

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO SIGN AND SUBMIT DOCUMENTATION IN SUPPORT OF THE CITY OF COMMERCE'S TEST CLAIM RELATED TO THE 2012 LOS ANGELES COUNTY MUNICIPAL STORMWATER PERMIT.

WHEREAS, the City of Commerce and several other cities filed a Test Claim following the Los Angeles Regional Water Quality Control Board's adoption of the 2001 Los Angeles County Municipal Stormwater Permit for unfunded mandate costs related to the Total Maximum Daily Loads for trash; and

WHEREAS, the California Supreme Court ruled in favor of the cities which allows for cities to seek reimbursement for trash receptacles and inspection obligations imposed under the Permit; and

WHEREAS, the purpose of the litigation was to set the precedent that the cities are entitled to reimbursement for unfunded state mandates imposed by the Regional Water Quality Control Board (the "Board") under municipal stormwater permits; and

WHEREAS, the cities are jointly represented by the Law Firm of Burhenn & Gest and share the costs equally; and

WHEREAS, the 2012 Los Angeles County Municipal Stormwater Permit is considered a new order and thus a new test claim was submitted for the obligations imposed by the new Permit; and

WHEREAS, the City of Commerce also retained the Law Firm of Burhenn & Gest to represent the City before the Commission on State Mandates; and

WHEREAS, the Commission on State Mandates recently requested additional information in the cities' declarations regarding the date of the first incurrence of costs in support of the Test Claims filed to obtain reimbursement; and

WHEREAS, specifically, for Commerce, the Commission did not accept an Interim City Administrator's signature since "interim" does not meet the requirement of being a City Manager and requested the City to adopt a resolution authorizing the Interim City Administrator to submit the claim for reimbursement to the Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The recitals set forth above are true and correct and are incorporated by reference herein.

SECTION 2: The Interim City Administrator is hereby authorized to execute and submit the Test Claim and all related documentation in support of the Test Claim for and on behalf of the City of Commerce.

PASSED, APPROVED AND ADOPTED this 7th day of November, 2017.

CITY OF COMMERCE

Oralia Rebollo, Mayor

ATTEST:

Lena Shumway
City Clerk

