

RESOLUTION 25-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES UPDATING AND ESTABLISHING USER AND REGULATORY FEES FOR VARIOUS CITY REGULATORY ACTIVITIES, PROGRAMS, AND SERVICES SET FORTH IN A COMPREHENSIVE FEE SCHEDULE

WHEREAS, the City of El Paso De Robles (the "City") imposes certain user and regulatory fees established by the City Council; and

WHEREAS, the City recently retained the services of an independent rate consultant to conduct a User and Regulatory Fee Study (the "Study"), which is on file with the Office of the City Clerk and incorporated herein by this reference, analyzing the costs of providing various City regulatory activities, programs, and services (collectively, the "Services"); and

WHEREAS, the Study, dated June 2025 examined fee-related Services provided by the City, the costs reasonably borne by the City in providing the Services, the beneficiaries of those Services, and the revenues produced by those paying fees and charges for such Services; and

WHEREAS, the Study and the applicable user fees have been conducted in two phases with the first phase seeking approval this evening which includes user fees for public safety, airport, utility administration (non-regular service related fees), library, recreation, and administration Services; and the City Council will be presented the second phase at a later date, with due notice to be provided, to consider the adoption of proposed user fees for building, planning, engineering, and development services that are the responsibility of the Community Development Department of the City; and

WHEREAS, the City Council finds that providing these Services is of direct benefit to applicants both separate and apart from the general benefit to the public; and therefore, in the interests of fairness to the general public, the City desires to better recover the costs of providing these Services from applicants who have sought or require them by revising its schedule of user fees; and

WHEREAS, based upon the results of the Study, the existing user fees no longer adequately reflect the City's costs of providing the Services; and

WHEREAS, the City Council hereby finds that the Study provides adequate evidence to conclude that the revised user fees do not exceed the reasonable estimated costs to provide the Services for which the user fees are charged; and

WHEREAS, the user fees are subject to the provisions of the Mitigation Fee Act, codified pursuant to Government Code section 66000 et. seq. and more specifically the public meeting requirements of section 66016 and the public hearing requirements of section 66018; and

WHEREAS, the City made publicly available the Study indicating the amount of cost, or estimated cost, required to provide the Services for which the user fees are to be imposed, and the revenue sources anticipated to provide such programs and services at least ten (10) days prior to the date of the public hearing; and

WHEREAS, the City has held a duly noticed public hearing at which all oral and written presentations were made as part of a regularly scheduled meeting; and

WHEREAS, prior to holding said public hearing, the City published notice in a newspaper of general circulation at least ten (10) days prior to the date of the public hearing pursuant to Government Code section 6062a and provided written notice to any interest party having requested such notice at least fourteen (14) days prior to the date of the public hearing and said notices provided that the date, time, and location of this public hearing; and

WHEREAS, the City Council has considered the question of whether or not to adjust or establish the user fees for the Services to reflect the estimated amount that is required to recover the estimated reasonable costs to the City in providing such Services; and

WHEREAS, the amount of the user fees does not exceed the estimated cost of providing the Services; and

WHEREAS, the City Council now desires to adopt the user fees; and

WHEREAS, in adopting this Resolution, the City Council is taking action only on those fees for the Services set forth in Exhibit "D," attached hereto and incorporated herein by this reference, the remaining user fees that have not been modified by this Resolution shall remain in full force and effect.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council hereby finds and determines that the setting or revision of user fees pursuant to this Resolution is exempt from environmental review under Public Resources Code Section 21080(b)(8) of the California Environmental Quality Act, which provides an exemption for the establishment or modification of charges by public agencies which the public agency finds are for the purpose of meeting operating expenses.

Section 3. The City Council hereby finds that all substantive and procedural requirements of the Mitigation Fee Act have been satisfied and specifically, the City Council further finds the following:

- a. based upon the information and documents prepared for and presented to the City Council to support this action, the user fees are for the purposes of and necessary for:
(i) meeting operating expenses, including employee wage rates and benefits; (ii) purchasing or leasing supplies, equipment, or materials; (iii) obtaining funds necessary for the operations and maintenance of City property and facilities; and (iv) any other costs incurred by the City attributable to providing the Services for which the user fees are imposed; and
- b. the user fees specified by this Resolution do not exceed the reasonably estimated costs of providing the Services for which the user fees are imposed.

Section 4. The City Council hereby adopts the Schedule of User Fees and Charges as set forth in Exhibit "D," attached hereto. Exhibit "D" shall be incorporated into the City's consolidated schedule of fees.

Section 5. The City Council authorizes annually, effective July 1, 2026 and each July 1 thereafter, that the City Manager, or City Manager designee, may administratively adjust the user fees, without additional City Council action or approval, based on the percentage increase from the prior year annual percentage increase in the Consumer Price Index – All Urban Consumers for San

Francisco-Oakland-San Jose, California (“CPI”), calculated by the 12-month change as of April each year as published by the U.S. Bureau of Labor Statistics, or a similar index if the CPI is no longer published or is otherwise not available. If the CPI does not change or decreases in any given year, no change shall be made to the user fee schedule applicable that year. In no event shall the user fees be increased annually to exceed the costs of providing the Services.

Section 6. Any and all provisions of prior resolutions of the City Council establishing or modifying user fees for the Services set forth in Exhibit “D,” are hereby repealed and replaced as of the effective date of this Resolution in the manner set forth in Exhibit “D” provided, however, that such repeal shall not excuse or affect the failure of any person or entity to pay any fee heretofore imposed upon such person or entity. The City Council desires to clarify that in adopting this Resolution, it is taking action only on those user fees for the Services set forth in Exhibit “D” which have been modified from prior resolutions of the City Council. The remaining user fees that have not been modified from prior resolutions shall remain in full force and effect.

Section 7. If any section, subsection, sentence, clause, phase, or portion of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phase thereof irrespective of the fact that any one of or more sections, subsections, clauses, or phases be declared invalid or unconstitutional on their face or as applied.

Section 8. This Resolution shall be effective immediately upon its adoption. The user fees contained in Exhibit “D” shall become effective sixty (60) days following adoption of this Resolution.

APPROVED this 16th day of September 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A - Publication Notice of Public Hearing

Exhibit B - Illustration of Current and Proposed Fees

Exhibit C - User and Regulatory Fee Study

Exhibit D - Schedule of User and Regulatory Fees and Charges