

RESOLUTION NO. 06-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A REVISED DRAINAGE FEE FOR THE CITY OF COSTA MESA.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa has heretofore established a drainage fee in accordance with California Government Code Sections 66483 through 66483.2 and 66000 through 66007 and codified in Title 15, Chapter III of the Municipal Code of the City of Costa Mesa; and

WHEREAS, the drainage fee is intended to defray the cost of construction and maintenance of existing and additional drainage facilities necessitated by construction and development of property, and shall be put to such use pursuant to the Master Drainage Plan for the City of Costa Mesa, as the same may be updated and amended from time to time; and

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City of Costa Mesa is authorized to adopt, implement, and increase such drainage fee; provided, however, that such drainage fee does not exceed the estimated reasonable pro rata cost of the drainage facilities to be constructed; and

WHEREAS, a comparative study of the existing drainage fees of nearby jurisdictions has revealed that the City of Costa Mesa's current drainage fee is substantially below the norm in the local market area; and

WHEREAS, California Government Code Section 66018 requires notice to be given and information made available at specified times and sometime thereafter a public

meeting of this City Council to be held, prior to the adoption of an increase in the existing drainage fee; and

WHEREAS, California Government Code Section 66018 requires notice to be published in accordance with California Government Code Section 6062a and a general explanation to be made available concerning the drainage fee prior to conducting a public hearing with respect to the adoption of the increase in the drainage fee, for which no other procedure is provided by law; and

WHEREAS, pursuant to California Government Code Section 66018, this City Council has held at least one duly noticed public hearing and received oral and written presentations thereat with respect to the increased drainage fee prior to the adoption of this Resolution; and

WHEREAS, this City Council desires to adjust the amount of the drainage fee levied by the City of Costa Mesa as set forth herein; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, adoption of an increased drainage fee is statutorily exempt from review under the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15273.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: This City Council hereby finds and determines that based upon the data, information, analysis, oral and written documentation presented to this City Council

concerning the drainage fee described in Exhibit "A" attached hereto and by this reference incorporated herein, the rates, fees, and charges set forth in said Exhibit "A" do not exceed the established reasonable pro rata cost of constructing and maintaining the drainage facilities for which the drainage fee is levied.

Section 2: The drainage fee set forth in Exhibit "A" and as further described below is hereby adopted and approved.

Section 3: The drainage fee set forth in Exhibit "A" shall be effective and shall be implemented commencing on November 22, 2006.

Section 4: Immediately upon the commencement date of the revised drainage fee, the previously established drainage fee shall be, and the same is hereby, superseded by the drainage fee established in said Exhibit "A".

Section 5: The adoption of the drainage fee set forth in Exhibit "A" is statutorily exempt from analysis under the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15273.

Section 6: The City Clerk shall certify to the adoption of the Resolution.

PASSED AND ADOPTED this 21st day of November, 2006.

City Clerk of the City of Costa Mesa

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 06-____ was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of August, 2006, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 22nd day of November, 2006.

JULIE FOLCIK, CITY CLERK

(SEAL)

EXHIBIT "A"

Effective from November 22, 2006 through November 22, 2008

DRAINAGE FEE (per acre)

Low density residential use = \$6,283.00

Medium density residential use = \$7,539.00

High density residential use = \$10,052.00

Commercial/Industrial use = \$11,309.00

Effective from November 22, 2008

DRAINAGE FEE (per acre)

Low density residential use = \$12,307.00

Medium density residential use = \$14,768.00

High density residential use = \$19,691.00

Commercial/Industrial use = \$22,153.00