

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
SETTING RATES FOR THE STORM DRAIN ENVIRONMENTAL
COMPLIANCE FEE FOR BILLING CYCLES BEGINNING JULY 1,
2018**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to a Federal mandate under what is commonly referred to as the Clean Water Act (33 U.S.C. 1251 et seq.), in accord with the California Water Code, Division 7 (entitled “Water Quality” – Section 13020 et seq. and commonly referred to as the “Porter-Cologne Water Quality Control Act”), and in accord with the City’s Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit issued by the California Regional Water Quality Control Board, San Francisco Bay Region, the City must protect health, life, resources, and property through prevention and control of unauthorized discharges into watercourses;

WHEREAS, on April 26, 1994, the City Council of the City of Santa Clara (“City”) adopted Ordinance No. 1655 entitled “An Ordinance of the City of Santa Clara Amending Chapter 24 of ‘The Code of the City of Santa Clara, California’ by Adding Provisions Pertaining to Regulation of Storm Drains and Discharges and to Establish and Provide for a Storm Drain Environmental Compliance Fee”, which provided for the cleanup of stormwater pollution from urban runoff that flows to creeks and channels, eventually discharging in the South San Francisco Bay;

WHEREAS, City adopted Resolution No. 5888 entitled a “Resolution of the City Council of the City of Santa Clara Establishing Rates and Regulations for the Storm Drain Compliance Fee” on April 12, 1994, which took effect 30 days after the final passage of Ordinance No. 1655;

WHEREAS, a court of appeal ruled in *Griffith v. Pajaro Valley Water Management Agency* (2013) 220 Cal.App 4th 586, that stormwater charges to pay for capturing and treating stormwater are water service fees and exempt from the voter approval process set forth by Proposition 218;

WHEREAS, in 2014, the California state legislature adopted Assembly Bill No. 2403, which authorized public agencies to impose stormwater charges if less than a majority of property owners

protest the charges, and which made specific findings that the legislation is declaratory of existing law, including *Griffith v. Pajaro Valley Water Management Agency*;

WHEREAS, on April 26, 2018, the City timely mailed notices of a public hearing to property owners and rate payers of Storm Drain Fees that detailed proposed fee adjustments in accordance with Article XIID § 6 of the California Constitution (Proposition 218); and,

WHEREAS, on June 12, 2018, the City held a public hearing on the proposed adjustments to Storm Drain fees, and there was no majority protest.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. In accordance with Article XIID § 6 of the California Constitution and as set forth in the accompanying staff report, incorporated herein by reference:

A. The revenues derived from the Storm Drain rates, as stated in Table A, attached hereto and incorporated herein, do not exceed the funds required to cover the operating and capital improvement project expenses for the City's Urban Runoff Pollution Prevention Program.

B. The revenues derived from the Storm Drain rates will not be used for any purpose other than the implementation of the City's Urban Runoff Pollution Prevention Program.

C. The Storm Drain rates charged will not exceed the cost of urban runoff pollution prevention programs per parcel.

D. The Storm Drain rates are only charged for urban runoff pollution prevention programs that are currently available.

E. The Storm Drain rates are not charged for general governmental services.

2. Notice of the proposed Storm Drain rates was mailed on April 26, 2018, more than 45 days prior to the public hearing on this matter, in compliance with Proposition 218.

3. A public hearing was conducted on June 12, 2018, regarding the proposed rates to be charged and all protests and other comments were considered.

4. The number of written protests by owners of parcels within the City against the increased

rates were tabulated by City staff at the hearing and did not constitute a majority protest.

5. That following the public hearing, the City Council approves and adopts the Storm Drain rates set forth in Table A, incorporated here by reference.

6. That a true and correct copy of this Resolution shall be kept on file in the Office of the City Clerk and in the Billing Division of the City Finance Department at all times in which the rates are operable or until replaced with any future adjusted monthly charges by the City Council and shall be open to public inspection during the regular hours of such offices.

7. That the adjusted monthly charges described herein are ordered to be effective and operative with, and for, services rendered during periods covered by billing cycle July 2018 and subsequent billing cycles.

8. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Table A – City of Santa Clara Storm Drain Rates (Effective Billing Cycle July 2018)

TABLE A
CITY OF SANTA CLARA STORM DRAIN RATES
(EFFECTIVE JULY 2018 BILLING CYCLE)

SERVICE TYPE	RATES
Single-family homes, townhomes and complexes with up to 4 units	\$1.96/month per unit
Multi-Family Rates (all properties with five or more dwelling units)	\$1.96/month for each of the first four units + \$0.74/month for each additional unit
Commercial, Industrial, and Other (i.e. private schools and churches)	\$26.86/month/acre Minimum fee is \$1.96/month