

**JOINT RESOLUTION NO. 2019-47
RESOLUTION NO. HCDC-2019-06
RESOLUTION NO. HHA-2019-06
RESOLUTION NO. HWD-2019-10**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, AMENDING JOINT RESOLUTION NO. 2018-21, RESOLUTION NO. HCDC 2018-04, RESOLUTION NO. HHA 2018-04, AND RESOLUTION NO. HWD 2018-07, AMENDING THE CITY-WIDE FEE SCHEDULE

WHEREAS, on December 6, 2016 the City of Hesperia City Council, Hesperia Community Development Commission, Hesperia Housing Authority, Hesperia Fire Protection District, and the Hesperia Water District, adopted a revised City-wide fee schedule inclusive of all City, Commission, and District 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 Community Development Commission, the Board of Directors of the Hesperia Housing Authority, and the Board of Directors of the Hesperia Water District 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, Title 6, Chapter 6.08 of the Hesperia Municipal Code contains regulations related to the care and keeping of animals; and

WHEREAS, in 2014 amendments to these regulations included mandatory spay or neuter for animals who are unlicensed and caught off property, and

WHEREAS, the City Council desires to provide an exception to the mandatory regulation for persons who may use the animal for breeding purposes and who make good faith efforts to keep their animal on property; and

WHEREAS, as part of this effort, a fee for reclaiming the animal on the first offense, when the animal is unlicensed, will encourage animal owners to make every effort to keep their animal on property. It will also recover the cost for the administration of keeping the animal at the shelter until retrieval by the owner.

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

WHEREAS, the Animal Services Departments' goal is to attain livable homes for all animals deemed adoptable; and

WHEREAS, to further this goal, at times, adoption fees may need to be reduced to encourage patrons to visit the shelter and adopt animals; and

WHEREAS, the City Manager should be authorized to deem such fee reductions as necessary to the furtherance of the animal shelter goals; and

WHEREAS, it is a function of the Police Department to provide records checks and letters of clearance to citizens as requested; and

WHEREAS, to recover the cost of providing such service, a fee is required; and

WHEREAS, the City of Hesperia regulates and allows Commercial Cannabis operations specific to Non-Storefront Retail Delivery for Medicinal purposes; and

WHEREAS, as a function of the program, staff accepts and reviews a multitude of documents, plans, and certifications from the applicant; and

WHEREAS, the program has been in place on year and upon review the City is not recovering all costs related to the review of the applications; and

WHEREAS, the adoption of an additional fee related to Part II of the program application review will allow the City to recover all costs related to the program; and

WHEREAS, the nature of the cannabis industry continues to be a cash business, and as such an occasional audit of the business operations can continue to keep the program operating in the confines of the law, ensuring that all City fees and taxes are being remitted by the business owners; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA WATER 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 amended: Joint Resolution No. 2018-21, Resolution No. HCDC 2018-04, Resolution No. HHA 2018-04, and Resolution No. HWD 2018-07.
- Section 3. The schedule of fees and charges set forth in Exhibit "A" are hereby adopted and shall be applied to the specified services. The effective date of this resolution shall be November 17, 2019.
- 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 September, 2019

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk