

DRAFT RESOLUTION NO. 19-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING FY 18/19 ANNUAL OPERATING BUDGET TO APPROPRIATE \$140,500 TO PUBLIC WORKS TO CONDUCT A STORM WATER MANAGEMENT FEE STUDY AND COMPLIANT BALLOTING PROCESS

WHEREAS, the City of Cupertino (City), a municipal corporation and general law city duly organized and existing under and pursuant to the laws of the State of California (City) is authorized to request proposals and to enter into contracts on its behalf and for the benefit of the City; and

WHEREAS, in 1992 the City established, and has not modified to this date, a storm drainage charge of \$12 per residential parcel and \$144 per commercial acre to fund costs associated with City's storm drainage system; and

WHEREAS, in 1996, California voters adopted Proposition 218 which, among other things, required voter approval of certain property related fees; and

WHEREAS, court interpretations of Proposition 218 have constrained important tools that local governments need to manage storm water and drainage runoff due to prior court decisions that found storm water subject to the voter-approval provisions of Proposition 218 that apply to property-related fees; and

WHEREAS, in October 2017, the Governor of California authorized SB-231 that defined the property-related fee of sewer to specifically include storm water fees; and

WHEREAS, the City desires to develop a long-term financial plan and new fee to pay for storm water maintenance and pollution prevention; and

WHEREAS, the City desires to hire a contractor for professional services to conduct a storm water management fee study in compliance with either Proposition 218 or SB-231 as may be determined the most practicable to increase storm water management fees; and

WHEREAS, the necessary services cannot be performed by City staff due to the information needed within the time frame and lack of expertise and resources required for staff to comply with the public hearing, notices, and balloting process requirements of Proposition 218 or SB-231; and

WHEREAS, it is anticipated that a complete storm water management fee study and compliant balloting process will be completed by June 30, 2019.

NOW, THEREFORE, THE CUPERTINO CITY COUNCIL RESOLVES AS FOLLOWS:

1. This Resolution No. 19-XXX is adopted, amending FY 18/19 Operating Budget to appropriate \$140,500 to Public Works Development Services account number 100-82-804-700-702 for the purpose of completing a storm water management fee study compliant balloting process.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 15th day of January 2019, by the following vote:

Vote

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Steven Scharf, Mayor City of Cupertino