

RESOLUTION NO. ____-2023
RESOLUTION OF THE FORT BRAGG CITY COUNCIL

and

RESOLUTION NO. ID ____-2023
RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD

ADOPTING A FEE SCHEDULE FOR IMPACT FEES

WHEREAS, the Fort Bragg City Council and the Fort Bragg Municipal Improvement District (MID) No. 1 Board find it appropriate to charge fees for certain services provided by the City; and

WHEREAS, the City maintains a comprehensive "Consolidated Fee Schedule" to provide members of the public and City staff with a convenient method for determining fees and charges that apply to certain City and Municipal Improvement District services; and

WHEREAS, included in the Consolidated Fee Schedule is a list of fees for miscellaneous services; and

WHEREAS, May 13, 2019, the City and District last reviewed and proposed changes to impact fees; and

WHEREAS, September 12, 2022, the City and District last reviewed and proposed changes to other miscellaneous fees; and

WHEREAS, the City and District generally review the proposes changes for updating fees and charges (excluding water, sewer, and drainage impact fees) using the San Francisco-Oakland-Hayward CPI-U index; and

WHEREAS, water, sewer, and drainage impact fees are generally increased using Engineering News Record-20 City Construction Cost Index (consistent with Resolution 2412-2000); and

WHEREAS, in September 2021, the California Legislature passed Assembly Bill (AB) 602, creating a new requirement that a nexus fee report be completed every eight (8) years in order for cities to increase impact fees; and

WHEREAS, the City hired Lechowicz & Tseng on November 14, 2022 to prepare the impact nexus study; and

WHEREAS, the City and District have a policy of recovering the full costs reasonably incurred in providing miscellaneous services of a voluntary and limited nature, such that those receiving the miscellaneous services pay the associated costs and general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such miscellaneous services; and

WHEREAS, pursuant to Government Code Section 66018, the specific fees to be charged for such miscellaneous services must be adopted by the City Council and the Municipal Improvement District Board after providing notice and holding a public hearing; and

WHEREAS, the City Council and MID Board conducted a public hearing on October 23, 2023, following proper notice, to obtain comments on the proposed fee schedule; and

WHEREAS, based on all the evidence presented at the time of the public hearing on this matter, the City Council and the District Board of the MID No. 1 find as follows:

1. All notices and publications have been given in accordance with Government Code Section 6062a; and
2. The fees collected for providing miscellaneous services are not a source of additional general fund revenues nor are they a "special tax" as described in California Government Code Section 50076; and
3. The Nexus Study provides sufficient evidence to distinguish between existing levels of service and the impact of new development on the resources required to maintain that level of service in accordance with Government Code §§ 66000(b), 66001(a) in order to establish new development impact fees; and
4. Modifications to the current fees, as identified in Exhibit "A," have been reviewed and are found to not exceed the estimated reasonable cost of providing the services for which the fees are levied.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg and the Board of Directors of the Fort Bragg Municipal Improvement District No. 1 do hereby adopt the fee modifications as shown on Exhibit "A," attached, showing the fees to be charged for the services described therein; and

BE IT FURTHER RESOLVED that the City Clerk/District Clerk is authorized and directed to update the Consolidated Fee Schedule to reflect the fees described in Exhibit "A;" and

BE IT FURTHER RESOLVED that these fees shall become effective January 1, 2024.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 23rd day of October, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

BERNIE NORVELL
Mayor

ATTEST:

Cristal Munoz
Acting City Clerk