

**RESOLUTION NO. 2023-\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING USER AND REGULATORY FEES AND ADOPTING A CONSOLIDATED SCHEDULE OF USER AND REGULATORY FEES**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City of Costa Mesa is authorized to adopt and implement rates, fees, and charges for municipal services; provided, however, that such rates, fees, and/or charges do not exceed the estimated reasonable cost of providing such services; and

WHEREAS, on November 6, 2008, the City Council of the City of Costa Mesa adopted a consolidated schedule of user fees and charges; and

WHEREAS, since that time the City has made periodic updates to various user fees and charges and over time the City's schedules of user fees and charges have transitioned from being adopted and maintained in a consolidated format, to being adopted and maintained by various City departments; and

WHEREAS, in order to provide a primary repository of current fees and charges and to provide for more effective communication with the public and more consistent ongoing review and periodic update of fees, the City desires to resume documenting various schedules of rates, fees, and charges for services in a consolidated Schedule of User and Regulatory Fees included as Exhibit "A" of this resolution; and

WHEREAS, existing fees are proposed to remain unchanged, they are simply being consolidated into a single document; and

WHEREAS, the City Council has previously authorized the annual adjustment of various fees each July 1, based on the annual percentage change in the all-urban Consumer Price Index for Los Angeles-Long Beach-Anaheim, CA (CPI-U) calculated each May based on changes in the CPI-U from the previous May; and

WHEREAS, the City Council authorizes the continued annual adjustment of fees, however, in order to provide staff with additional time to update fees and fee collection systems, and in order to address the recent increase in regional cost inflation, the City Council authorizes the annual adjustment of various fees each July 1, based on the prior year annual change in CPI-U, typically published each January, not to exceed five percent (5%) per year. If the CPI-U does not change or goes down in a given year, no change shall be made to the fee schedule that year; and

WHEREAS, in adopting this Resolution, the City Council is taking action only on those fees for the services, programs or products set forth in Exhibit "A" which have been modified from prior resolutions of the City Council. The remaining fees that have not been modified from prior resolutions shall remain in full force and effect; and

WHEREAS, all legal prerequisites to the adoption of this resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The City Council hereby finds and determines that based upon the data, information, analysis, oral and written documentation presented to the City Council concerning the rates, fees, and charges described in Exhibit "A" attached hereto and by this reference incorporated herein, the rates, fees, and charges set forth in said Exhibit "A" do not exceed the established reasonable cost of providing the service for which the rates, fees, or charges are levied.

Section 2: The rates, fees, and charges set forth in Exhibit "A" are hereby adopted and approved as the rates, fees, and charges for the services identified for each such rate, fee, and/or charge.

Section 3: Any newly adopted fees or adjustments to existing rates, fees, and/or charges shall be effective September 1, 2023 to comply with California Government Code requirements and allow staff time to update fee collection systems.

Section 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council of the City of Costa Mesa

hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5: The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON \_\_\_\_\_.

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney