment at the maximum rate of \$10.00 per Benefit Assessment Unit to be levied and imposed on parcels located within the boundaries of CSA 152 - Corona under the Riverside County Flood Control and Water Conservation Act for the purpose of funding its obligations under the Permit; and

WHEREAS, the County of Riverside has agreed to continue to allow the CSA 152 funding vehicle to be utilized by cities that have elected to participate in CSA 152, including the City; and

WHEREAS, the City desires to establish the annual assessment to be levied in CSA 152 - Corona for Fiscal Year 2024, and to authorize the County to levy and collect such annual assessments to fund the costs of the NPDES Compliance Program within CSA 152 - Corona to comply with the Permit requirements imposed by the Environmental Protection Agency and Regional Water Quality Control Boards for storm water discharges within the City; and

WHEREAS, Section 5(a) of Article XIII D of the California Constitution states that assessments existing on or before November 6, 1996, the effective date of Article XIII D of the California Constitution, imposed exclusively to finance the capital costs or maintenance and operation expenses of flood control and drainage systems are exempt from the provisions of Article XIII D, section 4; and

WHEREAS, the CSA 152 assessments and the CSA 152 - Corona assessments, were adopted prior to November 6, 1996, exclusively to finance the capital costs or maintenance and operation expenses of flood control and drainage systems and are therefore exempt from the procedures and approval process of Article XIII D, Section 4 of the California Constitution and California Government Code section 53753; and

WHEREAS, Section 5(a) of Article XIII D of the California Constitution and California Government Code section 53753.5 further provide that if an assessment is exempt from the procedures and approval process set forth in Section 4 of Article XIII D of the California Constitution, then those requirements shall not apply in subsequent fiscal years unless the assessment methodology is changed to increase the assessment, or the amount of that assessment is proposed to exceed an assessment formula or range of assessments adopted by an agency in accordance with Article XIII D of the California Constitution or Section 53753; and

WHEREAS, the proposed annual assessments to be levied within CSA 152 - Corona in Fiscal Year 2024 do not exceed the maximum assessment previously authorized and adopted by the City in 1993 pursuant to Resolution No. 93-19 and do not constitute an increase in the assessment for purposes of Article XIII D or California Government Code section 53753.5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that the above recitals are true and correct, and by this referenced are hereby incorporated.

SECTION 2. The City of Corona hereby establishes and authorizes and requests that the County levy and collect an annual assessment in the amount of \$10.00 per Benefit Assessment Unit within CSA 152 - Corona for Fiscal Year 2024.

SECTION 3. The City of Corona shall continue to participate in CSA 152.

SECTION 4. The City Clerk shall certify the passage and adoption of this Resolution and the same shall thereupon take effect and be in force immediately.

PASSED, APPROVED AND ADOPTED this 15th day of February, 2023.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 15th day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 15th day of February, 2023.

City Clerk of the City of Corona