



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R 2 A - 0372
JUL 25 2024

REPORT RE:

DRAFT ORDINANCE AMENDING SECTIONS 64.00 AND 64.30 OF ARTICLE 4, CHAPTER VI, AND SECTION 64.41.03 OF ARTICLE 4.1, CHAPTER VI OF THE LOS ANGELES MUNICIPAL CODE TO AMEND THE QUALITY SURCHARGE FEE, SEWER SERVICE CHARGE, AND THE SEWAGE CONVEYANCE CHARGE

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. 23-0600-S9

Honorable Members:

On May 14, 2024, the City Council requested that this Office draft an ordinance, amending Sections 64.30 and 64.41.03 of the Los Angeles Municipal Code (LAMC) and any associated LAMC sections, to modify the quality surcharge fee, as well as sewer service charge and sewage conveyance charge. This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality.

State law, including the California Constitution (Articles XIII C & D), Government Code (Section 53750 *et seq.*), and Health and Safety Code (Section 5470 *et seq.*), authorizes the City to set or adjust fees and charges for services and facilities furnished in connection with its "sanitation or sewerage systems." See, e.g., Cal. Health & Safety Code §5470(f). Should the City approve the enclosed draft ordinance on first reading or by a two-thirds vote of the members on second reading, then refund claims, if any, must

follow the procedure dictated by Health and Safety Code Section 5472, and class claims would be prohibited.

CEQA Findings

The California Environmental Quality Act (CEQA) does not apply to the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. State CEQA Guidelines Section 15378(b)(4). The draft ordinance is, therefore, not subject to CEQA because it does "not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." Any CEQA-defined projects constructed from the funds received from the enactment of this ordinance will be subject to a project-specific CEQA process before construction.

Fee Adoption Notice to Requesting Parties

We note that, because this ordinance would increase a fee that is subject to the provisions of Government Code Section 66016, notice of its proposed adoption should be given in accordance with the provisions of that section, which include a requirement to provide 14 days written notice to any interested party who has filed a written request with the City for such notice. Because separate notice requirements apply and have been complied with, the publication of notice, pursuant to Government Code Sections 66018 and 6062a, do not apply in this instance.

Council Rule 38 Referral

A copy of the draft ordinance was sent pursuant to Council Rule 38 to the Bureau of Sanitation, the City Administrative Officer, Department of Water and Power, and Housing Department, with a request that any comments be transmitted directly to City Council or its Committees when the matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adena M. Hopenstand at (213) 978-8130. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS
Senior Assistant City Attorney

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Transmittal