



Agenda Report

File #: 19-0152

AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION

DATE: 3/6/2019

TO: Honorable Mayor and City Council Members

FROM: Administrative Services Department

SUBJECT:

City Council consideration of Resolution No. 2019-005, regarding County Service Area 152 and setting the Benefit Assessment Unit Rate for Fiscal Year 2019-20 for the City of Corona to fund the City's National Pollutant Discharge Elimination System (NPDES) Permit Program.

RECOMMENDED ACTION:

That the City Council adopt Resolution No. 2019-005, regarding County Service Area 152 and setting the Benefit Assessment Unit Rate for Fiscal Year 2019-20 for the City of Corona to fund the City's National Pollutant Discharge Elimination System (NPDES) Permit Program.

ANALYSIS:

Amendments to the Federal Clean Water Act (CWA), enacted by Congress in 1987, established environmental programs, including the NPDES program, to protect the Nation's waters. The CWA also directs the Environmental Protection Agency to develop, implement, and enforce regulations consistent with this law. For the State of California, these federal responsibilities were given to the State's nine Regional Water Quality Control Boards to regulate at the local levels.

The CWA prohibits any entity from discharging pollutants into the Nation's waters unless they are issued a NPDES permit. Local agencies and municipalities who own and operate municipal separate storm sewer systems (MS4s) for conveying stormwater runoff are considered dischargers to the Nation's waters and are therefore required to obtain a NPDES MS4 Permit.

The County of Riverside was issued its first NPDES MS4 Permit in 1990. In 1992, the County established County Service Area (CSA) 152 as a funding mechanism to pay for the anticipated costs of compliance with the requirements of its NPDES MS4 Permit. On December 1, 1992, the County annexed the City of Corona to CSA 152, and through an Implementation Agreement with the County, the City is able to utilize CSA 152 assessments from properties within its boundaries to pay for its NPDES program.

The annual assessment of \$10.00 per benefit assessment unit remains the same as the prior fiscal year. These funds are utilized for maintenance of storm drains, catch basins, and street sweeping in the City. All parcels within the City of Corona, including residential, commercial, and industrial pay towards the CSA 152. Adoption of the recommended resolution will authorize the County of Riverside to levy the CSA 152 assessment of \$10.00 per benefit assessment unit for the subject parcels within the City of Corona for Fiscal Year 2019-20.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

The assessment of \$10.00 per benefit unit is projected to generate approximately \$778,800 in revenue in Fiscal Year 2019-20 for the NPDES program. The funds are accounted for in Fund 245 and will be utilized for operating costs, including personnel, materials and supplies to operate the program.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061 (b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely authorizes and requests Riverside County levy and collect the annual assessment in the amount of \$10.00 per Benefit Assessment Unit. Since there is no possibility that adopting this action will have a significant effect on the environment, no environmental analysis is required.

PREPARED BY: LIEN-CHI CANTUBA, FINANCIAL ANALYST III

REVIEWED BY: JENNIFER SCHAEFER, FINANCE MANAGER III

REVIEWED BY: KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

SUBMITTED BY: MICHELE NISSEN, ACTING CITY MANAGER

Attachments:

1. Resolution 2019-005

RESOLUTION NO. 2019-005

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 2019-20 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 2019-20, 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 2019-20 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 2019-20.

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 6th day of March 2019.

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 6th day of March 2019, 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 6th day of March 2019.

City Clerk of the City of Corona