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RESOLUTION 23-XXX

A RESOLUTION OF THE CITY OF EL PASO DE ROBLES IMPLEMENTING ANNUAL INFLATIONARY ADJUSTMENTS AND AMENDING FEE(S) WITHIN POLICE, EMERGENCY SERVICES, COMMUNITY DEVELOPMENT, AND UTILITIES AS PART OF THE COMPREHENSIVE FEE SCHEDULE AND FINDING THE ACTION EXEMPT FROM CEQA

WHEREAS, State law governing municipal planning and finance in California recognizes the validity of, and authorizes, the imposition by cities of fees for services; and

WHEREAS, the City of El Paso de Robles prepared a Cost of Service Study with the assistance of Maximus, Inc. in 2005 to ensure that the City's fees for services are reasonable and equitable and do not exceed the reasonable cost of providing the services; and

WHEREAS, the City Council adopted a comprehensive fee schedule for City services based upon the 2005 Cost of Service Study (Resolution No. 05-192); and

WHEREAS, the City also provided in Resolution No. 05-192 that the fees established pursuant to the 2005 Cost of Service Study shall be adjusted annually, each July 1, by the percentage change in the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area for Wage Earners and Clerical Workers for the prior 12-month period ending April 30; and

WHEREAS, the City also provided in Resolution No. 22-091 that position-based fees added since Resolution No. 05-192 will be adjusted each year to reflect the current actual hourly rate or overtime rate of the position(s) involved and appropriately rounded; and

WHEREAS, the City, in order to recover costs associated with services, has prepared amendments and additions outside of what CPI allows for fees within, Police, Emergency Services, Community Development, and Utilities; and

WHEREAS, the City has prepared a Comprehensive Fee Schedule for City Services FY 2023-24, attached hereto as Exhibit A and incorporated herein by reference, which reflects the CPI adjustments to fees authorized by Resolution No. 05-192, the position-based fee increases in accordance with Resolution No. 22-091, as well as cost recovery adjustments within Police, Emergency Services, Community Development, and Utilities ; and

WHEREAS, the City has caused notice of the public hearing to be published in a newspaper disclosing the public hearing will be held at 6:30pm on June 20, 2023 in the City Council chambers, at least 10 days prior to the date of the public hearing with two publications being made with at least five days intervening between each publication; and

WHEREAS, the public hearing was held as part of a regularly scheduled meeting and all oral and written presentations were heard; and

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WHEREAS, at least 10 days prior to the meeting, the City made available to the public data indicating the amount of the estimated cost required to provide the services for which the fees are to be levied and the revenue sources anticipated to provide the service, including any general fund revenues; and

WHEREAS, the proposed cost recovery fees meet the requirements that the fees be reasonable and equitable and do not exceed the cost of providing the services; and

WHEREAS, the City has the discretion, in a given situation, to determine that it should charge less than the amount necessary to fully recover its cost.

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 implements the annual CPI adjustments as authorized by Resolution No. 05-192, the annual position-based adjustments in accordance with Resolution No. 22-091, as well as the amendments above and beyond what CPI allows within Police, Emergency Services, Community Development, and Utilities, effective July 1, 2023, as shown in the proposed annual inflationary adjustments, annual position-based adjustments, and amendments to the FY 2023-24 Comprehensive Fee Schedule attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The City Council finds and determines that:

(a) The fees established by this resolution:

(1.) are imposed for a specific government service provided directly to the payor, or for reasonable regulatory costs of the City for issuing licenses and permits, performing investigations, inspections, and administrative enforcement of the City's Municipal Code or other rules or ordinances; and

(2.) are no more than necessary to cover the reasonable costs of the governmental activity for which the fee is imposed; and

(3.) the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity for which the fee is imposed; and

(b) The fees are not taxes within the meaning of California Constitution article XIII C, section 1(e).

(c) The City Council finds the action, and the approval of the described contract herein, is not a project under the California Environmental

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Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378 because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.) Continuing administrative or maintenance activities—such as purchases for supplies—do not qualify as a project under CEQA (State CEQA Guidelines, § 15378, subd. (b)(2).)

Section 4. As previously granted, the City Council hereby authorizes the City Manager to decrease or waive the imposition of a fee for service if he determines, based on the circumstances in a given situation, that the imposition of the full fee would be unfair or is unwarranted in that situation.

Section 5. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provision to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

Section 6. This Resolution shall become effective immediately upon its adoption.

APPROVED by the City Council of the City of El Paso de Robles this 20th day of June 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven W. Martin, Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A. FY 2023-24 Master Fee Schedule

Exhibit B. Publication Affidavit