



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 5 - 0 1 2 4

MAY 1 3 2015

REPORT RE:

DRAFT ORDINANCE AMENDING ARTICLE 4.4 OF THE LOS ANGELES MUNICIPAL CODE, ENTITLED "STORMWATER AND URBAN RUNOFF POLLUTION CONTROL," TO MEET THE REQUIREMENTS OF THE MUNICIPAL SEPARATE STORM SEWER (MS4) PERMIT AND TO MAKE THE ARTICLE CONSISTENT WITH OTHER EXISTING ORDINANCES

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 14-0994

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Article 4.4 of the Los Angeles Municipal Code, entitled "Stormwater and Urban Runoff Pollution Control," to meet the requirements of the Municipal Separate Storm Sewer (MS4) Permit (National Pollutant Discharge Elimination System Permit No CAS004001) and to make the article consistent with other existing ordinances.

CEQA Findings

The Bureau of Engineering (BOE) prepared a notice of exemption determining that the ordinance is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to the provisions of California Code of Regulations Section 15308, in that the ordinance consists of actions to assure the maintenance, restoration,

enhancement or protection of the environment, and does not authorize construction activities or relax standards allowing environmental degradation, which Council previously considered and approved. If the subject ordinance is enacted, the City Council should cite such determination, and staff should file a Notice of Exemption with the County Clerk in accordance with CEQA.

Fee Notice Requirement

We note that, because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of state law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Bureau of Sanitation with a request that all comments, if any, be presented directly to City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney John A. Carvalho at (213) 367-2115. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:JC:ac
Transmittal