

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

138



FROM: Executive Office

SUBMITTAL DATE:
April 18, 2005

SUBJECT: Position on Assembly Constitutional Amendment 13 (ACA 13) Harman to exempt flood control project fees from Proposition 218's two-thirds voter requirement.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Support ACA 13, with modifications to include stormwater and urban runoff management, and direct the Executive Office and the Board's Sacramento representatives to further the Board's position, and
- 2) Authorize the Chairman to sign the attached letter of support.

BACKGROUND: ACA 13 would enact a constitutional amendment to exempt flood control project fees from Proposition 218's two-thirds voter requirement, existing exemptions only apply to sewer, water and solid waste assessments. In order to allow these same benefits to urban water management, Assembly Member Harman and the Governor support changing the language of ACA 13 to exempt stormwater and urban runoff management projects from Proposition 218.

Attachments

Alex Gann

Alex Gann
Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature *Gary M. Christman*

Consent
 Policy
 Consent
 Policy

Dept's Recomm.:
 Per Exec. Ofc.:

3002 666 50 VN11:PS
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: | **District:** All | **Agenda Number:** 3.3



2005 Legislative Analysis

BILL NUMBER: Assembly Constitutional Amendment 13

AUTHOR: Assembly Member Tom Harman

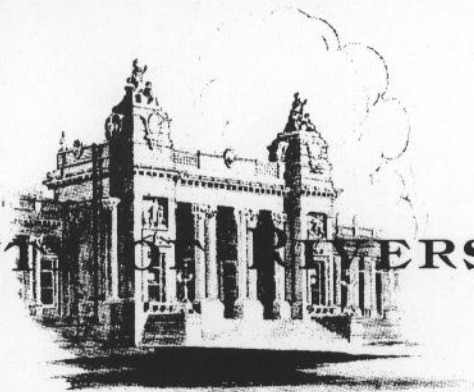
PRESENT LAW: Under the Constitutional Amendment approved as Proposition 218, flood control project fees require a two-thirds vote to be increased.

PROPOSED LAW: As currently written, ACA 13 would exempt flood control project fees from the two-thirds vote requirement required under Proposition 218. Additionally, both the Governor and Assembly Member Harman support changing ACA 13 to exempt stormwater and urban runoff management project fees from the two-thirds vote requirement.

RECOMMENDATION: Support. Modify to also exempt stormwater and urban runoff management fees from the two-thirds vote requirement

BACKGROUND: In January 2005, the Department of Water Resources released a white paper entitled: "Flood Warnings - Responding to California's Flood Crisis". One of the white paper's key proposals is to amend Proposition 218 to exempt Flood Control fees from the two-thirds voting requirement. The Governor and Administration support this recommendation. In addition, both the Governor and Assembly Member Harman favor extending the Proposition 218 exemption to stormwater and urban runoff management fees. If ACA 13 is approved by the legislature and signed by the Governor, it will be placed on a statewide ballot for voter approval.

COUNTY OF RIVERSIDE



BOARD OF SUPERVISORS

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April 19, 2005

The Honorable Tom Harman
California State Assembly
State Capitol Room 5158
Sacramento, CA 94249

Dear Honorable Harman:

The Riverside County Board of Supervisors supports Assembly Constitutional Amendment 13, which you have introduced into the Assembly. ACA 13 will allow the California public the opportunity to clarify a provision of Proposition 218. It will allow California voters to decide if "flood control" should be funded similar to Sanitary Districts and Water Districts, which are currently exempt from Proposition 218.

The California State Association of Counties, the California League of Cities, and other organizations have requested the exemption language in ACA 13 be amended to include stormwater and urban water management. This would be similar to the exemption language proposed in ACA 10, which expired at the end of the last legislative session. We also support this suggested change.

In addition, the County of Riverside requests that ACA 13 be modified to include the following provisions:

Amend Article XIII D, Section 6, subparagraph c (entitled "Voter Approval for New or Increased Fees and Charges") by adding after the lengthy first sentence, a new sentence that reads: "Sewer" shall be deemed to include both sanitary and storm sewer systems."

Amend Article XIII D, Section 5 – In addition to deleting the reference to "Flood Control" in the definition of "Assessments" and "Fees," subject to the constitutional approval procedures, please delete the reference to "drainage systems". This will ensure that all storm water systems are exempt from the constitutional approval process.

Water quality issues have continued to poll very high with California voters, as evidenced by the passage of several water related bond issues over the last several years. With this background, it seems likely the voters will agree that stormwater should

The Honorable Tom Harman
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be treated the same as water and sewer with regards to Proposition 218. At this point, the courts have held that stormwater is not the same.

Again, we support ACA 13 and appreciate your efforts on improving the financial options for funding flood control, stormwater and water quality programs throughout the state.

Very truly yours,

Marion Ashley
Chairman of the Board

Enclosure