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June 15, 2009

Robert Purdue, Executive Officer
Water Quality Control Board
Colorado River Basin Region
73720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

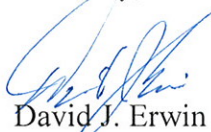
Re: Order No. R7-2008-001 (NPDES No. CAS617002) of the
California Regional Water Quality Control Board -
Colorado River Basin Region

Dear Mr. Purdue:

This letter is being provided to you and your Board pursuant to Requirement E.4 of the above-referenced Order. This office serves as legal counsel for the City of Palm Desert. We have reviewed the provisions of the above referenced Order, the applicable Ordinances of the City of Palm Desert, applicable statutes with regard to organization and police powers of the City and all other laws, statutes, ordinances, regulations and rules that we deemed appropriate.

Based on this review, this office is of the opinion that the City of Palm Desert, as "Co-Permittee," as this term is defined in said Order, appear to have adequate legal authority to perform their responsibilities as set forth in said Order, and when required by said Order to do so, appear to have adequate legal authority to enforce the applicable provisions of said Order in accordance with applicable state and federal laws. Moreover, the City of Palm Desert reserves the right to modify and/or update their legal authority as the need arises during the term of said Order so that the provisions contained therein may be more effectively carried out.

Sincerely,



David J. Erwin
of BEST BEST & KRIEGER LLP

DJE:ds

ORDINANCE NO. 843

**AN ORDINANCE OF THE CITY OF PALM DESERT,
CALIFORNIA, ADDING CHAPTER 24.20 TO THE PALM
DESERT MUNICIPAL CODE, ESTABLISHING STORM
WATER MANAGEMENT AND DISCHARGE CONTROLS.**

THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. This is hereby added to Title 24, Chapter 24.20 to read as follows:

TITLE 24 ENVIRONMENTAL CONSERVATION

**“CHAPTER 24.20
STORMWATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE**

Section 24.20.010	Title, Purpose and Intent
Section 24.20.020	Definitions
24.20.030	Responsibility and Administration
24.20.040	Regulatory Consistency
24.20.050	Severability
24.20.060	Discharge of Pollutants
24.20.070	Discharge in Violation of Permit
24.20.080	Illicit Connection
24.20.090	Reduction of Pollutants in Storm Water
24.20.100	Outdoor Storage Areas -- Commercial and Industrial Facilities
24.20.110	Construction Sites
24.20.120	New Development and Redevelopment
24.20.130	Compliance with General Permits
24.20.140	Compliance with BMP's
24.20.150	Authority to Inspect
24.20.160	Authority to Sample and Establish Sampling Devices
24.20.170	Notification of Spills
24.20.180	Requirement to Test or Monitor
24.20.190	Violations Constituting Misdemeanors
24.20.200	Penalties
24.20.210	Concealment
24.20.220	Acts Potentially Resulting in Violations of Federal Clean Water Act and/or Porter-Cologne Act

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24.20.230	Violations Deemed a Public Nuisance
24.20.240	Judicial Review
24.20.250	Civil Actions
24.20.260	Administrative Enforcement Powers
24.20.270	Cease and Desist Orders
24.20.280	Notice to Clean
24.20.290	Authority to Issue Citations
24.20.300	Nonexclusivity of Remedies
24.20.310	Appeal
24.20.320	Disclaimer or Liability
24.20.330	Effective Date

SECTION 24.20.010 TITLE, PURPOSE, AND INTENT

Title. This Ordinance shall be known as the City of Palm Desert Storm Water Management and Discharge Control Ordinance and may be so cited.

Purpose and Intent. The purpose of this Ordinance is to ensure the future health, safety, and general welfare of City citizens by:

- A. Regulating non-storm water discharges to the municipal separate storm drain;
- B. Controlling the discharge to municipal separate storm drains from spills, dumping or disposal of materials other than storm water; and
- C. Reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this Ordinance is to protect and enhance the water quality of City watercourses, water bodies, groundwater, and wetlands in a manner pursuant to and consistent with the Clean Water Act.

SECTION 24.20.020. DEFINITIONS. The terms as used in this ordinance shall have the following meanings:

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- A. Best Management Practices (BMPS) shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, educational programs, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage. The California Storm Water Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity provide a detailed discussion of BMPS.
- B. Illicit Discharge shall mean any discharge to the storm drain system that is not composed entirely of storm water runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana, San Diego, or Colorado River Basin Regional Water Quality Control Board.
- C. Illicit Connection shall mean any physical connection to a storm drain system which has not been permitted by the City, the Coachella Valley Water District, or other appropriate public agency.
- D. National Pollutant Discharge Elimination System (NPDES) Permit shall mean a storm water discharge permit issued by the Santa Ana, San Diego, or Colorado River Basin Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the federal Clean Water Act.
- E. Municipal NPDES Permit shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of storm water from a storm drain system.
- F. Non-Storm Water Discharge shall mean any discharge to the storm drain system that is not entirely composed of storm water.
- G. Person shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

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- H. Pollutant shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competent uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal coliform, fecal streptococcus, enterococcus, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.
- I. Premises shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.
- J. Storm Drain System shall mean any facility by which storm water may be conveyed to waters of the United States. The storm drain system includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.
- K. Storm Water Runoff shall mean surface runoff and drainage associated with rain storm events and snow melt.
- L. Director shall mean the Director of Public Works.
- M. Enforcement officer shall include the Director of Public Works and Building Official, and their designees.

SECTION 24.20.030. RESPONSIBILITY OF ADMINISTRATION. This ordinance shall be administered for the City by the Director of Public Works.

SECTION 24.20.040. REGULATORY CONSISTENCY. This Ordinance shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NPDES Permits and any amendments, revisions or reissuance thereof.

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SECTION 24.20.050. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 24.20.060. DISCHARGE OF POLLUTANTS. A non-stormwater discharge to the storm drain system is a violation of this ordinance except as specified below.

- A. The prohibition of discharges shall not apply to any discharge regulated under a NPDES Permit or waiver issued to the discharger and administered by the State of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.
- B. Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges or flows from fire fighting.

SECTION 24.20.070 DISCHARGE IN VIOLATION OF PERMIT. Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Permit(s) currently No. CAS617002 by reference incorporated herein, and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this ordinance and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge.

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SECTION 24.20.080. ILLICIT CONNECTIONS. It is a violation of this ordinance to establish, use, maintain or continue illicit drainage connections to the City storm drain system, or to commence or continue any illicit discharges to the City storm drain system. This prohibition against illicit connections is expressly retroactive and applies to connections made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection.

SECTION 24.20.090. REDUCTION OF POLLUTANTS IN STORM WATER. It is a violation of this ordinance to throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, abandoned vehicle or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private plot of land in the City. The only exception being where such pollutant is being temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this ordinance to cause or permit any dumpster, solid waste bin, or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private plot of land in the City.

SECTION 24.20.100. OUTDOOR STORAGE AREAS - COMMERCIAL AND INDUSTRIAL FACILITIES. In outdoor areas, no person shall improperly store grease, oil or other hazardous substances. In outdoor areas, no person shall improperly store motor vehicles, machine parts, or other objects in a manner that may leak grease, oil, or other hazardous substances. To prevent the discharge of hazardous substances from the property, the City may require the installation of a spill containment system. Spill containment systems may consist of a system of dikes, walls, barriers, berms, or other devices as required. No person shall operate a spill containment system such that it allows incompatible liquids to mix and thereby create a hazardous condition.

SECTION 24.20.110. CONSTRUCTION SITES. Any person performing construction work in the City shall comply with the provisions of this ordinance, as well as Section 27.12.065, Erosion Control.

SECTION 24.20.120. NEW DEVELOPMENT AND REDEVELOPMENT. To minimize the discharge and transport of pollutants, the City may require, in its discretion, a new development or redevelopment project to control the volume and rate of storm water runoff from the project so as to prevent any deterioration of water quality which would impair the subsequent or competing uses of the water. The Director of Public Works may establish standards and guidelines implementing BMP's designed to control the rate and volume of storm

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water runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants.

Acceptable methods and standards for controlling storm water runoff volumes, rates, and pollutant load may include, but are not limited to, the following:

- A. Increase Permeable Areas. Avoid placing impervious surfaces in highly porous soil areas; incorporate landscaping and open space into the project design; use porous materials for or near driveways and walkways; incorporate detention ponds and infiltration pits into the project's design; avoid placing pavement and other impervious surfaces in low lying areas.
- B. Direct Runoff to Permeable Areas. Direct storm water runoff away from impermeable areas to swales, berms, green strip filters, gravel beds, and french drains. Install rain-gutters and orient them toward permeable areas. Modify the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property. When designing curbs, berms or other structures, avoid designs which isolate permeable or landscaped areas.
- C. Maximize Storm Water Storage for Reuse. Use retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

SECTION 24.20.130. COMPLIANCE WITH GENERAL PERMITS. Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, the Santa Ana Regional Water Quality Control Board, the San Diego Regional Water Quality Control Board or the Colorado River Basin Regional Water Quality Control Board, shall comply with all requirements of such permit. This Ordinance shall specifically comply with the following permits: the Industrial Storm Water General Permit, the Construction Activity Storm Water General Permit, and the Dewatering General Permit. Proof of compliance with said NPDES General Permits may be required in a form acceptable to the Director prior to issuances of any City grading, building, or occupancy permits.

SECTION 24.20.140. COMPLIANCE WITH BMP'S. Where BMP guidelines or requirements have been adopted by any federal, State of California, regional, and/or City agency, for any activity, operation, or facility which may cause or contribute to storm water pollution or contamination, discharges, and/or discharge of non-storm water to the storm drain system, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the Director.

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SECTION 24.20.150. AUTHORITY TO INSPECT. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an Authorized Enforcement Official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this Chapter, the officer may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this ordinance; provided that (i) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (ii) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this ordinance, including but not limited to random sampling and/or sampling in areas with evidence of storm water contamination, illicit discharges, discharge of non-storm water to the storm drain system, or similar factors.

SECTION 24.20.160 AUTHORITY TO SAMPLE AN ESTABLISH SAMPLING DEVICES. With the consent of the owner or occupant or pursuant to a search warrant, any Authorized Enforcement Officer may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the officer may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.

SECTION 24.20.170 NOTIFICATION OF SPILLS. All persons in charge of a facility or responsible for emergency response for a facility are personally responsible to train facility personnel and maintain notification procedures to assure that immediate notification is provided to the City of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge in to the City storm drain system. As soon as any person in charge of a facility or responsible for emergency response for a facility has such knowledge, such person shall take all necessary steps to ensure the discovery and containment and clean up of such release and shall notify the City of the occurrence and confirming the notification by correspondence to the Director of Public Works.

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SECTION 24.20.180 REQUIREMENT TO TEST OR MONITOR. Any authorized enforcement official may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm drain system, undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. The burden, including costs of these activities, analyses and reports, shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and/or reports requested. In the event the owner or operator of a facility subject to a monitoring and/or analyses order fails to conduct required monitoring and/or analyses and furnish the required reports in the form required, the Authorized Enforcement Officer may cause such monitoring and/or analyses and the cost, therefore, including the reasonable additional administrative costs incurred by the City shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days of the issuance thereof, the costs shall be a lien upon and against the property and continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three (3) months after the completion by an Authorized Enforcement Officer of the required monitoring and/or analyses and reports, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

SECTION 24.20.190 VIOLATIONS CONSTITUTING MISDEMEANORS. Unless otherwise specified by ordinance, the violation of any provision of this ordinance, or failure to comply with any of the mandatory requirements of this ordinance, shall constitute a misdemeanor; except that notwithstanding any other provisions of this ordinance, any such violation constituting a misdemeanor under this ordinance, at the discretion of the Authorized Enforcement Officer may be charged and prosecuted as an infraction.

SECTION 24.20.200 PENALTIES. It shall be unlawful for any person to violate any provision of this ordinance. Any person violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor.

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Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation.

SECTION 24.20.210 CONCEALMENT. Causing, permitting, aiding, abetting or concealing a violation of any provision of this ordinance shall constitute a violation of such provision.

SECTION 24.20.220 ACTS POTENTIALLY RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT AND/OR PORTER-COLOGNE ACT. Any person who violates any provision of this ordinance, any provision of any permit issued pursuant to this ordinance, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, also may be in violation of the federal Clean Water Act and/or Porter-Cologne Act and may be subject to the sanctions of those Acts including civil and criminal penalty. Any enforcement action authorized under this ordinance should also include notice to the violator of such potential liability.

SECTION 24.20.230 VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to the public health, safety and welfare, and may be declared and deemed a nuisance, and may be summarily abated and/or restored by an Authorized Enforcement Officer, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by City Attorney.

The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three (3) months after the completion by the Authorized Enforcement Officer of the removal of the nuisance and the restoration of the property to its original condition, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

If any violation of this ordinance constitutes a seasonal and recurrent nuisance, the Director shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

In any administrative or civil proceeding under this ordinance in which the City prevails, the City shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, cost of suit and reasonable attorney's fees.

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SECTION 24.20.240 JUDICIAL REVIEW. The provisions of Section 131094.6 of the California Code of Civil Procedure are applicable to judicial review of City decisions pursuant to this ordinance.

SECTION 24.20.250 CIVIL ACTIONS. In addition to any other remedies provided in this section may be enforced by civil action brought by the City. In any such action, the City shall grant, as appropriate, any or all of the following remedies:

- (1) A temporary and/or permanent injunction.
- (2) Assessment to the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.
- (3) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation.
- (4) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the City to be used exclusively for costs associated with monitoring and establishing storm water discharge pollution control systems and/or implementing or enforcing the provisions of this ordinance.

SECTION 24.20.260 ADMINISTRATIVE ENFORCEMENT POWERS. In addition to the other enforcement powers and remedies established by this ordinance, any Authorized Enforcement Officer has the authority to utilize the following administrative remedies.

SECTION 24.20.270 CEASE AND DESIST ORDERS. When an Authorized Enforcement Officer finds that a discharge has taken place or is likely to take place in violation of this ordinance, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: a) comply with the requirement, b) comply with a time schedule for compliance, and/or c) take appropriate remedial or preventive action to prevent the violation from recurring.

SECTION 24.20.280 NOTICE TO CLEAN. Whenever an Authorized Enforcement Officer finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in pollutants entering a City storm drain system or natural watercourse, or a non-storm water discharge to a City storm drain system or natural watercourse, he or she may give notice to remove such oil,

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earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

In the event the owner or operator of a facility fails to conduct the activities as described in the notice, the Authorized Enforcement Officer may cause such required activities as described in the notice, and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days, a lien shall be placed upon and against the property. If the lien is not salified by the owner of the property within three (3) months after the completion of the required activities by the Authorized Enforcement Officer, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

SECTION 24.20.290 AUTHORITY TO ISSUE CITATIONS. Such Authorized Enforcement officers or employees may issue a citation and notice to appear in the manner prescribed by Chapter 5c of Title 3, Part 2 of the Penal Code, including Section 853.6 (or as the same may hereafter be amended). It is the intent of the City Council that the immunities prescribed in Section 836.5 of the Penal Code be applicable to public officers or employees or employees acting in the course and scope of employment pursuant to this ordinance. Bail for infractions shall be as set by resolution of the City Council.

SECTION 24.20.300 NONEXCLUSIVITY OF REMEDIES. Remedies under this ordinance are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

SECTION 24.20.310 APPEAL. Any person, firm, corporation or organization required to perform monitoring, analyses, reporting and/or corrective activities by an Authorized Enforcement Officer who is aggrieved by the decision of the Authorized Enforcement Officer may appeal such decision to the Director within 10 days following the effective date of the decision by writing to the Director. Upon receipt of such request, the Director shall request a report and recommendation from the Authorized Enforcement Officer and shall set the matter for hearing at the earliest practical date. At said hearing, the Director may hear additional evidence, and may reject, affirm or modify the Authorized Enforcement Officer's decision. Such decision shall be final.

SECTION 24.20.320 DISCLAIMER OF LIABILITY. The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are

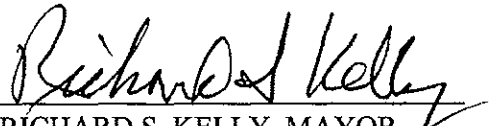
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minimum standards and this ordinance does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This ordinance shall not create liability on the par of the county, any officer or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.”

SECTION TWO. The City Clerk shall certify to the passage hereof, cause it to be entered into the Minutes of the City Council and cause it to be published and/or posted as required by law. This Ordinance shall take effect on the 30th day following the date of its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Palm Desert, California, on this 22nd day of May, 1997, by the following vote, to wit:

AYES: BENSON, SNYDER, SPIEGEL and KELLY
NOES: NONE
ABSENT: CRITES
ABSTAIN: NONE


RICHARD S. KELLY, MAYOR
CITY OF PALM DESERT, CALIFORNIA

ATTEST:


SHEILA R. GILLIGAN, CITY CLERK
CITY OF PALM DESERT, CALIFORNIA