

**RESOLUTION NO. \_\_\_\_-2024**  
**RESOLUTION OF THE FORT BRAGG CITY COUNCIL**  
**AMENDING THE WATER CAPACITY FEES**

**WHEREAS**, the Fort Bragg City Council finds 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 services; and

**WHEREAS**, included in the Consolidated Fee Schedule is a list of impact fees and capacity charges ("facility fees") that help to ensure that developers pay a "fair share" of the capital costs associated with the public facilities that are necessitated by or serve their development projects; and

**WHEREAS**, facility fees do not fund costs attributable to existing deficiencies in public facilities, but can include the costs attributable to the increased demand for public facilities reasonably related to a development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan; and

**WHEREAS**, March 11, 2024, the City Council last reviewed and proposed changes to impact fees with the adoption of a Nexus Fee Study (Resolution No. 4763-2024 & Resolution No. ID 486-2024) and Ordinance 987-2024; and

**WHEREAS**, water, sewer, and drainage impact fees are generally increased using Engineering News Record-20 City Construction Record (or any successor to such index), Ordinance 987-2024; and

**WHEREAS**, Government Code 66004 and 66018 a public hearing is required prior to adopting a new fee or increasing an existing fee;

**WHEREAS**, the City was awarded a grant from the Clean Water State Revolving Fund covering the entire cost of the Water Treatment Plant Upgrade project resulting in a decrease in the amount of water capacity to fee be collected previously calculated in the Nexus Fee Study as a result of having new resources available; and

**WHEREAS**, since this is a reduction in fees, no public hearing is required, nor is a waiting period for the implementation of the reduced fee; and

**WHEREAS**, Adoption of this resolution is found to be categorically exempt from the California Environmental Quality Act (CEQA) because the adoption of this resolution is not a project, in that it is a government funding mechanism that does not involve any commitment to any specific project (CEQA Guidelines Section 15378(b)(4)), and because it can be seen with certainty that there is no possibility that the fees may have a significant effect on the environment, in that this ordinance contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures per CEQA Guidelines Section 15061(b)(3)).

**WHEREAS**, based on all the evidence presented at the time of the public hearing on this matter, the City Council find as follows:

1. Modifications to the current fees, as identified in Exhibit "A," have been reviewed and are found to be reasonable based on work performed under the previously adopted Nexus Fee Study.
2. No Public Hearing was required, since this is a reduction to an existing fee.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby adopt the fee modifications as shown on Exhibit "A," attached, showing the water capacity fee to be charged for the services described therein; and

**BE IT FURTHER RESOLVED** that the City 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 May 13, 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 13<sup>th</sup> day of May 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

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**BERNIE NORVELL**  
**Mayor**

**ATTEST:**

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**Diana Sanchez**  
**City Clerk**