

CITY OF FAIRFIELD

RESOLUTION NO. 2021-83

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING FEES FOR RECOVERY OF COSTS OF THE BUILDING SAFETY DIVISION FOR COUNTER SERVICES, PLAN REVIEW, INSPECTION, AND CODE ENFORCEMENT AND ORDERING THE FEES TO BE ADJUSTED ANNUALLY TO STAY CURRENT WITH EXPENSES

WHEREAS, the City's Building Safety Division currently administers, and processes permits, certificates, and other forms and documents in connection with counter services, plan review, inspection, and code enforcement, as is mandated and required by California Building Standards Code and Chapter 5 of the Fairfield Municipal Code; and

WHEREAS, the City incurs costs to perform these services; and

WHEREAS, Health and Safety Code Section 17951 and Government Code Section 66016, allow the City to adopt an ordinance or resolution to establish fees to administer and process permits, certificates, or other forms or documents, or defray the costs of enforcement required to be carried out by local enforcement agencies, provided that the fees do not exceed the reasonable costs to the City; and

WHEREAS, the City retained the services of an outside consultant to conduct a fee study to determine the current service costs; and

WHEREAS, City Council has determined that an updated fee schedule is necessary to recover the costs associated with the administration and processing of permits, certificates, and other forms and documents; and

WHEREAS, the City Council has reviewed the fee study conducted by staff and finds that the proposed fees do not exceed the reasonable costs to the City; and

WHEREAS, the City Council recognizes the importance of keeping fees current with expenses; and

WHEREAS, Government Code Sections 66016 and 66018 require the City to hold at least one open and public hearing as part of a regularly scheduled meeting before adopting an ordinance or resolution increasing fees associated with Health and Safety Code Section 17951; and

WHEREAS, Government Code Sections 66016, 66018 and 6062a require notice to be given and data to be made available to the public prior to the open and public hearing; and

WHEREAS, on May 4, 2021, City Council conducted an open and public hearing as required by Government Code Sections 66016 and 66018; and

WHEREAS, the Government Code Section 66017 states that an increase in a fee charged upon a development project as defined in Government Code Section 66000, which applies to the filing, accepting, reviewing, approving, or issuing of an application, permit, or entitlement to use, cannot go into effect for at least 60 days after approval of the fee.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. The City Council hereby approves and adopts the recitals set forth above in support of this Resolution.

Section 2. "The City of Fairfield Building Safety Division Fee Schedule", attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved, and shall replace overlapping fees in the City's master fee schedule.

Section 3. The finance director is hereby directed to adjust all fees directly tied to staff time every April 1st according to the change in the Consumer Price Index (CPI) for Urban Wage Earners and clerical workers, as reported by the Bureau of Labor Statistics, from December of the current fiscal year over the preceding December, for the San Francisco-Oakland-Hayward area.

Section 4. The finance director is hereby directed to adjust all construction valuations listed in the Fairfield Square Foot Construction Cost Table in Exhibit A, as adopted herein, every April 1st according to the change in the California Construction Cost Index based upon the Building Code Index (BCI), as reported by the California Department of General Services, from December of the current fiscal year over the preceding December.

Section 5. The City Council has determined that the adoption of this Resolution does not constitute a project under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15378(b)(4), as it does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Furthermore, the approval of the fees established in this Resolution is categorically exempt from CEQA under CEQA guidelines Section 15273(a)(1) because the approval of the fees is merely establishing fees to meet operating expenses.

Section 6. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph,

sentence, clause, or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared invalid or unconstitutional.

Section 7. The rates adopted in this resolution shall go into effect on August 1, 2021.

Section 8. The city manager is authorized and directed to take all actions necessary to implement this resolution.

PASSED AND ADOPTED this 4th day of May 2021, by the following vote:

AYES: COUNCILMEMBERS: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

MAYOR

ATTEST:

CITY CLERK