

ATTACHMENT A

RESOLUTION NO. 2023-04

A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE NEW FEES AND FEE INCREASES AND DECREASES TO AMEND THE CITY'S RATES AND FEES FOR THE FISCAL YEAR 2023-24.

WHEREAS, the adjustments to the City's Rates and Fees include, but are not limited to the following charges: city-wide administrative services, general government services, community development services, public safety services, public works services, engineering and transportation services, airport, convention center, solid waste collection, sewer and wastewater services, storm, transit, golf course, animal services, special assessment district services, business tax, and all impact fees (fire protection facilities, police facilities, northeast area development, park and acquisition and development, treatment plant connection, trunk line connection, storm drainage, transportation, waterways acquisition and parking in lieu); and

WHEREAS, Resolution No. 92-123 established a policy and procedure for the annual review and approval of the City fees and charges which is compiled in a document entitled: *City of Visalia Administrative Policy on Fees and Charges*; and

WHEREAS, the City of Visalia has complied with its fee adjustment policy and procedures, its ordinances related to fee adjustment, the California Constitution, and California statutes relating to the adoption and amendment of fees and charges; and

WHEREAS, the fees and charges related to ministerial projects are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15268; and

WHEREAS, the rates, tolls, fares, and charges related to impact and connection fees are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15273 as same are adopted and adjusted to meet operating expenses, purchase or lease supplies, to meet financial reserve requirements, and in furtherance of capital projects necessary to maintain services provided by the City; and

WHEREAS, adoption of the Transportation Impact Fees, Storm Drainage Impact Fees, Park Acquisition & Development Fees, Northeast Development Impact Fees, Waterways Acquisition Fees, Trunk Line Capacity Charge, Treatment Plant Connection Capacity Charges and Sewer Main Facilities Charges are consistent with, and addressed in, the individual master plans and General Plan elements, and their respective environmental documents in accordance with CEQA as follows:

- a) Transportation Impact Fee - 1989 Circulation Element and Environmental Impact Report (EIR) (Resolution No. 89-63);
- b) Storm Drainage Impact Fee - 1994 Storm Water Master Plan Update and EIR (Resolution No. 94-170);
- c) Park Acquisition & Development Fee, and Waterways Acquisition Fee - 1989 Conservation, Open Space, Recreation & Parks and Negative Declaration (Resolution Nos. 89-59 & 97-10);

- d) Northeast Development Impact Fee - 1988 Northeast Specific Plan and EIR (Resolution No. 88-19);
- e) Waterways Acquisition Fees – General Plan Amendment No. 96-28 (Resolution No. 97-10);
- f) Trunk Line Capacity Charge – Sanitary Sewer Master Plan and EIR (Resolution No. 94-64 & 94-65);
- g) Treatment Plant Connection Capacity Charges and Sewer Main Facilities Charges – 1987 Wastewater Treatment Plant Master Plan and EIR (Resolution No. 92-157).

WHEREAS, the Charter of the City of Visalia authorizes the imposition and adjustment of fees for city services including city-wide administrative services, general governmental services, community development services, community services, public safety services, public works services and engineering and transportation services, and directs the City Council to establish fees by resolution to provide for their adjustment; and

WHEREAS, Visalia Municipal Code (“VMC”) section 8.28.140, authorizes the imposition of refuse fees and directs the City Council to establish fees by resolution to provide the sum of money necessary to pay the estimated total cost based on findings enumerated in the Code; and

WHEREAS, VMC section 8.28.020 permits the revisions to fees and charges for refuse service by City Council; and

WHEREAS, VMC section 13.04.020, authorizes all laws and ordinances of the City shall be applicable to Visalia Municipal Airport; and

WHEREAS, VMC section 16.44.060, et seq., authorizes the imposition of transportation impact fees and directs the City Council to establish fees by resolution to provide the sum of money necessary to pay the estimated total cost based on findings enumerated in the Code; and

WHEREAS, VMC section 16.44.070 permits the adjustment of adopted fee resolutions annually subject to the current Engineering News Record Construction Cost Index (ENRCCI) or, alternatively, if such index adjustment is insufficient to meet the actual costs of planned facilities, the City Engineer may compute a new schedule of fees for adoption; and

WHEREAS, VMC section 16.40.010, et seq., authorizes the imposition of drainage impact fees and directs the City Council to establish fees by resolution to provide the sum of money necessary to pay the estimated total cost based on findings enumerated in the Code; and

WHEREAS, VMC section 16.40.030 permits the adjustment of adopted fee resolutions annually subject to the current Engineering News Record Construction Cost Index (ENRCCI) or, alternatively, if such index adjustment is insufficient to meet the actual costs of planned facilities, the City Engineer may compute a new schedule of fees for adoption; and

WHEREAS, VMC section 12.36.010, et seq., authorizes the imposition of park and recreation acquisition and development impact fees by resolution to provide the sum of money necessary to pay the estimated total cost based on findings enumerated in the Code; and

WHEREAS, VMC section 12.36.060 permits the adjustment of adopted fee resolutions annually subject to the current Engineering News Record Construction Cost Index (ENRCCI) or,

alternatively, if such index adjustment is insufficient to meet the actual costs of acquisition and development of planned facilities, the City Engineer may compute a new schedule of fees for adoption; and

WHEREAS, VMC section 16.48.030, et seq., authorizes the imposition of fire protection facilities and police facilities by resolution to pay for the capital costs of fire protection and police facilities reasonably related to the needs of new development in the City; and

WHEREAS, VMC section 16.48.040, et seq., permits the adjustment of adopted fee resolutions annually subject to the current Engineering News Record Construction Cost Index (ENRCCI); and

WHEREAS, VMC section 13.08.750, et seq., authorizes the imposition of treatment plant connection charges by resolution for connection to the sanitary sewer system and provides that review and amendment of such fees may be initiated by the Council from time to time as necessary to meet increasing costs or changed conditions of providing trunk sewer or oversized service and adjusted by resolution; and

WHEREAS, VMC section 13.08.840, authorizes by resolution of the City Council the imposition of sewer service charges and any required adjustments also to be set by resolution of the City Council; and

WHEREAS, the sewer connection, water connection, and capacity charges identified above are being adjusted in accordance with Government Code section 66013 such that such fees and charges do not exceed the estimated reasonable cost of providing the services for which the fee or charge is imposed; and

WHEREAS, in compliance with California Government Code Section 66016, et seq., notice of the time and place for the hearing on adjustment of the fees outlined herein has been given; and

WHEREAS, the City Council of the City of Visalia has reviewed the proposed City of Visalia Rates and Fees proposal for Fiscal Year 2023-24 regarding the adjustments to the City's Rates and Fees Schedule for the fees and charges enumerated therein; and

WHEREAS, the City Council of the City of Visalia did conduct a public hearing on the proposed 2023-24 Rates and Fees Schedule on June 19, 2023.

NOW, THEREFORE, the City Council of the City of Visalia finds:

1. The fee and charge adjustments proposed herein comply with the *City of Visalia Administrative Policy on Fees and Charges*; or
2. The fee and charge adjustments proposed herein comply with the adjustment requirements required by the authorizing ordinances; or
3. The fee and charge adjustments proposed comply with the increase requirements contained in Government Code section 66016, et seq.
4. The fees and charge adjustments are statutorily exempt from the California Environmental Quality Act either as fees and charges related to ministerial projects or that meeting operating expenses, financial reserve needs, further capital projects for services, or the purchasing or leasing of supplies; and
5. The findings required by authorizing ordinances enumerated herein to adopt fees have been made as a part of the respective original adopting resolutions of the Council.

6. Adoption of the Transportation Impact Fees, Storm Drainage Impact Fees, Park Acquisition and Development Fees, Northeast Development Impact Fees, Waterways Acquisition Fees, Trunk Line Capacity Charge, Treatment Plant Connection Capacity Charges and Sewer Main Facilities Charges are consistent with, and addressed in, the individual master plans and General Plan elements, and their respective environmental documents in accordance with CEQA as outlined herein.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia adopts the adjustment of the Rates and Fees for the Fiscal Year 2023-24. Unless otherwise indicated in the Rates & Fees document (attached hereto as Attachment “A”), these rates and fees go into effect on July 1, 2023. Impact fees shall not be effective until 60 days after the adoption thereof (August 19, 2023).

PASSED AND ADOPTED: June 19, 2023 LESLIE CAVIGLIA, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2023-04 passed and adopted by the Council of the City of Visalia at a regular meeting held on June 19, 2023.

Dated: LESLIE CAVIGLIA, CITY CLERK

By Michelle Nicholson, Chief Deputy City Clerk