RESOLUTION NO. 3236-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ESTABLISHING THE AMOUNT OF USER FEES FOR MISCELLANEOUS DISCRETIONARY SERVICES, AND REPEALING PREVIOUSLY ADOPTED USER FEES FOR SUCH SERVICES

WHEREAS, the Town of Windsor provides miscellaneous public services of a discretionary nature, as these services can be withheld from customers for non-payment, in addition to community-supported public services which are paid for by Town tax revenues for general social, safety or welfare reasons; and

WHEREAS, the Town of Windsor engaged NBS Local Government Solutions to conduct a cost of service study for its miscellaneous discretionary service in order to determine the estimated and reasonable costs borne by the Town to provide these services; and

WHEREAS, NBS Local Government Solutions prepared a report dated July 008, entitled "Cost of Service Study for Analyzing User Fees and Regulatory Fees" ("Report"), which provides a generally accepted cost of service analysis and a Master Fee Schedule that were approved by Town Council on August 20, 2008 by Resolution No. 2347-08; and

WHEREAS, the Town wishes to comply with both the letter and the spirit of Article XIIIB of the California Constitution; and

WHEREAS, in adopting the user fees for Town services as set forth in this Resolution, the Town Council of The Town of Windsor is exercising its powers under Article XI Section 7 of the California Constitution, Section 66000 *et seq*. of the California Government Code, and other applicable law; and

WHEREAS, the Town has general policy of recovering the full costs reasonably borne of providing miscellaneous discretionary services of a voluntary and limited nature, such that general tax revenues are not diverted from services of a broad nature and thereby utilized to subsidize such miscellaneous discretionary services; and

WHEREAS, the user fees set forth in the schedule of fees adopted by this Resolution are consistent with the requirements of Article XIII D of the California Constitution pursuant to Apartment Association of Los Angeles County v. City of Los Angeles (2001) 24 Cal. 4th 830, in that such fees are not applicable to incidents of property ownership, but rather actual use of Town services; and

WHEREAS, in accordance with Government Code Section 50076, user fees and regulatory fees that do not exceed the reasonable cost of providing the service or of performing the regulatory activity for which the fees are charged, as applicable, and which are not levied for general revenue purposes, are not special taxes as defined in Article 3.5 of Government Code; and

WHEREAS, a schedule of user fees and regulatory fees to be paid by those requesting such miscellaneous discretionary services was adopted so that the Town might carry into effect its policies; and

WHEREAS, it is the intention of the Town Council to update the master schedule of miscellaneous user fees and regulatory fees based on the Town's budgeted and projected costs of the services described in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the user fees for miscellaneous discretionary services, which are described in Exhibit A, are hereby determined to be reasonable in that the amount thereof does not exceed the estimated reasonable costs of providing the miscellaneous discretionary services for which each user fee is proposed to be rendered; and

WHEREAS, adoption of the user fees set forth in Exhibit A is intended to recover costs necessary to maintain such services within the Town within existing service areas and is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations ("CEQA Guidelines") section 15378(b)(4) (the creation of government funding mechanisms or other government fiscal activities which do not involve any specific commitment to any specific project which may result in a potentially significant impact on the environment); and/or CEQA Guidelines section 15273 (statutory exemption for rates, tolls, fares and charges within an existing service area); and/or CEQA Guidelines section 15061 (b)(3) ("common sense" general exception where there is no possibility the activity in question may have a significant effect on the environment).

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES RESOLVE AS FOLLOWS:

Section 1. Adoption of Amendment to Master Fee Schedule and Repeal of Prior Inconsistent Fees. The user fees set forth in Exhibit A are hereby established and directed to be imposed and to be collected by the Town Administrative Services Department for the herein listed miscellaneous discretionary services when provided by the Town or its designated contractors.

Section 2. Separate Fee for Each Service. Each fee set forth in this Resolution shall be separately imposed for each service described under Exhibit A to which the fee pertains; additional fees shall be required for each additional service that is requested or required. Where fees are indicated on a per unit of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

Section 3. Incorporation and Adoption of Findings and Service Cost Analysis. The recitals set forth above are true and correct and adopted as the findings of the Town Council and after consideration of the staff report, and any public comment and correspondence received, the Town Council hereby approves and adopts the miscellaneous discretionary user fees set forth in Exhibit A.

Section 4. Application. This Resolution may be applied by the several Town department directors in consultation with the Town Manager and, should there be a conflict between two fees which ostensibly cover the same service, then the lower in dollar amount of the two shall be applied.

Section 5. Review. It is the intention of the Town Council to review the user fees as determined and set out herein on a periodic basis as well as the Town's costs reasonably borne as established and, as and if warranted, to revise such fees based thereon.

Section 6. Annual Adjustment. The adopted fees for miscellaneous discretionary services set forth in Exhibit A shall be adjusted for inflation by the Town Manager on July 1 of every year by applying then current Consumer Price Index – All Urban Consumers for the San Francisco-Oakland-San Jose area, as calculated by the U.S. Department of Labor, for the month of April. The Town Manager may round the adjusted fee down to the nearest whole dollars.

Section 7. Repealer. The adopted user fees shall supersede the corresponding fees previously established and adopted by the Town Council. All previously adopted and conflicting user fees are hereby repealed.

Section 8. Use of Fee Revenue. The revenues raised by payment of the user fees established by this Resolution shall be used to fund the estimated reasonable cost of providing the miscellaneous discretionary services for which the fee is charged, and the revenues from such fees shall not be used for general revenue purposes.

Section 9. Severability. The fees set forth in Exhibit A to this Resolution and all portions of this Resolution are severable. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

The Town Council hereby declares that it would have passed this Resolution and the user fees set forth in Exhibit A to this Resolution, and each section, subsection, phrase or clause thereof irrespective of the fact that the fee or any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

Section 10. Effective Date. This Resolution and the user fees adopted thereby shall become effective immediately upon adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of October 2015, by the following vote:

AYES:	**COUNCILMEMBERS FOPPOLI, FUDGE, SALMON, AND MAYOR OKREPKIE**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**VICE MAYOR MILLAN**

BRUCE OKREPKIE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit A – Master Fee Schedule FY2015-16

EXHIBIT A

TOWN OF WINDSOR
Summary of proposed amendments to the Master Fee Schedule for FY2015-16

Service/Activity Category & Description	Existing Fee	Proposed Fee
Building		
Building		
Plus: Green Building Standards		
(Health & Safety Code 18931.6-18931.7)		
Job Value $1 -$25,000	$ -	$1.00 for each additional $1,000 or fraction thereof, to and including $25,000
Job Value $25,001-$50,000	$ -	$2.00 for each additional $1,000 or fraction thereof, to and including $50,000
Job Value $50,001-$75,000	$ -	$3.00 for each additional $1,000 or fraction thereof, to and including $75,000
Job Value $75,000-$100,000	$ -	$4.00 for each additional $1,000 or fraction thereof, to and including $100,000
Every $25,000 or fraction thereof above $100,000	$ -	$1.00 for each additional $1,000 or fraction thereof
Public Works		
Leak Test		
Subsequent Calls with No Leak Found	$73.00 per call	$99.00 per hour
After Hours, Fridays, Closure, Holidays & Weekends	$ -	$297.00 per occurrence
Meter Service Size Change	$118.00 per request plus permit fee	$133.00 per request plus permit fee and cost of meter
Meter Test		
¾" Meter, Subsequent Test, Within 2% Accuracy	$206.00 per test	actual cost of meter
>3/4" Meter, Subsequent Test, Within 2% Accuracy	$206.00 per test	actual cost of meter
Same Day Water Utility Start Service		
After Hours, Fridays, Closure, Holidays & Weekends	$145.00 per request	$297.00 per occurrence
Disconnect/Reconnect Water Service		
After Hours, Fridays, Closure, Holidays & Weekends	$145.00 per request	$297.00 per occurrence
Water Efficient Landscape Ordinance		
Hydrant Pressure Testing Fee	$96.00 per test	$99.00 per hour
Hydrant Meter Setting	$118.00 per request	$99.00 per hour
Cross-Connection Testing (Recycle Water Account)	$97.00 per test	$99.00 per hour, plus cost of materials
General Services		
After Hours, Fridays, Closure, Holidays & Weekends	$ -	$297.00 per hour
Parks and Facilities		
Town Green Use		
Road Closure with Parking Signs/Parking Lots:		
Non-Profit: Resident	$163.00 per event	$163.00 per event
Business / Private: Resident	$182.00 per event	$182.00 per event
Business / Private / Non-Profit: Non-Resident	$200.00 per event	$200.00 per event
Park Use		
Special Use		
Field Lining	$108.00 per field	$108.00 per field
Miscellaneous and Other Fees		
Special Event: Vendor / Concession		
Non-Profit: Resident	$96.00 per event	$96.00 per event
Business / Private: Resident	$106.00 per event	$106.00 per event
Business / Private / Non-Profit: Non-Resident	$117.00 per event	$117.00 per event
Banner Permit		
E-Banner	$53.00 per application	$53.00 per application
Senior Center: Outdoor Picnic Area		
Application Fee	$43.00 per application	$43.00 per application
Non-Profit: Resident	$42.00 per event	$42.00 per event
Business / Private: Resident	$46.00 per event	$46.00 per event
Business / Private / Non-Profit: Non-Resident	$51.00 per event	$51.00 per event