

RESOLUTION NO. 2024-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, ADOPTING FEES FOR CERTAIN
SERVICES AND PERMITS AND THE REMOVAL OF FEES FOR
SERVICES NO LONGER USED

WHEREAS, the City of Escondido ("City") charges user fees ("User Fees") for services and permits ("Services"); and

WHEREAS, current service User 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

WHEREAS, City staff has conducted an extensive analysis of its Services, the costs actually and reasonably borne by the City in provided those Services, the beneficiaries of those Services, and the revenues produced by those paying User Fees and charges for special Services. Based on the ClearSource Financial Consulting User Fee Study and the updated information, City staff recommends increases in certain existing fees, addition of new fees and removal of fees no longer required; and

WHEREAS, pursuant to California Law, the City is empowered to impose fees covering up to 100 percent of the actual costs of providing Services to applicants; and

WHEREAS, California Law 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

WHEREAS, California Government Code Section 66016 requires notice to be given and data made available at specified times prior to the adoption of increases in existing rates, fees, and charges, or the

adoption of new rates, fees, and charges for use permits and building inspections sometime hereinafter at a public meeting of this City Council; and

WHEREAS, California Government Code Section 66018 requires notice to be published in accordance with California Government Code Section 6062a and data made available concerning rates, fees, and charges prior to conducting a public hearing with respect to the adoption of increases in rates, fees, and charges, or the adoption of new rates, fees, and charges for which no other procedure is provided by law; and

WHEREAS, pursuant to State law, the City Council has conducted and concluded a duly noticed public hearing with respect to the rates, fees, and charges prior to the adoption of this Resolution; and

WHEREAS, the City Council desires that annually the City Manager, or City Manager designee, may update the fees based on the prior year annual percentage change in the Consumer Price Index ("CPI") adjustments as measured in San Diego County for a given year. If the CPI does not change or goes down in a given year, no change shall be made to the fee schedule that year unless a public hearing is held to consider amendment of fees; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to adopt the adjustments in certain existing User Fees and add new User Fees, as presented in Exhibit "A," which is attached to this Resolution and incorporated by this reference as though fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. The City Council finds that providing City Services is of special benefit to applicants both separate and apart from the general benefit to the public. 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 fees. The City User Fees are initially based upon the information contained in the ClearSource Financial Consulting User Fee Study to reflect the actual costs incurred by the City in providing these Services.

3. That the City Council approves the City User Fees contained in Exhibit "A."

4. That the City User Fees shall be effective on September 15, 2024.

5. 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 User Fees for the Services, programs or products set forth in Exhibit "A," which have been modified from prior resolutions of the City Council or are established as new fees. The remaining fees that have not been modified from prior resolutions shall remain in full force and effect.

6. 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).