

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AND APPROVING THE LEVY OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM REGULATORY RATE FOR NEW AND EXISTING RESIDENTIAL, COMMON INTEREST, COMMERCIAL, INDUSTRIAL, AND QUASI-PUBLIC USE DEVELOPMENT OF THE COUNTY OF RIVERSIDE PROPERTY TAX ROLL

WHEREAS, as part of the 1972 Federal Clean Water Act, the federal government mandated that public agencies comply with the National Pollutant Discharge Elimination System (NPDES) program to obtain permits to discharge storm water runoff into municipally owned drainage facilities; and

WHEREAS, on January 29, 2010, the Santa Ana Regional Water Quality Control Board issued new requirements that cities must address, regarding the water pollution contained in storm water runoff to remain in compliance with federal mandates; and

WHEREAS, the City Council introduced Ordinance No. 708, on January 10, 2006, to repeal and reenact Chapter 3.50 of Title 3 of the City of Moreno Valley Municipal Code relating to the establishment and collection of the NPDES regulatory rate for new and existing residential, common interest, commercial, industrial, and quasi-public use development based on the approved NPDES regulatory rate and authorization of subsequent rate adjustments by resolution; and

WHEREAS, Sections 5473 through 5473.8 of the California Health and Safety Code provides that such services may be funded, in whole or in part, by rates which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the City; and

WHEREAS, the City Council, has determined, and hereby does determine, that it is in the interest of the City to have the NPDES regulatory rate on new and existing residential, common interest, commercial, industrial, and quasi-public use development be so collected on the County of Riverside property tax roll; and

WHEREAS, the City Council has determined that levying a regulatory rate against each assessable parcel of real property that is required to comply with the NPDES Permit program, as hereinafter established, is necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from these land uses; and

WHEREAS, the City Council heretofore caused a report to be prepared that identified each parcel of real property, which is subject to the regulatory rate, and has caused notice of said report and of the public hearing thereon to be duly given; and

WHEREAS, the City Council held a Public Hearing on June 18, 2024, at which

time all persons wishing to be heard were heard, and at which hearing the City Council heard and considered all objections and protests, if any; and

WHEREAS, upon tabulation of the assessment ballots submitted, and not withdrawn, the City Clerk determined that the ballots submitted in opposition to the assessment do not exceed the ballots submitted in favor of the assessment; and

WHEREAS, on June 18, 2024, the City Council reviewed and considered the NPDES regulatory rate for new and existing residential, common interest, commercial, industrial, and quasi-public use development to fund the federally mandated NPDES program; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the foregoing recitals are true and correct and incorporated herein by this reference.
2. The City Council shall authorize collection of the NPDES regulatory rate on the County of Riverside tax bill for federally mandated NPDES requirements to address the discharge of storm water runoff into municipally owned drainage facilities.
3. The Chief Financial Officer is hereby authorized to adjust the amount in the Report to the extent that the adjustment is warranted due to corrections or parcel changes prior to submission for inclusion on the Riverside County tax roll.
4. The maximum rate to be collected for Fiscal Year (FY) 2024/2025 shall be \$406.62 per parcel for new and existing residential development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.
5. The maximum rate to be collected for FY 2024/2025 shall be \$306.19 per parcel for new and existing common interest, commercial, industrial, and quasi-public-use development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.
6. The NPDES regulatory rate, as herein confirmed, shall be collected on the tax roll at the same time and by the same persons, and in the same manner as, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties, as provided for in Sections 5473 through 5473.8 of the California Health and Safety Code.

7. The City Council made a finding that collection of the NPDES regulatory rate is in compliance with Proposition 218.
8. The effective date of this Resolution shall be June 18, 2024.
9. That all provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.
10. That if any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or be reason of any preemptive legislation, that such invalidity shall not affect other provisions of this Resolution that can be given effect without the invalid provision, and to this end the provisions of this Resolution are severable and that the City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.
11. That the City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 18th day of June, 2024.

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2024-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 18th day of June, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)