

Agenda Report

August 16, 1999

TO: CITY COUNCIL
FROM: DEREGULATION COMMITTEE
SUBJECT: Assembly Bill 1657

RECOMMENDATION

Authorize the Mayor to send a letter on behalf of the City of Pasadena to Senator Adam Schiff, Chair, Senate Judiciary Committee urging support for Assembly Bill 1657

BACKGROUND

Existing law authorizes the imposition of capital facilities fees for the construction or expansion of public utility facilities on public entities. Public entities are defined as state and local governments. Fees in excess of a specified amount are refundable. Presently, the law has no time limit to challenge the fees or rates a municipal corporation may impose. In 1990, the legislature approved AB 3228, which gave statutory authorization for public agencies to impose capital facility fee or to increase an existing capital facility fee after agreement has been reached between the two agencies. This legislation provides a statute of limitations of 120 days for parties challenging or seeking a refund of municipal electric rates in a court of law. Specifically the bill will:

1. Require any judicial action or proceeding that seeks the refund of capital facilities fees to be commenced within 120 days of the effective date of an ordinance, resolution, or motion enacting or changing the capital facilities fee.


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2. Requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion fixing or changing a rate or charge for a commodity or service furnished by a municipal corporation or a public utility district to be commenced within 120 days of the effective date of that ordinance, resolution, or motion.

FISCAL IMPACT

Unknown.

Respectfully submitted.

A handwritten signature in black ink, appearing to read "SF Tyler", with a long, sweeping flourish extending to the right.

SIDNEY F. TYLER
Chair
Deregulation Committee