



CITY OF FILLMORE
CENTRAL PARK PLAZA
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TO: Mayor and City Council

DATE: February 28, 2017

FROM: Gaylynn Brien, Finance Director

SUBJECT: PUBLIC HEARING TO ADJUST THE "SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES" AND ADOPTION OF CITY COUNCIL RESOLUTION 17-3569 TO ADOPT UPDATED PARKING FINES AND A DECREASED FEE FOR DEPOSITING MATERIALS IN THE RIGHT OF WAY

REQUEST

Request that City Council receive the proposed adjustments to the existing fees provided in the Schedule of Fees and Charges for City Services; conduct a public hearing to obtain comments concerning the proposed changes; and consider adopting Resolution 17-3569 to update the City's parking fines and the right of way use fee as set forth in the City's Schedule of Fees and Charges.

DISCUSSION

The City charges fees for various City services pursuant to a fee schedule that was recently updated by conducting a complete review of the time, effort and cost to provide these services with the adoption by the City Council of Resolution No. 16- 3548 effective September 4, 2016. However, after approval of this resolution, additional information about the following two items became evident and staff is now requesting the following changes:

- 1) Public Works – Exhibit I-1: Depositing Material on Right of Way – This fee requires a correction due to miscalculating the time spent on this activity. Staff is requesting this fee to change from \$114.00 to \$64.00.
- 2) Parking Enforcement – Exhibit K-1 – The State of California requires the City to pay \$12.50 to the State for every parking citation that is issued and paid. The current fines that require this amount to be paid to the State are shown on the attached Exhibit K – Police Enforcement. A majority of the fines are \$75.00 and will increase to \$87.50, however, abandoning a vehicle on public or private property is currently \$185.00 and will increase to \$197.50 and blocking a

wheelchair or handicapped space is \$280.00 and will increase to \$292.50. This charge was not updated to reflect this mandatory payment of \$12.50/ticket to the State such that the City has been subsidizing this cost. Accordingly, staff is requesting that the fine for each parking ticket be increased by \$12.50 to cover this added cost.

Pursuant to Article 13c, Sections (1)(e)(1) and (1)(e)(2), of the California Constitution, the City is authorized to charge new fees and charges, or increase existing fees and charges, for City services, such as the encroachment fee revision proposed under this Resolution, without voter approval so long as specific conditions are met. Under Section (1)(e)(1), the City can create a new or increased charge for a special benefit conferred or privilege granted directly and exclusively to the payor so long as the fee or charge does not exceed the reasonable costs of the City providing such benefit or privilege. Similarly, the City may create a new or increased fee for a service or product provided directly to the payor so long as the fee or charge does not exceed the reasonable cost to the City of providing such product or service.

As the City has recently determined that the fee it has adopted for depositing materials in the right of way exceeded the City's cost to provide this service, staff is now recommending that this fee be reduced.

Parking penalties issued for parking violations are fines (civil penalties), not fees, and are established by the governing body of the jurisdiction where the notice of violation is issued pursuant to Vehicle Code § 40203.5. As mentioned briefly above, Senate Bill 1407, effective January 1, 2009, added a penalty of \$9.50 per parking violation fine to be paid to the state court construction fund, the state immediate and critical needs facilities construction fund, the county courthouse construction fund and the county criminal justice facilities construction fund to each parking citation issued. In addition, Senate Bill 857, which became effective on December 7, 2010, increased the amount of the mandatory fines to be paid to such state and county funds by an additional \$3.00 per fine. Accordingly, as the City has not previously updated its parking fine amounts to address the new costs added by SB 1407 and SB 857, staff is requesting that all parking citations issued by the City be increased by \$12.50 to allow the City to fully recover the costs imposed by SB 1407 and SB 857.

The revision of the encroachment permit fee requires a public hearing with two notices placed in the local newspaper with the first notice scheduled at least twelve days prior and the second notice at least five days prior to the public hearing. The public hearing for the February 28, 2017 City Council meeting has been properly noticed in the Fillmore Gazette on both February 16, 2017 and February 23, 2017. The Schedule of Fees and Charges is available in the office of the City Clerk for review by any interested party.

The attachments to this report include only the changes proposed. The full Schedule of Fees and Charges can be found on the City's website.

Upon approval of the proposed changes to the Schedule of Fees and Charges for City Services the effective dates for the new fees are as follows:

- 1) The encroachment permit fee is a development related fees which requires a 60-day waiting period. If adopted, this fee will become effective on May 1, 2017.
- 2) If the new parking fines are adopted they will become effective immediately.

FISCAL IMPACT

The increase to the parking citation is a State mandated pass-through charge with the amount received correspondingly paid to the State of California. This will allow the City to stop subsidizing parking fines.

CITY COUNCIL GOAL

This item achieves the City Council goal to be fiscally responsible and achieve full cost reimbursement for providing City services when appropriate.

RECOMMENDATION

1. Council receive the proposed increases to portions of the Schedule of Fees and Charges for City Services as outlined above;

Conduct a public hearing and obtain public comments concerning the proposed increases and changes to the Schedule of Fees and Charges for City Services. After receiving public comments, close the Public Hearing and commence City Council discussions; and

Adopt City Council Resolution 17-3569 to approve the above-described updates to the Schedule of Fees and Charges for City Services.

Alternatives

2. Receive the proposed updates to portions of the Schedule of Fees and Charges for City Services; conduct and close the public hearing; and adopt City Council Resolution 17-3569 to approve the updates to portions of the Schedule of Fees and Charges of City Services with changes.
3. Receive the proposed increases to portions of the Schedule of Fees and Charges for City Services; do not conduct and close the public hearing; and provide other direction to staff.

ATTACHMENTS

Resolution 17-3569 Adopting Changes to the Schedule of Fees and Charges for City Services to Update Park Fine Amounts and Decrease the Fee for Depositing Material in the Right of Way

Exhibit I-1 First Amendment to the Schedule for Public Works – Depositing Material in a Right-of-Way

Exhibit K-1 Amended and Restated Schedule for Police Enforcement