

**JOINT RESOLUTION NO. 2020-13
RESOLUTION NO. HWD-2020-08
RESOLUTION NO. HCDC-2020-02
RESOLUTION NO. HHA-2020-03**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, AMENDING JOINT RESOLUTION NO. 2018-21, RESOLUTION NO. HWD 2018-07, RESOLUTION NO. HHA 2018-04, AND RESOLUTION NO. HCDC 2018-04, AMENDING THE CITY-WIDE FEE SCHEDULE

WHEREAS, on December 6, 2016 the City of Hesperia City Council, Hesperia Water District, Hesperia Fire District, Hesperia Housing Authority and Hesperia Community Development Commission adopted a revised City-wide fee schedule inclusive of all City, District, and Commission fees.

WHEREAS, Pursuant to Article XIII B (Proposition 4) of the California Constitution, it is the intent of the City Council of the City of Hesperia, the Board of Directors of the Hesperia Water District, the Board of Directors of the Hesperia Housing Authority, and the Board of Directors of the Hesperia Community Development Commission to recover costs reasonably borne from fees and charges for services rendered; and

WHEREAS, Pursuant to Article XIII C and Article XIII D (Proposition 218) of the California Constitution the fees, charges and regulatory fees are levied as an incident of the voluntary act of an individual or business and not the result of property ownership; and

WHEREAS, the State adopted Senate Bill 205, which requires certain commercial and industrial businesses to register with the state and obtain an industrial general permit and the state has allocated the responsibility of ensuring that these businesses comply to local jurisdictions; and

WHEREAS, the City is required to possess and administer a Municipal Separate Storm Sewer System (MS4) permit and enact requirements that ensure that persons are not illicitly discharging into the groundwater system; and

WHEREAS, as such, the City has enacted the stormwater program to monitor and remediate illicit discharge, engage local businesses and residents in education and best practices for site maintenance during construction, and ensure that all development complies with the general permit; and

WHEREAS, fees are required to administer the program, provide plan review, inspections, monitoring, business license research and other components required by the program in order to remain in compliance with state regulations; and

WHEREAS, it is necessary to charge these fees during development and business license issuance and renewal to ensure that the program continues and the City is able to recover the cost of the program; and

WHEREAS, the Planning division reviews development prior to land use entitlement. During the review process, applicants design a project that is then reviewed and approved by Planning and various other departments; and

WHEREAS, should the applicant choose to modify the site design after approval, the project must return to the approval process, especially in the case of major site design changes that could affect parcels, building placement, and driveway access, and as such a fee is required to recover the costs of the second approval of the project; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, AS FOLLOWS:

- Section 1. In all respects, the facts as set forth in this resolution are true and correct.
- Section 2. The following resolutions are hereby amended: Joint Resolution No. 2018-21, Resolution No. HWD 2018-07, Resolution No. HHA 2018-04, and Resolution No. HCDC 2018-04. Resolution of the City Council and Board of Directors.
- Section 3. The schedule of fees and charges set forth in Exhibit "A" are hereby adopted and shall be applied to the specified services. The effective date of this resolution shall be May 17, 2020.
- Section 4. All fees described are for each identified process and additional fees shall be required for each additional process or service required.
- Section 5. Interpretation of this resolution may be made by the City Manager or designee. When there are conflicts between fees, the lower fee shall be applied.
- Section 6. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.
- Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 17th day of March, 2020

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk