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2 **RESOLUTION NO. 17-XXXX**  
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4 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH**  
5 **CONFIRMING THE LEVYING OF AN ANNUAL SEWER SERVICE CHARGE FOR**  
6 **FISCAL YEAR 2017-2018 PURSUANT TO CHAPTER 13.12 OF TITLE 13 OF THE**  
7 **CITY OF HERMOSA BEACH MUNICIPAL CODE**

8 **THE CITY COUNCIL OF THE CITY OF HERMOSA, CALIFORNIA, BEACH DOES**  
9 **HEREBY RESOLVE AS FOLLOWS:**

10 **SECTION 1.** Pursuant to the provisions of Chapter 13.12 of Title 13 of the City of Hermosa  
11 Beach Municipal Code and Article 4 of Chapter 6 of Part 3 of Division 5 of the California  
12 Health and Safety Code, commencing with Section 5470, the City Council is authorized to levy  
13 the annual sewer service charge (the "Charge") and to have such Charge collected on the tax roll  
14 in the same manner, by the same persons, and at the same time as, together with and not  
15 separately from, the general taxes of the City.

16 **SECTION 2.** The City Engineer prepared and filed a written report containing a description of  
17 each parcel of real property within the City to which the Charge is applicable (the "Identified  
18 Parcels") and the amount of the Charge for each such Identified Parcel for fiscal year 2017-2018  
19 computed in conformity with Section 13.12.030 of the City of Hermosa Beach Municipal Code  
20 and approved such Engineer's Report as filed.

21 **SECTION 3.** Following notice duly given in accordance with law, the City Council has held a  
22 full and fair public hearing regarding the levy and collection of the proposed charge for fiscal  
23 year 2017-2018. All interested persons were afforded the opportunity to hear and be heard.  
24 The City Council considered all oral statements and all written protests made or filed by any  
25 interested person. A majority protest does not exist against the annual levy of the sewer service  
26 charge and all oral and written protests to the levy and collection of the proposed charge for  
27 fiscal year 2017-2018 are hereby overruled by the City Council.

28 **SECTION 4.** Based upon its review of the Engineer's Report, a copy of which has been  
29 presented to the City Council and which has been filed with the City Clerk and the Department

1 of Public Works, the City Council hereby finds and determines that (i) each parcel in the City  
2 benefits from receiving sewer service (ii) the net amount to be assessed upon each parcel of  
3 real property for fiscal year 2017-2018 in accordance with the Engineer's Report is apportioned  
4 by a formula and method that fairly distributes the net amount among all assessable parcels in  
5 proportion to the estimated benefits received by each parcel, and (iii) no charge is imposed on  
any parcel that exceeds the reasonable cost of the benefits conferred on that parcel.

6 **SECTION 5.** Parcels that are owned or used by any county, city, city and county, special  
7 district or any other local governmental entity, the State of California or the United States shall  
8 be charged unless the City demonstrates by clear and convincing evidence that such parcels  
9 receive no benefit from the proposed service.

10 **SECTION 6.** The annual sewer service charge is in compliance with the provisions of the City  
11 of Hermosa Beach Municipal code and Article XIID of the California Constitution and the City  
12 Council has complied with all laws pertaining to the levy of an annual charge pursuant to the  
13 City of Hermosa Beach Municipal Code and Article XIID of the California Constitution.

14 **SECTION 7.** The annual sewer service charge is levied without regard to property valuation.

15 **SECTION 8.** The City Council hereby finds and determines that the cost of the service that is  
16 financed by the annual sewer service charge for fiscal year 2017-2018 is approximately  
17 \$1,069,000.

18 **SECTION 9.** The City Council hereby determines and imposes the annual sewer service charge  
19 for fiscal year 2017-2018, at the rates set forth in the Engineer's Report of \$119.30 per  
20 Equivalent Sewer Unit, which is in compliance with the provisions of the City of Hermosa  
21 Beach Municipal code and Article XIID of the California Constitution.

22 **SECTION 10.** The adoption of this resolution constitutes the levy of an annual sewer service  
23 charge against parcels of property in the City of Hermosa Beach for the fiscal year commencing  
24 July 1, 2017 and ending June 30, 2018.

25 **SECTION 11.** The County Auditor of Los Angeles County shall enter on the County  
26 Assessment Roll opposite each parcel of land the amount of the annual sewer service charge,  
27 and such charge, and each installment of the charge, shall be collected in the same manner, and  
28 shall be subject to the same penalties and priority of lien as, other charges and taxes fixed and

collected by, or on behalf of the City. After collection by the County, the net amount of the charge, after deduction of any compensation due the County, shall be paid to the City Treasurer.

**SECTION 12.** The City Treasurer shall deposit all money representing charges collected by the County to the credit of the Hermosa Beach Sewer Fund.

**SECTION 13.** The City Clerk is hereby authorized and directed to file the Boundary Diagram and the list of actual Parcel Charges (a listing of the Assessor's Parcel Numbers and the amount to be levied on each parcel) with the County Auditor, together with a certified copy of this Resolution upon its adoption, in addition to any additional information the County Auditor required to collect the charge with the County taxes.

**SECTION 14.** A certified copy of this resolution and a copy of the Engineer's Report and the actual Parcel Charges (a listing of the Assessor's Parcel Numbers and the amount to be levied on each parcel) shall be filed in the office of the City Clerk and open to public inspection.

**PASSED, APPROVED and ADOPTED this 23<sup>rd</sup> day of May 2017.**

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PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

\_\_\_\_\_  
, CITY CLERK

APPROVED AS TO FORM:

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, CITY ATTORNEY