

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ADOPTING THE “CITY OF SANTA CLARA 2019-20 MUNICIPAL
FEE SCHEDULE, PHASE II” WHICH IMPOSES NEW FEES,
AMENDS EXISTING FEES AND RETAINS UNCHANGED FEES
FOR VARIOUS CITY DEPARTMENTS**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, for the previous fiscal year 2018-19 (July 1, 2018 to June 30, 2019) certain fees were adopted by Resolution No. 18-8518 and were then incorporated into the “CITY OF SANTA CLARA 2018-19 MUNICIPAL FEE SCHEDULE” (“fee schedule”);

WHEREAS, the City now desires to impose new fees, amend existing fees and retain unchanged certain fees based on the document entitled “PROPOSED CITY OF SANTA CLARA 2019-20 MUNICIPAL FEE SCHEDULE, PHASE II”;

WHEREAS, where the fees are imposed by the City to support government services and not for the purpose of providing a market-based fee for services that are also provided by the general public, the proposed fees are hereby determined to be reasonable in that they do not exceed the estimated reasonable costs of providing the public services proposed to be rendered;

WHEREAS, in adopting the fees and this Resolution, the City is exercising its powers under Article XI, Section 7, and Article XIIIC of the California Constitution, Section 50076 of the California Government Code, its Charter, its City Code, and other applicable laws;

WHEREAS, for fees that are noted in the fee schedule as new or increasing, relevant reports regarding those new or increased fees were made available for public review and comment for ten (10) days prior to the public hearing at which this resolution was considered and adopted;

WHEREAS, on November 19, 2019, the City Council held a public hearing on the fees and charges set forth in the revised fee schedule, phase II;

WHEREAS, on October 30 and November 6, 2019, timely notice of the public hearing was published in the *Santa Clara Weekly* in the manner set forth in Government Code Sections 6062a and 66018; and

WHEREAS, notice of the public hearing was mailed to all persons requesting such notice pursuant to Government Code Section 66016.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. Adoption of Fees, Rates and Charges. The fees, rates, and charges (hereinafter collectively, "fees") contained in the document entitled "PROPOSED CITY OF SANTA CLARA 2019-20 MUNICIPAL FEE SCHEDULE, PHASE II" are hereby adopted and are to be set forth in a document entitled "CITY OF SANTA CLARA 2019-20 MUNICIPAL FEE SCHEDULE." The fees so charged do not exceed the estimated reasonable costs of providing the services for which the fees are imposed and are fair and equitable in nature. The fee schedule also indicates how each fee is not a tax by referencing all applicable exceptions to Cal. Constitution, Article XIII C that apply. Generally, the following types of charges are not taxes: (1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege; (2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product; (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof; (4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property; (5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government, as a result of a violation of law; (6) A charge imposed as a condition of property development; (7)

Assessments and property-related fees imposed in accordance with the provisions of Article XIID.

3. Effect of Fees Prior to effective Date of Resolution. This Resolution shall not be construed so as to affect any fee or charge payable or paid under any applicable fee schedule operative prior to the effective date of this Resolution.

4. Effective date. The fees set forth in the "CITY OF SANTA CLARA 2019-20 MUNICIPAL FEE SCHEDULE, PHASE II" shall be effective on January 20, 2020.

5. Challenge to Fees. In the event of any challenge to any increased fee adopted herein, including any challenge pursuant to Cal. Constitution, Article XIIC, the formerly adopted fee as stated in the "CITY OF SANTA CLARA 2018-19 MUNICIPAL FEE SCHEDULE" shall then be in effect unless and until the challenged fee becomes effective.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 19th DAY OF NOVEMBER, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None