

December 10, 2015

VIA ELECTRONIC MAIL

Mr. Jose Angel
Interim Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-710 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Re: Regional Water Quality Control Board Order No. R7-2013-0011 (NPDES CAS617002) – Statement of Legal Authority

Dear Mr. Angel:

The City of La Quinta submits this statement in its capacity as a Co-Permittee under RWQCB Order R7-2013-0011 (“Order”), in accordance with Section E.5 of the Order.

Section E.4 of the Order requires that each Permittee “shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce this MS4 Permit.” (Order, p. 29.) In my capacity as City Attorney, my office has reviewed the Order, the City of La Quinta’s Municipal Code, Title 40 Code of Federal Regulations section 122.26(d)(2)(i)(A)-(F), and various other provisions of state, federal, and local laws as we deemed necessary and appropriate to provide this legal opinion regarding the City’s authority to implement and enforce the Order.

City of La Quinta ordinances that provide legal authority to implement and enforce the Order are attached to this letter as Exhibits 1-4 (most recent ordinances), which consist of the following:

Exhibit 1: Ordinance No. 313, as amended by Ordinance No. 470 and Ordinance No. 493, which comprise Chapter 8.70 of the City of La Quinta Municipal Code relating to “Surface Water Management and Discharge Controls.”

Exhibit 2: Ordinance Number 406, the City’s grading ordinance, which is codified at Chapter 8.80 of the Municipal Code.

Exhibit 3: Ordinance No. 10 relating to “Water and Rubbish in Streets,” which is codified at Municipal Code Chapter 14.24.

Exhibit 4: Ordinance No. 314, as amended by Ordinance No. 450, related to the “Solid Waste Collection and Disposal” as codified at Municipal Code Chapter 6.04.

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In addition to the attached Ordinances, enforcement and implementation authority also exists in various other ordinances, including Ordinance No. 284, which includes provisions concerning trash storage, and Ordinance 379, which contains La Quinta's established administrative enforcement procedures for violations of the Municipal Code.

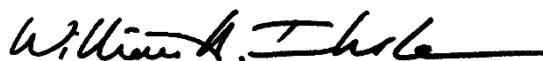
Based on our review, to the extent permitted by state and federal law and subject to the limitations on municipal action under the California and United States Constitutions, this office has concluded that the City of La Quinta appears to have adequate legal authority to perform its responsibilities as required by the Order. Likewise, La Quinta's ordinances also appear to provide adequate authority to enforce the Order's terms as required by federal and state laws when the Order requires such enforcement action.

As you know, La Quinta and the other Co-Permittees have agreed that the Riverside County Flood Control District ("County") is to serve as the Principal Permittee under this Order. This statement assumes the County also has adequate legal authority to comply with the requirements imposed on it as the Principal Permittee by the Order, and that the Principal Permittee will exercise its legal authority as appropriate to comply with the Order.

Please do not hesitate to contact the undersigned should you have any questions or need any additional information.

Very truly yours,

RUTAN & TUCKER, LLP



William H. Ihrke
City Attorney, City of La Quinta

WHI:lr

cc: Timothy R. Jonasson, Director of Public Works
City of La Quinta