

**JOINT RESOLUTION NO. 2017-043
RESOLUTION NO. HWD-2017-15
RESOLUTION NO. HFPD-2017-14
RESOLUTION NO. HCDC-2017-08
RESOLUTION NO. HHA-2017-07**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA FIRE PROTECTION DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, RESCINDING JOINT RESOLUTION NO. 2016-48, RESOLUTION NO. HWD 2016-18, RESOLUTION NO. HFPD 2016-18, RESOLUTION NO. HHA 2016-12, AND RESOLUTION NO. HCDC 2016-09, JOINT RESOLUTION NO. 2016-61, RESOLUTION NO. HWD 2016-23, RESOLUTION NO. HFPD 2016-21, RESOLUTION NO. HHA 2016-14, AND RESOLUTION NO. HCDC 2016-10, AMENDING THE CITY-WIDE FEE SCHEDULE

WHEREAS, on December 6, 2016 the City of Hesperia, Hesperia Water District, Hesperia Fire District, Hesperia Housing Authority and Hesperia Community Development Commission adopted a revised City-wide fee schedule inclusive of all City, District, and Commission fees.

WHEREAS, Pursuant to Article XIII B (Proposition 4) of the California Constitution, it is the intent of the City Council of the City of Hesperia, the Board of Directors of the Hesperia Water District, the Board of Directors of the Hesperia Fire Protection District, the Board of Directors of the Hesperia Housing Authority, and the Board of Directors of the Hesperia Community Development Commission to recover costs reasonably borne from fees and charges for services rendered; and

WHEREAS, Pursuant to Article XIII C and Article XIII D (Proposition 218) of the California Constitution the fees, charges and regulatory fees are levied as an incident of the voluntary act of an individual or business and not the result of property ownership; and

WHEREAS, the fees currently charged for Engineering services have not been substantially modified in approximately 15 years, and the industry model for these fees has changed since that time; and

WHEREAS, staff reviewed the fee schedule of several neighboring jurisdictions and found that fees based upon a percentage of the Engineer's Cost Estimate is the standard; and

WHEREAS, staff also reviewed the fees of Community Development and incorporated changes to increase the usability of the fee schedule by citizens and developers; and

WHEREAS, the State mandates local jurisdictions to regulate storm water run-off and discharge through the Municipal Separate Storm Sewer System (MS4) permit; and

WHEREAS, the State permit requires plan review of projects, categorization of projects based on threat to storm water, and inspection of projects using best management practices, and as such, fees are required to recover the cost of the administration of the program; and

WHEREAS, the Water District distributes to water customers a meter compliant with Fire Services, and requires a fee to collect the cost of this meter; and

WHEREAS, on September 19, 2017 the City Council adopted Ordinance No. 2017-16 allowing and regulating Medical Cannabis Delivery businesses within the City; and

WHEREAS, the City Council directed staff to prepare fees to recover the cost of administering the business license program related to Medical Cannabis Delivery businesses, and

WHEREAS, the City Council directed staff to prepare fees to recover the cost of administering a program requiring the registration of residential addresses where the occupants desire to cultivate cannabis for personal use, as allowed by state law; and

WHEREAS, in 1991 the City Council adopted Ordinance 107, defining and authorizing the charge of Costs Reasonably Borne, and establishing a calculation to establish hourly rates for certain employee classifications; and

WHEREAS, the current hourly rates have not been modified since 2005, and require an update to ensure that the City is collecting fees that adequately recover costs; and

WHEREAS, charging these fees represents the collection of fees for services provided; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, AND THE BOARD OF DIRECTORS OF THE HESPERIA FIRE PROTECTION DISTRICT AS FOLLOWS:

- Section 1. In all respects, the facts as set forth in this resolution are true and correct.
- Section 2. The following resolutions are hereby rescinded: Joint Resolution No. 2016-48, Resolution No. HWD 2016-18, Resolution No. HFPD 2016-18, Resolution No. HHA 2016-12, and Resolution No. HCDC 2016-09, Joint Resolution No. 2016-61, Resolution No. HWD 2016-23, Resolution No. HFPD 2016-21, Resolution No. HHA 2016-14, and Resolution No. HCDC 2016-10.
- Section 3. The schedule of fees and charges set forth in Exhibit "A", Appendix "A", Appendix "B", Appendix "C", Attachment "A" and Attachment "B" are hereby adopted and shall be applied to the specified services. The effective date of this resolution shall be December 17, 2017.
- Section 4. All fees described are for each identified process and additional fees shall be required for each additional process or service required.
- Section 5. Interpretation of this resolution may be made by the City Manager or designee. When there are conflicts between fees, the lower fee shall be applied.
- Section 6. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State

legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 17th day of October, 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre, City Clerk