

## RESOLUTION NO. 16-7554

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA ADOPTING A CITY-WIDE COMPREHENSIVE USER FEE STUDY, ADOPTING A COMPREHENSIVE FEE SCHEDULE ESTABLISHING AND AMENDING CERTAIN SERVICE AND DEVELOPMENT-RELATED FEES FOR CITY SERVICES, AND AUTHORIZING THE PAYMENT OF SUCH FEES BY CREDIT CARD, DEBIT CARD OR ELECTRONIC FUNDS TRANSFER

THE CITY COUNCIL OF THE CITY OF COVINA DOES HEREBY RESOLVES AS FOLLOWS:

**Section 1.** The City Council of the City of Covina ("City Council") hereby finds, determines and declares that:

- A. The City Council has conducted an extensive analysis of its services, the costs reasonably borne by the City in provided those services, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services;
- B. The City Council has determined that City staff provides many types of services ("Services") involving requests by City customers ("Applicants"); and
- C. The City currently imposes service fees ("Service Fees") and development-related fees ("Development Fees") upon Applicants to recover the costs of staff time, copying costs, and other expenses related to providing these Services; and
- D. Current Service Fees and Development Fees charged for the City's Services do not adequately recoup the City's costs of providing certain Services and thus, a significant amount of these costs are currently paid out of the City's general fund and, therefore, borne by the general public; and
- E. The City Council finds that providing these Services is of special 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 the City's Services by revising its schedule of City-Wide Fees; and
- F. The proposed Service Fees and Development Fees are initially based upon the information contained in a document by City staff and Consultant ("Consultant") entitled "City of Covina Comprehensive User Fee Study Report" ("Fee Study"), dated June 2, 2015, and updated by staff to reflect current costs of the City to provide the Services; and

- G. Based upon the Fee Study and the updated information, the City (i) identifies the purpose of the proposed fees, (ii) identifies the use to which the fees will be put, (iii) demonstrates a reasonable relationship between the fees' use and the types of projects on which the fees are imposed, and (iv) demonstrates a reasonable relationship between the amount of the fees and the cost of the City's Services attributable to the applications on which the fees are imposed; and
- H. Pursuant to state law, the City may impose service fees for certain services.
- I. Pursuant to Government Code Section 66000, *et seq.*, the City is empowered to impose Development Fees covering up to 100 percent of the actual costs of providing Services to Applicants; and
- J. The City desires to adjust certain fees up to the actual costs incurred by the City in providing these Services; and
- K. Section 3.02.010 of the Covina Municipal Code provides that the City may set fees to recoup costs reasonably borne by the City by means of adopting a resolution of the City Council, after compliance with the requirements of state law; and
- L. Government Code Section 66014 *et al.* allows local agencies to charge fees for various activities as long as those fees do not exceed the estimated reasonable costs of provided the service for which the fee is intended; and
- M. Pursuant to Government Code Sections 66014, 66017 and 66018 and the Covina Municipal Code, the specific fees to be charged for certain regulations, services and products must be adopted by resolution, following notice and public hearing; and
- N. Notice of public hearing has been given pursuant to Government Code Section 6062a, and written notice has been provided to interested parties who filed written requests for mailed notice of meetings on new or increased development-related fees or service charges; and
- O. The City Council conducted a duly noticed public hearing on November 15, 2016, at which time the public was invited to make oral and written presentations as part of the regularly scheduled meeting prior to the adoption of this Resolution; and
- P. At least ten (10) days prior to the public hearing referenced above, the City made available for public inspection information required under Government Code Section 66000, *et seq.*; and
- Q. The City published notice of the public hearing as described above in accordance with Government Code Sections 6062(a), 66014, 66016, 66017 and 66018 for the various Service Fees and Development Fees; and
- R. The establishment and increase of Service Fees and Development Fees is statutorily and categorically exempt from the requirements of the California

Environmental Quality Act because setting Service Fees and Development Fees fits within the statutory exemptions for local agency decisions involving rates, tolls or other charges pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act Guidelines this Resolution is not "an essential step culminating in action which may affect the environment"; and

- S. Pursuant to Government Code Section 6159, the City may provide for payment by credit card, debit card or electronic funds transfer and can impose a fee or charge for the transactional costs associated with the use of such methods; and
- T. According to Government Code Section 6159, the City must obtain approval from the City Council to provide for payment by credit card, debit card or electronic funds transfer; and
- U. The City is also expressly authorized to impose a fee for the use of a credit card, debit card or electronic fund transfer, so long as the fee does not exceed the costs incurred by the City in providing for the payment by credit card.

**Section 2.** Adoption of the Report and Methodology. The City Council hereby approves "City of Covina Comprehensive User Fee Study Report", dated June 2, 2015, and updated by staff to reflect current costs of the City to provide the Services and adopts the methodology for calculating and collecting the fees and charges established therein.

**Section 3.** Adoption of Fees and Charges. The City Council hereby adopts the "City of Covina City-Wide User Fee Schedule" as set forth in attached **Exhibit "A"** and incorporated by this reference. Unless otherwise stated in the Fee Schedule, all Service Fees and Development Fees shall be paid to the City by the Applicant prior to the City's performance of the requested Services.

**Section 4.** Repeal of Conflicting Resolutions. It is the desire of the City Council that all fees and charges for services, programs or products be set forth in one document for ease of reference. Accordingly, any and all provisions of prior Resolutions of the City Council establishing or modifying fees for the services, programs or products set forth in Exhibit "A," are hereby repealed and replaced as of the effective date of this Resolution in the manner set forth in Exhibit "A;" 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 fees for the services, programs or products set forth in Exhibit A which have been modified from prior resolutions of the City Council. The remaining fees that have not been modified from prior resolutions shall remain in full force and effect and are hereby restated for convenience so that all fees are set forth in one document.

**Section 5.** Environmental Exemption. The adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA," Public Resources Code Sections 21000 *et seq.*), because it approves and sets forth a procedure for determining

fees for the purpose of meeting the operating expenses of City departments, as set forth in Public Resources Code Section 21080(b)(8)(A).

**Section 6.** Pursuant to Government Code Section 6159, the City Council hereby authorizes the City to provide for payment of Service and Development Fees by credit card, debit card or electronic funds transfer and charge a fee for processing the payment, so long as the fee does not exceed the costs incurred by the City in providing for the payment by credit card, debit card or electronic funds transfer, as set forth in Exhibit A.

**Section 7.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

**Section 8.** Effective Date. This Resolution shall take effect upon its adoption; provided, however, that the Development Fees established hereunder shall first be imposed and collected sixty (60) days from the date of adoption of this Resolution. All Service Fees shall take effect immediately upon adoption of this Resolution.

**Section 9.** Certification. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

**APPROVED** and **PASSED** this 15<sup>th</sup> day of November, 2016.

City of Covina, California

BY: \_\_\_\_\_  
KEVIN STAPLETON, Mayor

ATTEST:

\_\_\_\_\_  
SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CANDICE K. LEE, City Attorney

I, SHARON F. CLARK, Chief Deputy City Clerk of the City of Covina, hereby certify that Resolution No. XX-XXXX was duly adopted by the Covina City Council at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:           COUNCIL MEMBERS:  
NOES:           COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:

Dated:

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SHARON F. CLARK, Chief Deputy City Clerk

EXHIBIT "A"

City of Covina City-Wide User Fee Schedule

**[Attached]**