

RESOLUTION NO. 24408

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PORTIONS OF RESOLUTION NO. 23854, MODIFYING CERTAIN USER FEES AND CHARGES BY IMPLEMENTING A CONSUMER PRICE INDEX INCREASE AND ADOPTING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2018-19.

WHEREAS, the City, under various statutory provisions under California Government Code, may set and collect fees for the costs of providing various public services to the community; and

WHEREAS, the City Council approved by Resolution No. 23854 an updated Comprehensive Fee Schedule on July 15, 2015, approving certain amendments to said service fees; and

WHEREAS, Section 2.D. of Resolution No. 23854 provided for service fees and charges to be adjusted annually by a percentage increase or decrease in said fees based upon the corresponding calculated change in the City's annual personnel costs for performing those services; and

WHEREAS, based upon discussions between the City and the Desert Valley Builders Association for FY 2018-19, the City will not utilize the automatic adjustment mechanism in Section 2.D., but instead will utilize the Department of Labor's Consumer Price Index for February 2017 versus February 2018, CPI-U, West – B/C, to calculate the amount of change in said user fees, and that change is an increase of 2.5%; and

WHEREAS, this adjustment to the Comprehensive Fee Schedule modifies certain development fees, permit fees, and/or regulatory fees that are subject to the Mitigation Fee Act, codified at California Government Code (CGC) §66000 *et seq.*, and more specifically in accordance with CGC §66016, §66013, or §66014, and the City, in considering this modification, is adhering to the procedures of CGC §66016(a); and

WHEREAS, notice of an April 18, 2018 Public Hearing and the 2.5% CPI increase was published, posted and distributed on April 5, 2018, in accordance with the provisions of the California Government Code; and

WHEREAS, the April 18, 2018 public hearing was opened and then continued to May 2, 2018; and

WHEREAS, City revenues during FY 2017-18 from fees for services subject to the Mitigation Fee Act, and reflected in the Comprehensive Fee Schedule as previously adjusted, did not exceed the actual cost of providing the services for which the fees were collected; and

WHEREAS, City revenues during FY 2018-19 from fees for services subject to the Mitigation Fee Act, and reflected in the Comprehensive Fee Schedule adopted pursuant to this Resolution, do not exceed the estimated amount of funds required to provide the services for which they will be charged; and

WHEREAS, this Resolution reflects the City's discussions with the Desert Valley Builders Association, and to the extent that this Resolution is inconsistent with Resolution 23854 approved on July 15, 2015, this Resolution shall supersede and amend Resolution 23854; and

WHEREAS, by adopting this Resolution, the City Council is also articulating the City's policy for considering adjustments to the Comprehensive Fee Schedule in FY 2018-2019 and in future years; and

WHEREAS, the City Council has considered any verbal and/or written testimony, and has reviewed and considered the information in the study and supporting data, and information provided at the public hearing by staff and the public.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, HEREBY RESOLVES, DETERMINES AND APPROVES AS FOLLOWS:

A. The true and correct recitals above are incorporated by this reference herein as the basis and foundation for the City's adoption of this Resolution.

B. Section 2.D. of Resolution 23854 is hereby repealed, effective for all fee adjustments in Fiscal Year 2018-2019 and future fiscal years.

C. For Fiscal Year 2018-2019, all fees in the Comprehensive Fee Schedule shall be increased by two and one-half percent (2.5%) over Fiscal Year 2017-2018 rates.

D. All new fees and charges subject and pursuant to California Government Code Section 66000 *et seq.* shall be effective not earlier than sixty (60) days after the adoption of this resolution.

E. All new fees and charges other than those identified in section D above shall be effective July 1, 2018.

F. The Director of Finance is hereby authorized and directed to incorporate said increased to fees and charges into the Comprehensive Fee Schedule.

G. The City Council hereby declares the following as the City's policy for consideration of the Comprehensive Fee Schedule in Fiscal Year 2018-2019 and for future years, to ensure compliance with the Mitigation Fee Act and other applicable law:

(1) The annual Comprehensive Fee Schedule utilized by the City shall be considered and acted upon by the City through a Fee Resolution directed solely and specifically to the Comprehensive Fee Schedule.

(2) Insofar as the Comprehensive Fee Schedule contains development fees, permit fees, and/or regulatory fees that are subject to Government Code §66016, §66013, or §66014, the City shall follow the procedures of §66016(a) for the Fee Resolution, including but not limited to provision of notice of hearing on the Fee Resolution at least 14 days in advance of the hearing, and making available to the public 10 days in advance of the hearing the data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee is collected and the revenue sources anticipated to provide the service, including General Fund revenues.

(3) Insofar as the Comprehensive Fee Schedule contains development fees, permit fees, and/or regulatory fees that are subject to Government Code §66016, §66013, or §66014, the Fee Resolution shall contain –and the City Council must approve—a factual finding that each of said fees do not exceed the estimated amount required to provide the services for which they will be charged under the Fee Resolution and Comprehensive Fee Schedule.

(4) Insofar as the Comprehensive Fee Schedule contains development fees, permit fees, and/or regulatory fees that are subject to Government Code §66016, §66013, and/or §66014, the Fee Resolution shall contain –and the City Council must approve— as to each of said fees either (1) a factual finding that the revenues in the last fiscal year did not exceed the actual cost of providing services for which the fee was collected, or (2) determine the excess of revenues over actual cost collected from that fee has collected and direct that the excess revenue be applied to reduce the fee or service charge creating the excess in subsequent fiscal years.

(5) Insofar as the Comprehensive Fee Schedule contains development fees, permit fees, and/or regulatory fees that are subject to Government Code §66016, §66013, and/or §66014, and given that Government Code §66017 provides for a 60 day delay in the effective date after approval of said development fees, the Fee Resolution shall as a matter of scheduling and as a condition for the referenced development fees to be effective on the same preferred date of July 1 each year, along with all the non-development fees in the Comprehensive Fee Schedule, be set for hearing by the City Council more than 60 days before the planned July 1 effective date of the entire Comprehensive Fee Schedule. For the Fiscal Year 2018-2019 Comprehensive Fee Schedule, the fees will become effective on July 2, 2018.

(6) The City Council reserves its discretion to consider and adopt, as the City Council sees fit, any increase in fees reflected on the Comprehensive Fee Schedule for Fiscal Year 2019-20 and future years based upon either:

(i) the annual percent change in the Index for a month of the current year contrasted against the same month of the prior year; or

(ii) a comprehensive fee study secured by the City, prepared, considered and relied upon during the City's consideration of the fee increase.

The only limit upon the City Council's discretion in considering and adopting fee increases shall be its policies in Resolution No. 23854 as amended, compliance with the Mitigation Fee Act and other applicable law. The City's process of securing and developing a fee study, and considering and adopting any such future fee increases shall be consistent with the policy set forth in this Section G.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 2nd DAY OF MAY, 2018.



DAVID H. READY, ESQ., PH.D.
CITY MANAGER

ATTEST:



ANTHONY J. MEJIA, MMC
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24408 is a full, true and correct copy as was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the 2nd day of May, 2018, by the following vote:

AYES: Councilmembers Holstege, Kors, Middleton, Mayor Pro Tem Roberts, and Mayor Moon
NOES: None
ABSENT: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 13th day of February, 2019.



ANTHONY J. MEJIA, MMC
CITY CLERK