

## **Attachment D**

## **RESOLUTION NO. 23-029**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, REPEALING IN ITS ENTIRETY RESOLUTION NO. 90-158, WHICH PREVIOUSLY REQUIRED PAYMENT OF THE STORM DRAINAGE FEE IN THE AREA OF BENEFIT ESTABLISHED BY VICTORVILLE CITY COUNCIL ORDINANCE NO. 1460 AND DIRECTING THE RECORDING OF SAID RESOLUTION**

**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 recordation 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**WHEREAS**, although Resolution No. 22-050 superseded and suspended collection of the 1460 Fee (among others) effective December 31, 2022, passage of a separate resolution specific to the repeal of Resolution No. 90-158 is required for purposes of recordation to ensure the nullification of said resolution in the official records of the County of San Bernardino.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the recitals and findings set forth above are true and correct and are hereby incorporated in their entirety by this reference.

**Section 2.** That Resolution No. 90-158, recorded as Instrument No. 90-318709 in the Official Records of the County San Bernardino, is hereby repealed in its entirety.

**Section 3.** That this Resolution shall be effective as of the date of adoption.

**Section 4.** That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Resolution is passed and adopted.

**Section 5.** That the City Clerk shall record a certified copy of this Resolution with the San Bernardino County Recorder immediately following its passage.