

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING THE USERS FEE STUDY PREPARED BY REVENUE AND COST SPECIALISTS, LLC, DATED APRIL 2020

WHEREAS, the City of Desert Hot Springs has conducted an analysis of its services, the costs reasonably borne from providing those services, the beneficiaries of those services, and the revenue produced by those paying fees and charges for special services; and

WHEREAS, the City wishes to comply with both the letter and the spirit of Article XIII B of the California Constitution and limit the growth of taxes; and

WHEREAS, the City provides various planning and building development services to the public including, but not limited to, processing applications, reviewing plans and maps, issuing permits and reviewing development agreements (the "Building and Planning Services"); and

WHEREAS, the City desires to establish a methodology of recovering some portion of the costs reasonably borne from providing certain other special services, including but not limited to, those concerning park and recreation services, rental of City property, police and fire services, and other miscellaneous City services, of a voluntary or limited nature, such that general taxes are not diverted from general services of a broad nature and thereby utilized unfairly and inequitably for such special services ("City Services"); and

WHEREAS, City Council intends to collect various fees (the "Fees") and, in certain cases, require advance deposit of the Fees, to offset the costs associated with providing the Building and Planning Services and City Services; and

WHEREAS, because some of the Fees are described in Government Code Section 66014, the City is required to hold at least one open and public meeting as well as a general description of the matter to be considered are to be mailed at least 14 days prior to the date of the meeting to those parties (if any) who have filed requests for such notifications; and

WHEREAS, since no requests for such notification were filed with the City, no notices were mailed; and

WHEREAS, data indicating the amount of the estimated cost required to provide the Building and Planning Services and City Services and the resources anticipated to fund the same were made available to the public at least 10 days prior to the date of this meeting, in accordance with Government Code Section 66016; and

WHEREAS, pursuant to Government Code Sections 66016 and 66018, the enactment or increase in any fees to be charged for services must be adopted by the City Council by ordinance or resolution, after providing notice and holding a public hearing; and

WHEREAS, pursuant to Government Code Section 66018, the City complied with all notice and hearing requirements thereof; and

WHEREAS, Revenue & Costs Specialists, LLC, has prepared and presented to the City Council a "User Fee Study Update for the City of Desert Hot Springs," dated April 2020 (the "User Fee Study"), a copy of which is attached hereto and incorporated herein by this reference as Exhibit "A", which details the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including General Fund revenues, if any; and

WHEREAS, a duly noticed public hearing before the City Council was held on June 16, 2020, at which public testimony was received and duly considered on the proposed Fees; and

WHEREAS, the amount of the Fees does not exceed the true cost of providing the Building and Planning Services and City Services; and

WHEREAS, any increase to the amount of the fees as set forth in the User Fee Study is not a “project” subject to the California Environmental Quality Act because it is a funding mechanism have no physical effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the Recitals set forth above are true and correct.

Section 2. APPROVAL OF USER FEE STUDY

That the City Council hereby approve and adopt the User Fee Study and the fees and charges contained herein.

Section 3. REPEAL OF CONFLICTING PROVISIONS

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 4. SEVERABILITY

That if any provisions of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 5. EFFECTIVE DATE

That this Resolution shall take effect upon its adoption and the User Fee Study and the Fees contained therein shall take effect immediately.

Section 6. CERTIFICATION

That the City Clerk shall certify to the passage of this Resolution and enter it into the book or original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on this 7th day of July, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

CERTIFICATE OF CLERK

I, Jerryl Soriano, City Clerk of the City of Desert Hot Springs, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of the City of Desert Hot Springs duly and regularly held at the regular meeting place thereof on July 7, 2020, of which meeting all of the members of said City Council had due notice, and at said meeting said resolution was adopted by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I do hereby further certify that an agenda of said meeting was posted at least 72 hours before said meeting at 11-711 West Drive, Desert Hot Springs, CA 92240, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I do hereby further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

Dated: July 7, 2020

City Clerk of the City of Desert Hot Springs

[SEAL]