

**CITY OF HUNTINGTON BEACH
LEGAL NOTICE**

**ORDINANCE NO. 4010
Adopted by the City Council on MARCH 3, 2014**

“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH REPEALING CHAPTER 8.43 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO COSTS OF EMERGENCY RESPONSE”

SYNOPSIS:

On August 2, 2010, the City Council adopted an Ordinance adding Municipal Code Section 8.43 relating to costs of emergency response and an accompanying fee resolution. This action established rates to be charged to non-residents for recovery of the costs borne by the City for emergency services provided by the Fire Department in association with motor vehicle accidents, fires, and extractions. The Ordinance and resolution also authorized cost recovery for hazardous materials spills or discharges, including pipeline and/or power line accidents, and other emergency incidents.

In response to concerns expressed by a number of parties, including the Huntington Beach Chamber of Commerce and the Marketing and Visitors Bureau, at its meeting of September 20, 2010, the City Council directed that Municipal Code Section 8.43 and the fee resolution be revised to delete all references to motor vehicle related activities and charges. The City Council also directed that the fees for pipeline and power line incidents remain in place. A revised Ordinance and fee resolution including those changes were adopted by the City Council at its meeting of October 18, 2010.

Since that time, the City has billed Southern California Gas and Southern California Edison for pipe line and power line incidents. The total annual combined billing for both companies has averaged approximately \$10,000. However, they have opposed this program and have challenged the legality of the Ordinance.

Both agencies currently maintain franchise agreements with the City of Huntington Beach and their representatives have stated that the cost recovery charges authorized under Municipal Code Section 8.43 exceed the City's authority to bill for this type of emergency response. According to the City Attorney, based on the limited amount of potential annual revenue, continuing this program would not be worth the risk of prolonged litigation.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held March 3, 2014 by the following roll call vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio

NOES: None

ABSTAIN: None

ABSENT: None

THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK'S OFFICE.

This ordinance is effective 30 days after adoption.

**CITY OF HUNTINGTON BEACH
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648
714-536-5227
JOAN L. FLYNN, CITY CLERK**