

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT ADOPTING A COMPREHENSIVE USER FEE STUDY AND ADOPTING A COMPREHENSIVE FEE SCHEDULE ESTABLISHING USER FEES FOR CERTAIN SPECIFIED SERVICES

THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES HEREBY
RESOLVES AS FOLLOWS:

Section 1. The City Council of the City of Beaumont ("City Council") hereby finds, determines and declares that:

- A. The City Council has conducted an extensive analysis of its services, the costs reasonably borne by the City in provided those services, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services;
- B. The City Council has determined that City staff provides many types of services ("Services") involving requests by City customers ("Applicants"); and
- C. The City currently imposes user fees ("User Fees") upon Applicants to recover the costs of staff time, copying costs, and other expenses related to providing these Services; and
- D. Current 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
- E. The City Council finds that providing these Services are of special benefit to Applicants both separate and apart from the general benefit to the public, and 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 User Fees; and
- F. The proposed User Fees are initially based upon the information contained in a document by City staff and Consultant ("Consultant") entitled "**Cost of Services Study for the City of Beaumont** " ("Fee Study"), dated September 2022, and updated by staff to reflect current costs of the City to provide the Services; and

- G. Pursuant to state law, the City may impose User Fees for certain services.
- H. Pursuant to Government Code Section 66014, the City is empowered to impose User Fees covering up to 100 percent of the actual costs of providing Services to Applicants; and
- I. The City desires to adjust certain fees to recoup part or all of the actual costs incurred by the City in providing these Services; and
- J. Chapter 3.32 of the Beaumont Municipal Code provides that the City may set fees to recoup costs reasonably borne by the City by means of adopting a resolution of the City Council, after compliance with the requirements of state law; and
- K. Government Code Section 66014 *et al.* 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
- L. Pursuant to Government Code Sections 66014, 66015, 66017 and 66018 and the Beaumont Municipal Code, the specific fees to be charged for certain regulations, services and products must be adopted by resolution or ordinance, following notice and public hearing; and
- M. written notice has been provided to interested parties who filed written requests for mailed notice of meetings on new or increased development-related fees or service charges as required by Section 66016(a); and
- N. The City Council conducted a duly noticed public hearing on March 7, 2022, at which time the public was invited to make oral and written presentations as part of the regularly scheduled meeting prior to the adoption of this Resolution; and
- O. At least ten (10) days prior to the public hearing referenced above, the City made available for public inspection the Fee Study as required under Government Code Section 66016; and
- P. The City published notice of the public hearing as described above in accordance with Government Code Sections 66018 and 6062a (10 days in a newspaper regularly published once a week or oftener. Two publications, with at least five days intervening between the dates of first and last publication not counting such publication dates, are sufficient); and
- Q. The establishment and increase of User Fees is statutorily and categorically exempt from the requirements of the California Environmental Quality Act because setting User Fees and Development Fees fits within the statutory exemptions for local agency decisions involving rates, tolls or other charges pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the California

Environmental Quality Act Guidelines this Resolution is not "an essential step culminating in action which may affect the environment".

Section 2. Adoption of the Report and Methodology. The City Council hereby approves "Cost of Services Study for the City of Beaumont", dated September 2022, and updated by staff to reflect current costs of the City to provide the Services and adopts the methodology for calculating and collecting the fees and charges established therein.

Section 3. Adoption of Fees and Charges. The City Council hereby adopts the "**City of Beaumont User Fee Schedule**" as set forth in attached **Exhibit "A"** and incorporated by this reference. Unless otherwise stated in the Fee Schedule, all User Fees shall be paid to the City by the Applicant prior to the City's performance of the requested Services.

Section 4. Repeal of Conflicting Resolutions. 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 fees for the services, programs or products set forth in **Exhibit A** which have been modified from prior resolutions of the City Council. The remaining fees that have not been modified from prior resolutions shall remain in full force and effect and are hereby restated in **Exhibit "B"** for convenience so that all fees are set forth in one document.

Section 5. Building Valuation Based Fees. Building valuation to determine building fees based on project valuation shall be determined by using the current International Code Council (ICC) Building Valuation Data published preceding the fee update. The current publication in effect is August 2022 published 09/20/2022. When the Building Valuation Data publication does not define the project, the valuation of the work shall be determined as described in the currently adopted California Code of Regulations Title 24.

Section 6. Deposit Based Fees. The City Council hereby authorizes the stop work of applications which fall below ten percent (20%) balance on all deposit-based applications. The application is automatically deemed incomplete due to lack of funds and additional fees shall be deposited, as requested by staff, with the City of Beaumont for estimated completion of the application.

Section 7. 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) and Section 15273 of the California Environmental Quality Act Guidelines.

Section 8. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 9. Effective Date. This Resolution and all fees and rates herein shall continue and/or take effect on July 1, 2023.

ADOPTED this 7th day of March 2023.

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Julio Martinez, Mayor, City of Beaumont

ATTEST:

Nicole Wheelwright
Deputy City Clerk

By: _____

EXHIBIT "A"

Establishing or Modified Fees

[Attached]

EXHIBIT "B"

All Other Fees Not Modified

[Attached]