

Attachment C

ORDINANCE NO. 2436

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, REPEALING IN ITS ENTIRETY UNCODIFIED ORDINANCE NO. 1460 WHICH PREVIOUSLY ESTABLISHED A BENEFIT FEE SYSTEM TO FINANCE DRAINAGE IMPROVEMENTS AND DIRECTING THE NON-CODIFICATION OF SAID ORDINANCE

WHEREAS, on July 10, 1990, the City Council of the City of Victorville (“City”) introduced Ordinance No. 1460, entitled “An Ordinance Establishing a Benefit Fee System to Finance the Cost of Construction of Storm Drainage Improvements for Northern and Central Victorville”, and enacted said ordinance on July 24, 1990 (effective September 24, 1990); and

WHEREAS, on July 10, 1990, the City Council also adopted and directed the recording of Resolution No. 90-158, which resolution set the amount of the fee, described the area of benefit in which it applied, and described the costs and rate and method of apportionment of said fee; and

WHEREAS, following said enactment and the adoption and recordation of Resolution No. 90-158, the City continuously collected a \$2,585.00 per acre drainage improvement fee on certain new development as authorized by Ordinance No. 1460, Resolution No. 90-158, and Government Code Section 66483 (the “**1460 Fee**”); and

WHEREAS, said 1460 Fee was re-evaluated pursuant to a regional drainage facilities study conducted by an independent consultant on behalf of the City (the “**Drainage Study**”) as part of a City-wide update and consolidation of various Development Impact Fees undertaken to comply with new legislation (AB 602) and information available with respect to the impact of new development on the demand for certain improvements and services and the costs of same; and

WHEREAS, said Drainage Study was presented to the City Council at a public workshop on March 29, 2022, and thereafter a new Regional Drainage Fee was considered and adopted by the City Council via Resolution No. 22-050 following a public hearing on June 7, 2022; and

WHEREAS, the newly adopted Regional Drainage Fee completely replaced and supplanted the 1460 Fee effective January 1, 2023; and

WHEREAS, although Resolution No. 22-050 superseded and suspended collection of the 1460 Fee effective as of December 31, 2022, Ordinance No. 1460 must formally be repealed to eliminate future uncertainty.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals.

The recitals set forth above are true and correct and are hereby incorporated by this reference as if set forth in their entirety.

Section 2. Repeal of Victorville Ordinance No. 1460.

City of Victorville Ordinance No. 1460 is hereby repealed in its entirety.

Section 3. Repeal of Conflicting Provisions.

All the provisions of the Victorville Municipal Code heretofore adopted by the City Council of the City of Victorville that are in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 4. Severability.

The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 5. CEQA Exemption.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational, or administrative activity (the repeal of an outdated fee) that will not result in direct or indirect changes in the environment and therefore is not a “project”.

Section 6. Ordinance Not to be Codified.

This Ordinance shall not be codified.

Section 7. Effective Date.

This Ordinance shall take effect thirty (30) days after its final passage.

Section 8. Certification.

The City Clerk of the City of Victorville is hereby directed to certify to the passage and adoption of this Ordinance and to cause it to be published as required by law.