

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

RESOLUTION NO. 18-XXXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH
CONFIRMING THE LEVYING OF AN ANNUAL SEWER SERVICE CHARGE FOR
FISCAL YEAR 2018-2019 PURSUANT TO CHAPTER 13.12 OF TITLE 13 OF THE
CITY OF HERMOSA BEACH MUNICIPAL CODE**

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

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

SECTION 2. The City Engineer prepared and filed a written report containing a description of each parcel of real property within the City to which the Charge is applicable (the "Identified Parcels") and the amount of the Charge for each such Identified Parcel for fiscal year 2018-2019 computed in conformity with Section 13.12.030 of the City of Hermosa Beach Municipal Code and approved such Engineer's Report as filed.

SECTION 3. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the levy and collection of the proposed charge for fiscal year 2018-2019. All interested persons were afforded the opportunity to hear and be heard. The City Council considered all oral statements and all written protests made or filed by any interested person. A majority protest does not exist against the annual levy of the sewer service charge and all oral and written protests to the levy and collection of the proposed charge for fiscal year 2018-2019 are hereby overruled by the City Council.

SECTION 4. Based upon its review of the Engineer's Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk and the Department of Public Works, the City Council hereby finds and determines that (i) each parcel in the City

benefits from receiving sewer service (ii) the net amount to be assessed upon each parcel of real property for fiscal year 2018-2019 in accordance with the Engineer's Report is apportioned by a formula and method that fairly distributes the net amount among all assessable parcels in 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.

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

SECTION 6. As set forth in the Engineer's Report, the annual sewer service charge is in compliance with the provisions of the City of Hermosa Beach Municipal code and Article XIID of the California Constitution and the City Council has complied with all laws pertaining to the levy of an annual charge pursuant to the City of Hermosa Beach Municipal Code and Article XIID of the California Constitution. Following a majority protest hearing, the initial ordinance enacting the sewer service charge also included a provision that beginning on July 1, 2016 and each July 1 through July 1, 2020, the sewer service charge would be increased by the annual increase in the Consumer Price Index (CPI-W) for Urban Wage Earners and Clerical Workers in the Los Angeles-Riverside-Orange County, CA Area (now renamed Los Angeles-Long Beach-Anaheim, Los Angeles and Orange County Area) including all items published by the U.S. Bureau of Labor Statistics as of March 1 of each year, not to exceed two percent (2%) per year. The only increase in the charge is to reflect CPI, which by its nature reflects the increased costs in the region. Therefore, the increase does not exceed the cost of providing the service, as it only reflects increases in costs. The City will mail notice to all property owner of the annual CPI increase as required under state law.

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

SECTION 8. The City Council hereby finds and determines that the cost of the service that is financed by the annual sewer service charge for fiscal year 2018-2019 is approximately \$1,050,155.

SECTION 9. The City Council hereby determines and imposes the annual sewer service charge for fiscal year 2018-2019, at the rates set forth in the Engineer's Report of \$121.69 per

1 Equivalent Sewer Unit, which is in compliance with the provisions of the City of Hermosa
2 Beach Municipal code and Article XIID of the California Constitution.

3 **SECTION 10.** The adoption of this resolution constitutes the levy of an annual sewer service
4 charge against parcels of property in the City of Hermosa Beach for the fiscal year commencing
5 July 1, 2018 and ending June 30, 2019.

6 **SECTION 11.** The County Auditor of Los Angeles County shall enter on the County
7 Assessment Roll opposite each parcel of land the amount of the annual sewer service charge,
8 and such charge, and each installment of the charge, shall be collected in the same manner, and
9 shall be subject to the same penalties and priority of lien as, other charges and taxes fixed and
10 collected by, or on behalf of the City. After collection by the County, the net amount of the
11 charge, after deduction of any compensation due the County, shall be paid to the Finance
12 Director.

13 **SECTION 12.** The Finance Director shall deposit all money representing charges
14 collected by the County to the credit of the Hermosa Beach Sewer Fund.

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

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

23 **PASSED, APPROVED and ADOPTED this 22nd day of May 2018.**

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

26 ATTEST:

27 _____, CITY CLERK
28 _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

APPROVED AS TO FORM:

_____, CITY ATTORNEY