

ORDINANCE NO. 2011-06

AN ORDINANCE OF THE CITY OF JURUPA VALLEY SUPPORTING THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S VEHICLE REGISTRATION FEE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 44223 ET SEQ. (ADDED BY AB 2766), TAKING THE ACTIONS NECESSARY TO RECEIVE THE CITY'S SHARE OF FEE REVENUES FOR MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS AND DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The City Council of the City of Jurupa Valley finds, determines and declares that:

- A. The City of Jurupa Valley 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 in which the City of Jurupa Valley is located;
- 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") calls upon cities 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. Because 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 44243 of that Code, based upon the jurisdictions' prorated share of population as defined by the State Department of Finance;
- H. The City of Jurupa Valley 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 (SCAQMD) that have adopted an Ordinance;
- J. The City of Jurupa Valley, 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 July 1 through October 1 expires on October 1, 2011. 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 which could greatly reduce, and perhaps eliminate, the City's ability to implement programs to reduce air pollution from 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 in 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 Jurupa Valley.
- 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 as it may be amended from time to time or other plans 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 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 (B) above. All interest earned by the Trust Fund Account shall be credited only to that account.
- D. Expenditure of Air Quality Improvement Trust Fund: All revenues received from the SCAQMD and deposited in the Trust Fund Account shall be exclusively expended on Mobile Source Air Pollution Reduction Programs as defined in Section 3.B. of this Ordinance. 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 the Ordinance shall be construed 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; URGENCY. The City of Jurupa Valley is newly incorporated and it comprises territory formerly unincorporated. It is necessary that this ordinance take effect immediately for the reasons set forth in Section 1.(k) of this Ordinance. Therefore, the City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, and declares that it shall take effect immediately upon its adoption as an urgency ordinance pursuant to Government Code Section 36934 and 36937.

SECTION 8. CERTIFICATION. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 1st day of July, 2011.



Laura Roughton

Mayor

ATTEST:



City Clerk

CERTIFICATION

State of California)
County of Riverside) ss.
City of Jurupa Valley)

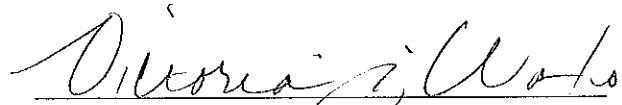
I, Victoria J. Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2011-06 was duly passed and adopted as an urgency ordinance at a meeting of the City Council of the City of Jurupa Valley on the 1st day of July, 2011 by the following vote, to wit:

AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE


Victoria J. Wasko, CMC
City Clerk