

RESOLUTION NO. 23-0149

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL CALLING A SPECIAL MAIL BALLOT ELECTION FOR JANUARY 5, 2024, FOR SUBMITTAL OF A STORM DRAIN FEE INCREASE TO OWNERS OF REAL PROPERTY SUBJECT TO THE PROPOSED INCREASE AND ADOPTING PROCEDURES FOR THE CONDUCT OF THE ELECTION

WHEREAS, revenues from the City's existing storm drain fee, which has not been increased since its adoption in 1996, are not sufficient to fund the ongoing operations, maintenance, repairs and capital improvements to the City's storm drain system; and

WHEREAS, Article XIID of the California Constitution ("Proposition 218") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750, *et seq.*) requires the City to follow certain procedural and substantive requirements when proposing to increase property-related fees (as defined in Proposition 218), such as the City's proposed increase to the existing storm drain fee ("Proposed Increase"); and

WHEREAS, on September 5, 2023, the City Council adopted Resolution No. 2023-0118 initiating a Proposition 218 process for the Proposed Increase to fund operations, maintenance, repair and improvements to the City's storm drain system; and

WHEREAS, before increasing the existing storm drain fee, the City Council must hold a noticed public hearing to consider protests to the Proposed Increase and, if a majority protest is not received at the public hearing, the Council must submit the question of the Proposed Increase to a vote of the owners of the property subject to the Proposed Increase for approval; and

WHEREAS, in accordance with Proposition 218, the City Council held a duly noticed public hearing on the matter of the Proposed Increase on November 7, 2023, which is not less than 45 days after mailing the notice of the Proposed Increase to the record owners of each parcel subject to the Proposed Increase; and

WHEREAS, at the November 7, 2023 public hearing, the City Council took testimony, both written and oral, regarding the Proposed Increase; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

SECTION 1. The City Council has:

(a) heard and considered testimony from all persons who wished to be heard at the hearing;

(b) heard and considered all objections, protests, or other written communications from any persons owning real property subject to the Proposed Increase;

(c) received and considered oral and documentary evidence pertaining to the Proposed Increase;

(e) corrected minor defects, if any, in the proceedings.

SECTION 2. The City Council determines that written protests have not been received from property owners representing a majority of the parcels subject to the Proposed Increase.

SECTION 3. The City Council hereby authorizes a special election, to be held solely by mail ballot, for the purpose of submitting the Proposed Increase to a vote of the owners of parcels that are subject to the Proposed Increase.

SECTION 4. The Council hereby calls a special election, to be held solely by mail ballot, for the purpose of submitting the Proposed Increase to a vote of the owners of parcels subject to the Proposed Increase. The date of the election shall be Friday, January 5, 2024. Ballots must be received by the City Clerk no later than 5:00 p.m. on Friday, January 5, 2024. Ballots will be opened and tabulated for public viewing in the Police/Fire Conference Room located at 420 15th Street in the City, on Monday, January 8, 2024 from 9:00 a.m. - 12:00 p.m., and 1:00 p.m. - 5:00 p.m., and continuing thereafter each business day during the same hours until completed.

SECTION 5. At the special election called by this resolution, the following measure shall be submitted to the property owners voting:

To provide the City of Manhattan Beach with funds to operate, maintain, repair and construct capital improvements to the City's storm drain system, shall the proposed increase to the existing storm drain fee, including the inflation adjustment index, be approved, until repealed by the voters?	YES _____ NO _____
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SECTION 6. The special election called by this resolution shall be conducted in accordance with procedures as set forth in the "Procedures for Conduct of an Election - Increase of Storm Drain Fees", attached hereto and incorporated herein by this reference (the "Procedures"). No impartial analysis by the City Attorney shall be required, and no arguments for or against the Proposed Increase shall be filed.

ADOPTED on November 7, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk