

**JOINT RESOLUTION NO. 2021-51
RESOLUTION CDC No. 2021-06
RESOLUTION HHA No. 2021-10
RESOLUTION HWD No.2021-19**

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, 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 WATER DISTRICT AMENDING THE CITY-WIDE FEE SCHEDULE RELATED TO THE DEEMED APPROVED ALCOHOL LICENSE AND ANNUAL INSPECTION PROGRAM AND IMPLEMENTATION OF FEES FOR THE TOBACCO RETAILER LICENSING PROGRAM

WHEREAS, on December 6, 2016, the City of Hesperia City Council, 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, the City Council heard and took action on Ordinance No. 2017-03, related to deemed approved operations conditions and regulating off-sale alcohol beverage sales establishments; and

WHEREAS, deemed approved establishments present potential risks that may arise from the sale of alcohol such as loitering, litter, graffiti, and unruly behavior, a mechanism to monitor these establishments for compliance is necessary through annual inspections and re-inspections as applicable; and

WHEREAS, the City Council/Commission/Board desires to modify the existing fees for the Deemed Approved Program to address the different levels of administration that different establishments require, while still recovering program related costs; and

WHEREAS, the City Council received a report regarding the implementation of a Tobacco Retailer License (TRL) program, compliance checks and inspections are necessary to deter the sale of tobacco to underage youth; and

WHEREAS, the proposed TRL program will include such compliance and inspection checks by the City's Code Enforcement Department, a fee is necessary to recover costs for the annual inspections and re-inspections as applicable; and

WHEREAS, those establishments that operate as both alcohol and tobacco retailers, a combination fee is recommended that combines both licenses, inspections, and re-inspection fees for efficiency and appropriate cost recovery purposes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, 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 WATER DISTRICT AS FOLLOWS:

- Section 1. In all respects, the facts as set forth in this resolution are true and correct.
- Section 2. 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 December 19, 2021.
- Section 3. All fees described are for each identified process and additional fees shall be required for each additional process or service required.
- Section 4. Interpretation of this resolution may be made by the City Manager and/or designee. When there are conflicts between fees, the lower fee shall be applied.
- Section 5. 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 19th day of October 2021

Cameron Gregg, Mayor

ATTEST:

Melinda Sayre, City Clerk