

RESOLUTION NO. 2011-67

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI, CALIFORNIA,
SUPERSEDING RESOLUTION NO. 2009-04, ESTABLISHING THE
FEES AND CHARGES FOR CITY SERVICES**

WHEREAS, the City of Cotati has conducted an extensive and exhaustive analysis of its services, the costs reasonably borne of providing those services, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and,

WHEREAS, the City wishes to comply with both the letter and the spirit of Article XIII B of the California Constitution; and,

WHEREAS, the City desires to establish a policy of recovering the full costs reasonably borne of providing special services of a voluntary and limited nature, such that general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and,

WHEREAS, heretofore the City Council has adopted Ordinance No. 692 on May 26, 1999, establishing certain fees and service charges and its policy as to the recovery of costs and more particularly the percentage of costs reasonably borne to be recovered from users of City services and directing staff as to the methodology for implementing said Ordinance; and,

WHEREAS, pursuant to Government Code Sections 66016, 66017 and 66018, the specific fees to be charged for such services must be adopted by the City Council by ordinance or resolution, after providing notice and holding a public hearing; and,

WHEREAS, notice of public hearing has been provided per California Government Code Sections 6062a and 66016, oral and written presentations made and received, and the required public hearing held; and,

WHEREAS, a schedule of fees and charges to be paid by those requesting such special services need be adopted so that the City might carry into effect its policies; and,

WHEREAS, a "Cost of Services Study" dated February 1999 was prepared by Revenue & Cost Specialists, L.L.C., estimated reasonable costs of providing the services for which the fees are proposed to be charged. The percentage of costs which can be recovered for each item was identified in the study and defined in Cotati Municipal Code section 3.42.040. Said study is incorporated by this reference and shall be available in the City's Administrative Services Department; and,

WHEREAS, the City has previously approved the following Resolutions establishing the amount of fees and charges for City Services:

Resolution 99-22 on the 26th day of May 1999; and,

Resolution 01-77 Superseding Resolution 99-22 on the 11th day of July 2001; and,

Resolution 02-45 Superseding Resolution 01-77, on the 12th day of June 2002: and, Resolution 02-69 Superseding Resolution 02-45, on the 23rd day of July 2002: and, Resolution 03-29 Superseding Resolution 02-69, on the 11th day of June 2003: and, Resolution 04-61 Superseding Resolution 03-29, on the 14th day of July 2004: and, Resolution 07-62 Superseding Resolution 04-61, on the 22nd day of Aug. 2007: and, Resolution 08-06 Superseding Resolution 07-62, on the 12th day of Mar. 2008: and, Resolution 2009-04 Superseding Resolution 08-06 on the 11th day of Feb. 2009: and,

WHEREAS, it is the intention of the City Council to revise the schedule of fees and charges; and,

WHEREAS, all requirements of California Government Code Sections 66016, 66017 and 66018 are hereby found to have been complied with;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Fee Schedule Adoption. Pursuant to Ordinance No. 692, the following fees and charges are hereby established, superseding Resolution 2009-04 , and directed to be computed by and imposed by the various City departments, and to be collected by the City Administrative Services Department for the herein listed services when provided by the City or its designated contractors.

Section 2. Separate Fee for Each Process. Each fee set forth in this resolution shall be separately imposed for each service or process described herein below to which the fee pertains; additional fees shall be required for each additional process or service that is requested or required. Where fees are indicated on a per unit of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

A. Defining and Timing of Fee Schedule. Definitions regarding and the timing of the implementation of the hereinafter enumerated fees shall be as stipulated in Ordinance No. 692.

Section 3. Listing of Fees. The following fees shall be charged and collected for the following enumerated services and processes:

I. Community Development Services

1. Informal Pre-Application Conference

- a. Single family owner occupied property.....No charge
- b. Other\$ 315 deposit per application with actual costs charged including staff

costs at fully burdened hourly rates.

2. Conditional Use Permit Review

- a. Permits requiring an environmental impact review..... \$ 2,700 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- b. Permits not requiring an environmental impact review.....\$ 1,400 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- c. Minor Conditional Use Permit (i.e. childcare, live entertainment, outdoor dining, 2nd driveway in rural residential district,) and other minor uses as determined by the Director of Community Development.....\$ 1,000 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- d. Determination of "Like" Use by Planning Commission\$ 400 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- e. Modification to Previous Conditional Use Permit approval.....\$ 650 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

3. Limited Term Use Permit w/ Admin Hearing\$ 630 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

Limited Term Use Permit w/ Planning\$ 1,215 deposit per application with Planning Commission

- Hearing actual costs charged including staff costs at fully burdened hourly rates.
4. Variance Application\$ 1,750 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 - Minor Variance Application\$ 450 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 5. General Plan Amendment
 - a. Requested alone, or City-planned General Plan Amendment.....\$ 6,800 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 - b. Combined with a second amendment request.....\$ 4,624 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 - c. Combined with a third amendment request\$ 3,400 deposit per applications with actual costs charged including staff costs at fully burdened hourly rates.

 6. Zoning Ordinance Amendment\$ 3,000 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 7. Hillside Development Permit.....\$ 1,365 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 8. Planned Unit Development.....\$5,000 deposit per application with actual costs charged including staff

- costs at fully burdened hourly rates.
9. Planned Unit Development Amendment\$ 3,700 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
 10. Tentative Minor Subdivision Map Review.....\$ 2,165 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
 11. Tentative Major Subdivision Map Review.....\$ 5,780 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
 12. Categorical Exemption\$ 210 per application.
 13. Negative Declaration\$ 2,000 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
 14. (Environmental) Fish & Game Fees
 - a. EIR\$ 2,500
 - b. Negative Declaration\$ 1,800
 - c. Categorically ExemptNo fee
 - d. DeMinimus Finding.....No fee

If Fish and Game did not participate in the review process, the applicant may request a waiver of fees in writing from State Fish and Game.

15. Environmental Impact Report\$ 20,000 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
16. Mitigation Measures and Monitoring
 - a. Identification of Mitigation Measures\$ 3,825* deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

*with the potential for additional fees based on the extent of the mitigation and monitoring identified in the Negative Declaration or Environmental Impact Report.

- 17. Notice of Exemption.....\$ 50 (per County cost).

- 18. Design Review (Pre- and Final)
 - a. Commercial and Industrial.....\$.04 per square foot or a deposit of \$ 1,900 for actual costs charged including staff costs at fully burdened hourly rates.

 - b. Single Family Residential.....\$ 500 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 - c. Multiple Family Residential\$ 500 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 - d. Subdivisions.....\$ 500 deposit per application plus \$ 100 deposit for each of the first five lots and \$ 75 deposit per lot thereafter, with actual costs charged including staff costs at fully burdened hourly rates.

- 19. Planning Review.....Charged as actual costs including staff costs at fully burdened hourly rates at time of building permit issuance.

- 20. Modification to Design Review
 - a. Single Family Residential\$ 295 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

 - b. Multiple Family Projects\$ 150 deposit per application

with actual costs charged including staff costs at fully burdened hourly rates.

- c. Commercial and Industrial.....\$ 550 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

- 21. Grading Plan Check.....\$ 640 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

- 22. Grading Inspection.....\$ 255 per application.

- 23. Final Minor Subdivision Improvement Plan Review.....\$ 1,745 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

- 24. Final Major Subdivision Improvement Plan Review.....\$ 5,205 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

- 25. Public Improvement Inspection.....\$ 9,710 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.

- 26. Building Plan Check... ..Based on current Building Code Ordinance / Resolution fee schedule.

- 27. Building Inspection.....Based on current Building Code Ordinance / Resolution fee schedule.

- 28. Plan Revision Checking.....\$ 100 per application.

- 29. Engineering Plan Check.....\$ 300 deposit with actual costs charged including staff costs at fully burdened hourly rates.

- 30. Sustainable Building Review.....\$ 300 deposit with actual costs charged including staff costs at fully burdened hourly rates.
- 31. Time Extension Review.....\$ 695 per application.
- 32. Lot Line Adjustment Review.....\$ 1,225 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- 33. Certificate of Compliance.....\$ 670 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- 34. Minor Non-Construction Encroachment Permit.....\$ 250 per application. Fee may be waived by City Engineer per Municipal Code Section 11.01.170 F
- 35. Minor Construction Encroachment Permit.....\$ 770 per application. Fee may be waived by City Engineer per Municipal Code Section 11.01.170 F
- 36. Major Encroachment Permit.....\$ 1,595 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- 37. Street or Right-of-Way Vacation Processing.....\$ 1,455 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- 38. City Council Appeal Processing.....\$ 300 per application.
- 39. Zoning Clearance or Research Letter
 - a. Verbal response.....No charge.
 - b. Written confirmation.....\$ 80 per application.

- 40. Flood Plain Review.....\$ 845 deposit per application with actual costs charged including staff costs at fully burdened hourly rates.
- 41. Growth Management Review
 - a. 1-4 residential units.....\$ 175 per unit.
 - b. 5 or more residential units\$ 1,200 per application.
- 42. Sign Permit
 - a. Permit requiring only a counter approval.\$ 220 per permit.
 - b. Permit requiring a Design Review Committee approval.....\$ 465 deposit per permit application with actual costs charged including staff costs at fully burdened hourly rates.
- 43. Archaeological Inventory...\$ 140 per application.
- 44. Tree Removal Inspection
 - a. Standard removal\$ 25 for the first five trees, \$10 per additional tree thereafter.
 - b. Inspection requiring arborist.....\$ 150 deposit per application with actual costs charged for the arborist.
- 45. Tree replacement in-lieu mitigation fee pursuant to Section 17.54.050C of Land Use Code.....As determined by a Certified Arborist approved by City of Cotati.
- 46. Tree removal without permit penalty.....Twice the standard removal fee plus twice the replacement value.
- 47. Engineering Standards\$ 220 per application.
- 48. Blueprint/Map Reproduction.....\$ 54 per application plus actual reproduction costs.
- 49. Medical Marijuana Dispensary Review.....\$ 4,500 deposit with actual costs charged including staff costs at fully burdened hourly rates.

50. California Building Standards Commission
 SB1473 fee.....Based on permit valuation as
 required by law.

| | |
|---|---------|
| \$1-25,000 | \$1 |
| \$25,001- 50,000 | \$2 |
| \$50,001-75,000 | \$3 |
| \$75,001- 100,000 | \$4 |
| Every \$25,000 or fraction thereof above \$100,000 | Add \$1 |

51. Special Deposits for Large and/or Unusual
 Development ProposalsAs a substitute for the fees
 included in this fee schedule, the
 City Manager is authorized to enter
 into Cost Recovery Agreements
 with applicants submitting large
 and/or unusual proposals which
 may require considerably more
 staff time or consultant costs. The
 basis for the cost recovery shall be
 100% recovery of the City's actual
 costs for responding to the
 proposal, including the City's
 overhead cost factor.

52. Refund of FeesA refund of fees/deposits may be
 requested in writing upon project
 cancellation, completion, or
 withdrawal. Staff time expended
 on the project and the City's
 overhead cost factor will be
 deducted from the collected
 amount prior to refund.

II. Public Safety Services

53. Zoning Abatement/Code Enforcement
- a. First two notices of noncomplianceNo charge.
 - b. After first two notices of noncomplianceActual costs including staff costs at
 fully burdened hourly rates.
54. Parking EnforcementMaximum allowed by courts.

- Department of Justice) plus fingerprinting fees and Department of Justice fees.
- a. Renewal\$25 plus applicable Department of Justice & FBI fees.
 - b. Amendments to Permit\$10 plus applicable Department of Justice & FBI fees.
65. Annual Taxi Permit
- a. Initial owner or driver\$ 170 per permit plus any fees required by the Department of Justice and \$500 deposit for vehicle insurance review with actual hours charged for the City Attorney.
 - b. Annual owner or driver renewal\$25 per permit plus any fees required by the Department of Justice.
66. Statutory Offender Registration.....No charge (maximum allowed by State law).
67. Records Check/Clearance Letter\$ 25.00 per records check or clearance letter.
68. Police Crime Verification Letter.....\$ 7.50 per request.
69. Police Photo Reproduction
- a. Non Digital\$20 per request plus actual reproduction costs.
 - b. Digital to CD\$15 per disk
70. Video/Audio Tape Reproduction
- a. Dispatch Recording.....\$45 per CD plus cost of CD if not supplied.
 - b. Mobile Audio Video Reproduction\$45 per request, all formats.
71. Mandated Firearm Storage
- a. Intake, recordation and return/disposal of first five firearms\$ 90 per request

- b. Intake, recordation and return/disposal of additional firearms\$5 per firearm
- c. Storage\$5 per month
- 72. Vehicle Equipment Correction Inspection
Citation not issued by Cotati Police Dept.....\$ 20 per citation
- 73. VIN Verification.....\$ 20 per verification
- 74. Bicycle Registration.....No charge
- 75. Animal Control Registration
 - a. Spayed/neutered dog.....\$15 per animal
 - b. Unspayed/un-neutered dog\$30 per animal
 - c. Unlicensed dog\$35 per animal
- 76. Animal Control Recovery.....\$25 per animal 1st incident
.....\$50 per animal 2nd incident
.....\$100 per animal 3rd incident
- 77. Animal Trap Rental\$50 security deposit for trap
- 78. Vehicle Report of Repossession\$15 per Government Code 26751
- 79. Subpoena Witness - Police\$150 per Government Code 68097.2

III. Utility and Maintenance Services

- 80. Utility Service Sign Up.....\$35 per sign up
- 81. Water Service.....per Ordinance
- 82. Water Meter Installation\$ 150 per installation
- 83. Temporary Meter Rental Service.....\$ 35 per meter per rental plus a deposit of \$1,000 per meter with actual water usage charged at 1.5 times the residential water usage rate.

- 84. Water Delinquent Turn Off/On.....\$25 late payment penalty
- 85. Wastewater Service.....per Ordinance
- 86. Detour Permit.....\$55 per permit
- 87. Damage to City Property Repair.....Actual costs including staff costs at fully burdened hourly rates.
- 88. Temporary Street Closure Permit
 - a. Major street\$250 per event plus actual cost of equipment rental.
 - b. Residential or minor street.....\$40 per event plus actual cost of equipment rental.

IV. Finance, Administrative, and Recreation Services

- 89. Delinquent Business License
 - a. First delinquency letter sent February 125% of amount of business license for late payment penalty (in addition to business license).
 - b. Second delinquency letter sent March 150% of amount of business license for late payment penalty (in addition to business license).
 - c. Third delinquency letter sent April 175% of amount of business license for late payment penalty (in addition to business license).
 - d. Fourth delinquency letter sent May 1100% of amount of business license for late payment penalty (in addition to business license).
- 90. Returned Check Processing\$25
- 91. Park Rentals

Individual and Group Events

Park Use Permit fees assessed to groups or individuals for the use of a portion of a park or park amenity for private parties, receptions and nonprofit organizations not charging an admission fee to the general public.

La Plaza Park

| ATTENDANCE | COTATI PERMIT FEE | NON-COTATI PERMIT FEE |
|-------------------|--------------------------|------------------------------|
| Up to 250 | \$200 | \$300 |
| 251 + | \$600 | \$800 |

Other Parks

| ATTENDANCE | COTATI PERMIT FEE | NON-COTATI PERMIT FEE |
|-------------------|--------------------------|------------------------------|
| Up to 250 | \$150 | \$350 |
| 251 + | \$500 | \$700 |

Non-Profit Events with Admission Fees

Events held by non-profit groups, where admission or other fees are charged to the public, shall be assessed a Park Use Permit fee and refundable deposit based on event attendance. A Letter of Determinations from the Internal Revenue Service indicating a non-profit status is required.

La Plaza Park

| ATTENDANCE | COTATI PERMIT FEE | NON-COTATI PERMIT FEE |
|-------------------|--------------------------|------------------------------|
| Up to 250 | \$600 | \$1000 |
| 251 + | \$1200 | \$1500 |

Other Parks

| ATTENDANCE | COTATI PERMIT FEE | NON-COTATI PERMIT FEE |
|-------------------|--------------------------|------------------------------|
| Up to 250 | \$300 | \$600 |
| 251 + | \$700 | \$900 |

Non-Profit Youth Sports Organizations

Non-Profit groups that provide youth sports activities (through

high school age) shall be assessed a Park Use Permit fee per field, on a monthly basis. A Park Use Application for each field, court and/or park use shall be required. Each special event, such as “Opening Day,” “Tournaments,” etc. will require a separate Park Use Application.

| COTATI PERMIT FEE | NON-COTATI PERMIT FEE |
|--------------------------|------------------------------|
| \$25 | \$50 |

Adult Athletics

Adult sport activities (18 years and older) shall be assessed a per day Park Use Permit fee based on the number in attendance, and a refundable deposit.

| ATTENDANCE | COTATI PERMIT FEE | NON-COTATI PERMIT FEE |
|-------------------|--------------------------|------------------------------|
| 25 – 250 | \$50 | \$75 |
| 251+ | \$150 | \$200 |

SECURITY DEPOSIT

A refundable security deposit is required at time of application.

Clean-up charges may be deducted from this deposit.

Please allow up to 4 weeks after your event for the return of your deposit.

| COTATI DEPOSIT | NON-COTATI DEPOSIT |
|-----------------------|---------------------------|
| \$250 | \$350 |

KEY DEPOSIT

Your key deposit of **\$25** may be forfeited if you fail to return your key in a timely manner (within 24 hours of park use). Keys may be picked up and returned to the Police Facility, 203 West Sierra Avenue, Cotati

CANCELLATION FEE

If cancellation is necessary, the City must be notified immediately. If a reservation is cancelled more than 30 days prior to event, the entire deposit will be refunded. If reservation is cancelled less than 30 days prior to the event, a **\$25.00** non-refundable cancellation fee will be withheld from the deposit.

92. Community Center Buildings

Fees:

| Category | Cotati Room | Classrooms | Police Community Room |
|----------|-----------------------------------|------------|-----------------------|
| A | \$100 Mon.-Thur./ \$200 Fri.-Sun. | \$15 | \$25 |
| B | \$300 Mon.-Thur./ \$400 Fri.-Sun. | \$25 | \$50 |
| C | \$500 Mon.-Thur./ \$700 Fri.-Sun. | \$50 | \$100 |
| D | \$600 Mon.-Thur./ \$800 Fri.-Sun. | \$100 | \$200 |

Deposits:

| Category | Cotati Room | Classrooms | Police Community Room |
|----------|-------------|------------|-----------------------|
| A | \$400 | \$25 | \$50 |
| B | \$400 | \$25 | \$50 |
| C | \$600 | \$50 | \$50 |
| D | \$600 | \$50 | \$50 |

For Category definition refer to the Cotati Facility Use Policy.

93. Records Research Service

- a. Existing record.....\$0.25 per photocopy
- b. Record to be created\$0.25 per copy plus \$100 deposit with actual staff hours charged at fully burdened hourly rates.

94. Document Retrieval and Reproduction

- a. Existing record.....\$0.25 per photocopy
- b. Record to be created\$0.25 per copy plus \$100 deposit with actual staff hours charged at fully burdened hourly rates.

95. Tape/Transcript Service.....Actual reproduction costs.

96. Document Certification.....\$12 per document.

97. Subpoena Witness.....\$15

Section 4. Incorporate Findings. The findings set forth above are hereby incorporated into this resolution by this reference.

Section 5. Application. This Resolution may be applied by the several City department heads in consultation with the City Manager and consistent with Ordinance No. 692 and, should there be a conflict between two fees which ostensibly cover the same service, then the lower in dollar amount of the two shall be applied.

Section 6. Review. It is the intention of the City Council to review the fees and charges as determined and set out herein based on the City's next Annual Budget and all the City's costs reasonably borne as established at that time and, as and if warranted, to revise such fees and charges based thereon.

Section 7. Repealer. All resolutions of the City Council in conflict with the contents of this Resolution are hereby repealed.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. Should any of the fees set forth herein be adjudged to be invalid, or unconstitutional by a body of competent jurisdiction, the remaining fees shall be and continue to be in full force and effect, except for those fees that have been adjudged invalid or unconstitutional.

The City Council hereby declares that it would have passed this resolution and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 9. Effective Date. This resolution shall become effective immediately. The fees and charges herein shall become effective 60 days after adoption.

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly and introduced by the City Council of the City of Cotati at a regular meeting held on the 12th of October, 2011, by the following vote, to wit:

| | |
|-----------|---------------|
| DELL'OSSO | <u>Yes</u> |
| GILARDI | <u>Absent</u> |
| HARVEY | <u>Yes</u> |
| LANDMAN | <u>Yes</u> |
| ORCHARD | <u>Yes</u> |

Attest: Tamara Taylor
Tamara Taylor, Deputy City Clerk

Approved: Janet Orchard
Janet Orchard, Mayor

Approved as to form:

Richard R. Rudnansky
Richard Rudnansky, City Attorney