

ORDINANCE NO. 19

AN URGENCY ORDINANCE OF THE CITY OF WILDOMAR SUPPORTING THE SCAQMD IMPOSITION OF A VEHICLE REGISTRATION FEE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 44223 (ADDED BY AB 2766) AND BRINGING THE CITY IN COMPLIANCE WITH SAID CODE IN ORDER TO RECEIVE THE CITY'S SHARE OF FEE REVENUES FOR MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS.

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS:

The City of Wildomar hereby finds and declares that:

- A. The City of Wildomar is committed to improving the public health, safety, and welfare, including air quality;
- B. Mobile sources are a major contributor to air pollution in the South Coast Air Basin;
- C. Air quality goals for the region established by state law cannot be met without reducing air pollution from mobile sources;
- D. The South Coast Air Quality Management Plan (AQMP) call upon cities and counties to reduce emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988 by developing and implementing mobile source air pollution reduction programs;
- E. Such programs place demands upon the City's funds, those programs should be financed by shifting the responsibility for financing from the General Fund to the motor vehicles creating the demand, to the greatest extent possible;
- F. Section 44223 added to the Health and Safety Code by action of the California Legislature on September 30, 1990 (chapter 90-1705), authorizes the South Coast Air Quality Management District (SCAQMD) to impose an additional motor vehicle registration fee of two dollars (\$2), commencing April 1, 1991, increasing to four dollars (\$4), commencing April 1, 1992, to finance the implementation of transportation measures embodied in the AQMP and provisions of the California Clean Air Act;
- G. Forty cents of every dollar collected under Section 44223 of the Health and Safety Code shall be distributed to cities and counties located in the South Coast Air Quality Management District that comply with Section 44223 of the Code, based upon the jurisdictions' prorated share of population as defined by the State Department of Finance;

- H. The City of Wildomar is located within the South Coast Air Quality Management District and is eligible to receive a portion of the revenues from the additional motor vehicle registration fees contingent upon adoption of this Ordinance;
- I. The prorated share of the fee revenues for cities that fail to adopt an Ordinance pursuant to Section 44243 (b) (3) of the Health and Safety Code shall be distributed instead to the jurisdictions within the District that have adopted an Ordinance;
- J. The City of Wildomar, after careful consideration, hereby finds and declares that the imposition of the additional motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interest of the City and promotes the general welfare of its residents.
- K. It is necessary for this ordinance to take effect immediately to protect the public health. Health and Safety Code section 44243(b)(1) requires the City to adopt and transmit this ordinance to SCAQMD within ninety (90) days of the date of the City's incorporation for the City to receive its share of the SCAQMD motor vehicle registration fee. The 90-day window expires on September 28, 2008. If this ordinance were adopted as a regular ordinance, the adoption would not take place within this 90-day window and the City would not receive its share of the fee. If the City does not receive these funds from SCAQMD, this would greatly reduce, and perhaps eliminate, the City's ability to implement programs to reduce air pollution from motor vehicles. Eleven example projects that could be funded by SCAQMD funds by the City are presented in the Staff Report for this Ordinance and are incorporated herein by reference. Therefore, by adopting this ordinance as an urgency measure, the City Council is protecting the public health by increasing the City's ability to combat air pollution cause by motor vehicles.

SECTION 2. INTENT

This Ordinance is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the City into compliance with the requirements set forth in Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

SECTION 3. DEFINITIONS

As applied in this Ordinance, the following words and terms shall be defined as follows:

- A. "City" shall mean the City of Wildomar.
- B. "Mobile source air pollution reduction programs" shall mean any program or project implemented by the City to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.

C. "Fee Administrator" shall be the City Manager, Director of Finance, or his/her designee.

SECTION 4. ADMINISTRATION OF VEHICLE REGISTRATION FEE

- A. Receipt of Fee: The additional vehicle registration fee disbursed by the SCAQMD and remitted to the City, pursuant to this Ordinance, shall be accepted by the Fee Administrator.
- B. Establishment of Air Quality Improvement Trust Fund: The Fee Administrator shall establish a separate interest-bearing fund account.
- C. Transfer of Funds: Upon receipt of vehicle registration fees, the Fee Administrator shall deposit such funds into the separate account established pursuant to Subsection (2) above. All interest earned by the Trust Fund Account shall be credited only to that account.
- D. Expenditure of Air Quality Trust Fund Revenues: All revenues received from the SCAQMD and deposited in the Trust Fund Account shall be exclusively expended on mobile source emission reduction programs as defined in Subsection C (2) above. Such revenues and any interest earned on the revenues shall be expended within one year of the completion of the programs.
- E. Audits: The City consents to an audit of all programs and projects funded by vehicle registration fee revenues received from the SCAQMD pursuant to Section 44223 of the Health and Safety Code. The audit shall be conducted by an independent auditor selected by the SCAQMD as provided in Sections 44244 and 44244.1 (a) of the Health and Safety Code.

SECTION 5: LEGAL CONSTRUCTION

The provisions of this Ordinance shall be constructed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare and convenience.

SECTION 6: SEVERABILITY

Should any sentence, section, clause, part or provision of this Ordinance be declared by the court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7: EFFECTIVE DATE

Pursuant to Government Code section 36934, this ordinance is adopted as an urgency ordinance and shall take effect immediately upon passage by a 4/5th vote of the City Council.

The foregoing Ordinance was introduced and adopted as an urgency ordinance at a regular meeting of the City Council of the City of Wildomar held on the 10th day of September, 2008 by the following roll call vote:

AYES: Mayor Cashman, Council Members Ade, Farnam, Moore, Swanson

NOES: None

ABSENT: None

ABSTAIN: None



Bob Cashman
Mayor

ATTEST:



Sheryll Schroeder
City Clerk

APPROVED AS TO FORM:



Julie Biggs
City Attorney

I, Sheryll Schroeder, City Clerk for the City of Wildomar California, do hereby certify that I posted Ordinance No. 08-19, adopted on the 10th day of September, on the 19th day of September at the following locations:

City of Wildomar, 238873 Clinton Keith Road, Wildomar;
U. S. Post Office, 21392 Polomar Street, Wildomar
Mission Trail Library, 34303 Mission Trail Blvd., Wildomar

9-19-08
Date


Sheryll Schroeder
City Clerk
City of Wildomar, CA