

ORDINANCE NO. 24-0003

AN ORDINANCE OF THE CITY OF MANHATTAN
BEACH TO INCREASE STORM DRAIN FEE RATES
BEGINNING IN FISCAL YEAR 2024-2025 AND
PROVIDING FOR AN ANNUAL INFLATION
ADJUSTMENT

RECITALS

WHEREAS, the City's existing storm drain fee was established pursuant to Ordinance No. 1945 adopted on April 16, 1996;

WHEREAS, revenues from the 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. 23-0118 initiating a Proposition 218 process for the Proposed Increase, in order to fund operations, maintenance, repair and improvements to the City's storm drain system; 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, and as there was no majority protest, the City Council adopted Resolution No. 23-0149 calling for a special mail ballot election for the purpose of submitting the Proposed Increase to a vote of the owners of parcels subject to the Proposed Increase with ballots due to the City Clerk no later than 5:00 p.m. on Wednesday, January 17, 2024.

WHEREAS, on January 22, 2024 and on January 23, 2024, the ballots were tabulated for public viewing, which resulted in 52.65% voting yes in favor of the Proposed Increase.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL
HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Commencing fiscal year 2024-2025, the rate for the Storm Drain fee shall be **\$0.04602 per square foot of Impervious Area**, and will be subject to annual adjustments, commencing fiscal year 2025-2026, based on the increase in Consumer Price Index from December to December, during the

preceding year, for All Urban Consumers, Los Angeles-Long Beach-Anaheim area, All Items, as published by the United States Department of Labor, Bureau of Labor Statistics, or if such index is discontinued, a similar index. The Impervious Area of a parcel shall be as determined by Los Angeles County with respect to the County's Measure W parcel tax (a 2.5 cents per square foot of impermeable surface parcel tax) for the County's Safe, Clean Water Program, approved by voters on November 6, 2018.

SECTION 3. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 4. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 5. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

SECTION 7. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on February 20, 2024.

AYES:
NOES:
ABSENT:
ABSTAIN:

JOE FRANKLIN
Mayor

ATTEST:

LIZA TAMURA
City Clerk