

RESOLUTION NO. 23-0158

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
MANHATTAN BEACH REGARDING SPECIAL MAIL  
BALLOT ELECTION ON JANUARY 17, 2024, FOR  
SUBMITTAL OF A STORM DRAIN FEE INCREASE TO  
OWNERS OF REAL PROPERTY SUBJECT TO THE  
PROPOSED INCREASE

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, 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.

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

SECTION 1. Section 5 of Resolution No. 23-0149 is hereby repealed and replaced with the following:

At the special election for the Proposed Increase, the following measure shall be submitted to the property owners voting:

<p>To fund repairs, operations, maintenance, and improvements to the City of Manhattan Beach's aging storm drain system, including:</p> <ul style="list-style-type: none"> <li>• Reconstructing or replacing aging storm drains that are at risk for collapse or failure;</li> <li>• Installing and maintaining storm drain devices that protect local beaches, waterways, and the ocean from trash and pollution;</li> <li>• Inspecting and testing storm water quality regularly to ensure clean water standards;</li> <li>• Removing pollutants, toxic chemicals, and infectious bacteria from runoff; and</li> <li>• Reducing illegal discharges of pollution in local waterways;</li> </ul> <p>Shall the City of Manhattan Beach's proposed increase to the existing storm drain fee be approved until repealed by voters, subject to annual adjustments based on the Consumer Price Index, audits, and with all funds dedicated to the Manhattan Beach storm drain system only?</p>	<p>YES ____</p> <p>NO ____</p>
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SECTION 2. The special election shall be conducted in accordance with amended 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"), which replaces the procedures adopted pursuant to Resolution No. 23-0149.

ADOPTED on November 21, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
 RICHARD MONTGOMERY  
 Mayor

ATTEST:

\_\_\_\_\_  
 LIZA TAMURA  
 City Clerk