

Lemos, June

From: noreply@granicusideas.com
Sent: Monday, September 28, 2020 3:53 PM
To: Lemos, June
Subject: New eComment for City Council - AMENDED - Via Video Conference



New eComment for City Council - AMENDED - Via Video Conference

Jacob Patterson submitted a new eComment.

Meeting: City Council - AMENDED - Via Video Conference

Item: 7A. 20-847 Receive Recommendation from the Community Development Committee, Conduct Public Hearing, and Consider Adoption of City Council Resolution Revising the City's Fee Schedule for Various Building Permit Fees and Services

eComment: In my opinion, the City's recommendations might seem prudent (superficially) but the process is so flawed and lacking that anyone involved in presenting the recommendations should be embarrassed. Please correct the lack of a fee study and at least attempt to provide a basis to justify the proposed General Plan Maintenance Fee. I object to the City proceeding without even attempting to calculate a reasonable basis for the fee. The City can't pick the public's pockets without justification!

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Lemos, June

From: noreply@granicusideas.com
Sent: Monday, September 28, 2020 5:16 PM
To: Lemos, June
Subject: New eComment for City Council - AMENDED - Via Video Conference



New eComment for City Council - AMENDED - Via Video Conference

Mendocino Action Council for Accountable Government Organizations submitted a new eComment.

Meeting: City Council - AMENDED - Via Video Conference

Item: 7A. 20-847 Receive Recommendation from the Community Development Committee, Conduct Public Hearing, and Consider Adoption of City Council Resolution Revising the City's Fee Schedule for Various Building Permit Fees and Services

eComment: Please see MACFAGO's comments and objections in the attached document.

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September 28, 2020

7A. 20-847 Receive Recommendation from the Community Development Committee, Conduct Public Hearing, and Consider Adoption of City Council Resolution Revising the City's Fee Schedule for Various Building Permit Fees and Services

Comments of the Mendocino Action Council for Accountable Government Organizations

MACFAGO finds the suggested revisions to the City of Fort Bragg's fees for building permits to be reasonable and prudent but objects to the recommended action concerning the General Plan Maintenance Fee because the City has failed to perform any supporting analysis or calculations to justify the proposed General Plan Maintenance Fee. Normally, MACFAGO would submit documents and analysis into the record to counter the City's faulty analysis but because the City has produced absolutely no analysis to support this recommended action, there is nothing to counter. The City is required to provide the public a ten-day review period to evaluate the calculations and data that are proffered as support for a proposed fee. No such support was provided for the General Plan Maintenance Fee apparently because no such support exists. Even if supporting data and calculations existed, MACFAGO would object to proceeding tonight because they would not have been made available for the mandatory public review period.

MACFAGO respectfully requests that the Council direct staff to prepare the necessary calculations and fee study for the proposed General Plan Maintenance Fee, publish that information for the minimum ten-day public review period, and then bring this matter back for a decision at a properly-noticed public hearing. Absent that process, the City or MACFAGO will likely be forced to seek judicial intervention through a validation proceeding. That is foolish and inefficient because it would involve significantly more time and resources than the several hours of staff time that would be necessary to complete a basic fee study for the proposed General Plan Maintenance Fee. The results of such a fee study may indicate a different basis or rate for the General Plan Maintenance Fee and the proposal would need to be adjusted accordingly.

Moreover, the City must factor in alternative funding sources, including planning grants, that have been used and are likely to be used for the projects that could be funded using this funding source and reduce the fee to compensate for the alternative funding. In recent years, the City actually funds most of its long-range planning through planning grants like the planning grant for the Mill Site LCP from the Coastal Commission or the housing and economic development planning grant that is funding Sarah McCormick's position as well as the consultant for the community land trust. The City cannot charge fees purportedly to be used for planning projects that are actually funded through outside grants unless the funding needs for those planning projects exceed the alternative funding sources, otherwise the City will collect fees that far exceed the actual costs of what the fees were supposed to fund. The fee study must evaluate both the alternative sources of available funding as well as the total population of projects that are expected to be funded by the fee in order to calculate the appropriate basis

and rate for the fee to avoid impermissible double-dipping. Further, the City has not even acknowledged or incorporated the Development Impact Fee Reports for the General Plan Maintenance Fee, which should be incorporated into the analysis as well in order to project the funding needs over the relevant planning period.

Instead of following even a cursory process, the City is just making up a random number (5%) and proposing to set the fee at that level rather than calculating the projected unmet funding needs and the projected development level that will generate the fees to develop a reasonable basis to justify the proposed rate of the General Plan Maintenance Fee. This is not permissible and cannot be allowed to stand. This appears to be yet another example of extremely incompetent work and a broken process within the City organization that should not be allowed to continue unchecked. In the opinion of MACFAGO and its members, the Council has an obligation to protect the public from governmental overreach and should act to prevent what would basically amount to governmental theft of private funds in the form of an unjustified General Plan Maintenance Fee. Please demand a proper process and at least a basic analysis before this fee is imposed upon the public.

Lemos, June

From: Jacob Patterson <macfago@gmail.com>
Sent: Monday, September 28, 2020 7:00 PM
To: Lemos, June
Subject: Public Comments on Public Hearing for Item 7A

There is no need to read MACFAGO's comment on 7A into the record as long as it gets uploaded since it only concerns the General Plan Maintenance Fee and that has been removed from the discussion and action tonight. It probably also exceeds the three-minute limit for public comments.

Lemos, June

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Monday, September 28, 2020 6:54 PM
To: Lemos, June
Subject: Public Comment Item 7A 9/28/2020 City Council Meeting

Councilmembers,

In light of Chantell's comments that the General Plan Maintenance Fee is being removed from the staff recommendation and potential action tonight, please disregard my public comment from eComment because it is no longer relevant as it solely relates to the General Plan Maintenance Fee. That said, the recommended lower General Plan Maintenance Fee at 5% of the building permit cost is far superior to the ridiculously high fee set at 1.5% of project valuation. In either case, the fee is not justified without a simple fee study, which I estimate to take about 3 to 4 staff hours to prepare.

Regards,

--Jacob