RESOLUTION NO. 4100-26

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ADOPTING AMENDMENTS TO THE MASTER FEE SCHEDULE AND UPDATING THE INCLUSIONARY HOUSING IN-LIEU FEE AND DEVELOPMENT IMPACT FEES

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

WHEREAS, NBS Local Government Solutions conducted a Cost of Service Study to analyze user and regulatory fees, resulting in a Master Fee Schedule; and

WHEREAS, the Town Council approved the findings of this study on August 20, 2008, via Resolution No. 2347-08, establishing a framework for service costs; and

WHEREAS, the Town desires to comply with Article XIIIB of the California Constitution; and

WHEREAS, Article XIIIB, also known as the Gann Limit, establishes appropriations limits on the amount of revenue that state and local governments can spend each fiscal year from tax proceeds, to ensure that expenditures do not exceed the growth in population and inflation; and

WHEREAS, in adopting the 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, 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, the Town Council of the Town of Windsor has adopted a schedule of user and regulatory fees to be paid by individuals requesting miscellaneous discretionary services, in order to implement and carry into effect the policies and objectives of the Town; and

WHEREAS, the user fees set forth in the Master Schedule of Fees adopted by this Resolution *are* consistent with the requirements of Article XIII D of the California Constitution, as interpreted in *Apartment Association of Los Angeles County v. City of Los Angeles* (2001) 24 Cal.4th 830, in that such fees are not imposed as an incident of property ownership, but rather on

the basis of actual use of Town services; and

WHEREAS, it is the intention of the Town Council to update the miscellaneous user fees and regulatory fees for discretionary services, as set forth in the Master Fee Schedule based on the Town's budgeted and projected costs of the services attached hereto and incorporated herein by this reference; and

WHEREAS, the user fee and regulatory fee for miscellaneous discretionary services increased by 3.8% per CPI – All Urban Consumers for San Francisco, Oakland, San Jose by US Department of Labor for April, 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 the user fees and regulatory fees are proposed to be rendered; and

WHEREAS, Section 27.23.130 of the Town's Inclusionary Housing Ordinance establishes an Inclusionary Housing In-Lieu fee which may be paid by Developments in-lieu of providing affordable housing units under the Town's inclusionary housing ordinance; and

WHEREAS, it is the intention of the Town Council to update the Inclusionary Housing In-Lieu fees to ensure adequate funding for affordable housing and costs increased from prior year by the average median house price of $815,070.00, a rolling average increase of 1.77%, and attached hereto and incorporated by this reference; and

WHEREAS, the Town of Windsor has established Development Impact Fees to finance public facilities necessary to mitigate the impacts of new and future residential and non-residential development within the Town; and

WHEREAS, it is the intention of the Town Council to update the Development Impact fees based on the Town's budgeted and projected costs of services increased by 2.61% for the New Open Space Development, New Trails Impact Fee, Park Development, Police Impact Fee, Recreation Impact Fee and Traffic Impact Fee, per Engineering News-Record Construction Cost Index (20 City Average) for April; increased by 2.79% for the Drainage Impact Fee, Wastewater Capacity Fee, and Water Capacity Fee per the Engineering News-Record Construction Cost Index (20 City Average) for June; 3.8% for facilities component per CPI – All Urban Consumers for San Francisco, Oakland, San Jose by US Department of Labor for April attached hereto and incorporated by this reference; and

WHEREAS, the Inclusionary Housing In-Lieu fees and Development Impact fees are hereby determined to be reasonable in that the amount thereof does not exceed the estimated reasonable costs for which the Inclusionary Housing In-Lieu fees and Development Impact fees are proposed to be rendered; and

WHEREAS, adoption of the fees set forth in Exhibit "A" 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 (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. The fees set forth in this Resolution shall be separately imposed for each service 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 and regulatory fees, as set forth in Exhibit "A", the Inclusionary Housing In-Lieu fees and Development Impact fees.

Section 4. Application. The Master Fees Schedule, the Inclusionary Housing In-Lieu Fee Schedule and the Development Impact Fee Schedule 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, 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 fees as determined and set forth herein on a periodic basis as well as the Town's costs reasonably borne as established and, as and if warranted, to revise such fee based thereon.

Section 6. Annual Adjustment.

A. The adopted user fees and regulatory fees for miscellaneous discretionary services set forth in Master Fee Schedule and Exhibit "A" shall be adjusted for inflation by the Town Council 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 may round the adjusted fee down to the nearest whole dollar amount.

B. The adopted Inclusionary Housing In-Lieu fees set forth shall be adjusted for inflation by the Town Council on July 1, of every year by applying an inflation factor equal to the percent

increase in the median home sales price in the Town over the previous three (3) years. In years when the percent change in rolling three-year average of median home sales price is negative, the in-lieu fee shall remain unchanged.

C. The Development Impact fees set forth shall reference the annual adjustment by applicable Resolutions 1864-17, 1865-17, 3339-17, 3340-17, 3341-17, 3342-17, 3343-17, 3344-17, 3558-19, 3590-20, 3696-21 and 3952-24, to the corresponding Development Impact fee.

Section 7. Repeal. The fees adopted under this Resolution shall supersede the corresponding fees previously established and adopted by the Town Council. All previously adopted and conflicting user fees are hereby repealed, and the Town Manager is authorized to take all actions necessary to carry out the intent of this Resolution.

Section 8. Use of Fee Revenue.

A. The revenues received by payment of the user fee and regulatory fee established by this Resolution shall be used to fund the reasonable cost of providing the miscellaneous discretionary services for which the fee is charged, and such fee shall not be used for general revenue purposes.

B. The revenues received by payment of the Inclusionary Housing In-Lieu fees established by this Resolution shall be placed in a reserve account used for the exclusive purpose of providing housing affordable to very low, low and moderate-income households in the Town of Windsor.

C. The revenues received by payment of the Development Impact fees established by this Resolution shall reference the use of fee by applicable Resolutions 1864-17, 1865-17, 3339-17, 3340-17, 3341-17, 3342-17, 3343-17, 3344-17, 3558-19, 3590-20, 3696-21, and 3952-24 to the corresponding Development Impact fee.

Section 9. Severability. The user fees and regulatory 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 or the user fees and regulatory fees in Exhibit "A". The Town Council hereby declares that it would have passed this Resolution and the user fees and regulatory fees set for 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 fee adopted thereby shall become effective immediately upon adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of June 2026, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**COUNCILMEMBER WALL**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK

Attachment:

- **Exhibit A -** Proposed Summary of Changes to the Master Fee Schedule Changes FY2026-27

TOWN OF WINDSOR

EXHIBIT A

Fiscal Year 2026-27	Column1	Column2	Column3	Column4
Discretionary Fees	Adjustment Factor	Applicable Fee	% Increase	Median House Price
Master Fee Schedule	CPI - All Urban Consumers for San Francisco - Oakland - San Jose by US Dept of Labor for April	All	3.80%	
Inclusionary Housing In-Lieu Fees	Average Median Home Price (3 years)	All	1.77%	$ 815,070
Development Impact Fees	Engineering News-Record Construction Cost Index (20-City Average)	Fire Impact Fee	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for April	New Open Space Development	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for April	New Trails Impact Fee	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for April	Park Development	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for April	Police Impact Fee	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for April	Public Facility Impact Fee	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for April	Recreation Impact Fee	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for April	Traffic Impact Fee	2.61%	
	Engineering News-Record Construction Cost Index (20-City Average) for June	Drainage Impact Fee	2.79%	
	Engineering News-Record Construction Cost Index (20-City Average) for June	Wastewater Capacity Fee	2.79%	
	Engineering News-Record Construction Cost Index (20-City Average) for June	Water Capacity Fee	2.79%	
	CPI - All Urban Consumers for San Francisco - Oakland - San Jose by US Dept of Labor for April	Facilities Component	3.80%	