

Resolution 2013-100

**A RESOLUTION TO TRANSFER DRAINAGE BASIN FEES TO THE
STORMWATER DRAINAGE UTILITY FUND**

WHEREAS, the City of Rapid City has adopted city-wide drainage basin design plans that detail improvements necessary to insure the basins are developed with proper stormwater controls that meet currently accepted design standards; and

WHEREAS, drainage basin improvement fees have been collected based upon the adopted drainage basin plans in accordance with an Interim Policy on Drainage Basin Improvement Fees adopted by the Common Council on February 19, 1990; and

WHEREAS, the City has established a new Stormwater Drainage Utility funded by a fee chargeable against all property within the City; and

WHEREAS, a new Stormwater Drainage Utility Fund has been created to support the operation, maintenance, replacement and expansion of the City's stormwater drainage system; and

WHEREAS, the South Dakota Legislature passed and the Governor signed House Bill 1107, which amended SDCL 46A-10B-23 to authorize the transfer of drainage basin fees to a drainage utility fund; and

WHEREAS, the Common Council desires to revoke the 1990 Interim Policy on Drainage Basin Improvement Fees; and

WHEREAS, the Common Council wishes to transfer all previously collected drainage basin improvement fees to the new Stormwater Drainage Utility Fund; and

WHEREAS, the Common Council desires to suspend collection of drainage basin fees; and

WHEREAS, the Common Council only wants to make the changes outlined in this Resolution if Ordinance 5965 becomes effective.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Rapid City, that the 1990 Interim Policy on Drainage Basin Improvement Fees is hereby rescinded.

BE IT FURTHER RESOLVED that all drainage basin improvement fees heretofore collected shall be transferred to the Stormwater Drainage Utility Fund. These funds shall be used only for capital improvement projects that are regional in nature, but there shall be no requirement that any funds are used in the individual sub-basin from which the fee was collected. Any regional storm water control projects completed under the 1990 Interim Policy on Drainage

Basin Improvement Fees will continue to be eligible for reimbursement until the sooner of the depletion of the funds transferred or December 31, 2018.

BE IT FURTHER RESOLVED that the terms of this Resolution shall be effective only if Ordinance 5965 becomes effective. If Ordinance 5965 is referred to a public vote, the actions contemplated by this Resolution shall not become effective unless or until the voters approve Ordinance 5965 and such ordinance takes effect. In the event Ordinance 5965 does not become effective, the provisions of this Resolution shall be null and void.

Dated this _____ day of _____, 2013.

CITY OF RAPID CITY

Mayor

Attest

Finance Officer

(seal)