

Resolution No. 2024-XXX N.C.S. of the City of Petaluma, California

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING THE PREVIOUSLY ADOPTED MASTER FEE SCHEDULE TO ADD A MOBILEHOME PARK CONVERSION FEE PURSUANT TO SECTION 8.34.120 OF THE PETALUMA MUNICIPAL CODE

WHEREAS, the City Council of the City of Petaluma (“City”) has previously established fees and charges for City services, with the intent of recovering up to the City’s estimated actual and reasonable cost to provide such services, and adopted and updated such service fees as part of the City’s Master Fee Schedule; and

WHEREAS, on May 6, 2024, City Council conducted a public hearing related to changes and updates to the Master Fee Schedule and adopted Resolution 2024-049 N.C.S. Establishing a Schedule of Fees and Charges for City Services to approve a new Master Fee Schedule; and

WHEREAS, Chapter 8.34 of the Petaluma Municipal Code establishes requirements for converting a mobilehome park to another use, closing a mobilehome park, or ceasing the use of land as a mobilehome park; and

WHEREAS, Petaluma Municipal Code Section 8.34.120 authorizes City Council to establish “reasonable fees to cover any costs incurred by the city in implementing” Chapter 8.34 and provides that “[s]uch fees shall be paid by the park owner or applicant subject to the provisions of [chapter 8.34] in accordance with the limitations of Section 65863.7(g) of the Government Code;” and

WHEREAS, Government Code Section 65863.7(g) states that, “[t]he legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8, and that “those fees shall be paid by the person or entity proposing the change in use;” and

WHEREAS, in accordance with Government Code Section 66016, prior to levying a new fee, a local agency shall hold at least one open and public meeting, at which oral or written presentations can be made, as part of a regularly scheduled meeting, and that at least 10 days prior to the meeting, the local agency shall make available to the public data indicating the amount of cost required to provide the service for which the fee is levied and the revenue sources anticipated to provide the service; and

WHEREAS, the fees proposed pursuant to Petaluma Municipal Code Section 8.34.120 to recover any costs incurred by the City in implementing Chapter 8.34 of the Petaluma Municipal Code, as evidenced by Exhibit A attached hereto, do not exceed the estimated reasonable cost of providing the service or regulatory act for which the fees are charged and are therefore not a “special tax” pursuant to Article XIII C of the California Constitution; and

WHEREAS, the fees for implementing Chapter 8.34 of the Petaluma Municipal Code are reasonable, fair, and equitable in nature and proportionately representative of the costs incurred by the City in processing applications under Chapter 8.34, because the fees would merely recover the cost of staff time and other costs incurred by the City in processing applications; and

WHEREAS, the fees authorized pursuant to Section 8.34.120 of the Petaluma Municipal Code for recovering the cost of processing applications under Chapter 8.34 are not levied for general revenue purposes and are therefore not special taxes as defined in Article 3. 5 of the Government Code; and

WHEREAS, the fees and charges set forth in the schedule made a part of this Resolution as Exhibit A are not taxes as defined in Article XIII A, §3 (b), of the California Constitution (Proposition 26) because such fees and charges are either:

- imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs of conferring the benefit or granting the privilege to the payor; or
- imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs of providing the service or product to the payor; or
- imposed for the reasonable regulatory costs incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof; or
- imposed for entrance to or use of city property, or the purchase, rental, or lease of city property, except charges governed by Section 15 of Article XI; and

WHEREAS, the City has complied with the noticing requirements of Government Code Section 66016 as the City:

- Held at least one public hearing concerning the proposed fees;
- Sent a notice of the meeting at which the City Council will consider the proposed fees least 14 days in advance to any interested person who has filed a written request; and
- Made available to the public at least 10 days before the meeting data indicating the estimated cost required to provide the service for which the fee or charge is levied and the revenue sources anticipated to provide the service, including general fund revenues; and

WHEREAS, Exhibit B, which is made a part of this Resolution, is the Petaluma 2024 User Fee Study, which includes the hourly staff costs that serve as the basis for recovery of the City's costs incurred in processing applications under Chapter 8.34; and

WHEREAS, on Augst 5, 2024, the City Council of the City of Petaluma held a duly noticed public hearing to allow public input and review of the proposed addition to the Master Fee Schedule of the City of Petaluma of fees to recover the City's cost of applications pursuant to Chapter 8.34 of the Petaluma Municipal Code, and considered all documentary and oral evidence as part of their determination; and

WHEREAS, adoption of the proposed Chapter 8.34 cost recovery rates is not a "project" under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5) because adopting an administrative fee to recover the City's cost of processing applications under Chapter 8.34 is a "government fiscal activity" or an "organizational and administrative activity of the government," and the proposed action is also exempt pursuant to Public Resources Code Section 15273 which provides

that “CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies;”

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. Findings.

- A. The above recitals are hereby declared to be true and correct and are incorporated into this resolution as findings of the City Council.
- B. California Environmental Quality Act Findings: The proposed action not a “project” under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5) because adopting an administrative fee to recover the City’s cost of processing applications pursuant to Chapter 8.34 of the Petaluma Municipal Code is a “government fiscal activity” or an “organizational and administrative activity of the government,” and the proposed action is also exempt pursuant to Public Resources Code Section 15273 which provides that that “CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies.”
- C. After consideration of the data and information regarding the cost of processing applications pursuant to Chapter 8.34 of the Petaluma Municipal Code, including the information contained in Exhibit B, all testimony received orally or in writing at or before the noticed public hearing, the agenda report and the background documents to the agenda report (together, “Record”), the City Council hereby reapproves and readopts the cost analysis contained in the Study attached as Exhibit B.

- 2. Adoption of Fee. The City Council hereby adopts and approves a fee to recover the costs the City incurs in processing applications pursuant to Chapter 8.34 of the Petaluma Municipal Code, which fee is specified in Exhibit A to this Resolution, in accordance with the authority established in Petaluma Municipal Code Section 8.34.120. The Petaluma Master Fee Schedule is also hereby amended to include the new fee adopted pursuant to Chapter 8.34.
- 3. Use of Fee Revenue. The revenues raised by payment of the fee established by this Resolution shall be used to fund the estimated reasonable cost of providing the services for which the fee is charged, and the revenues from such fee shall not be used for general revenue purposes.
- 4. Effective Date. This Resolution shall become effective immediately.
- 5. Repeal and Replace. All previously adopted and conflicting fees and charges and all Resolutions and other actions of the City Council are hereby repealed to the extent they conflict with the contents of this Resolution.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 5th day of August 2024, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____	_____
City Clerk	Mayor

EXHIBIT A

Mobilehome Park Conversion Fee Pursuant to Section 8.34.120 of the Petaluma Municipal Code

Title of Proposed Fee	Cost of Proposed Fee
Mobilehome Park Closure Fee – PMC Chapter 8.34 (100% Cost Recovery)	Fully Burdened Hourly Rates for Staff Time Expended in Processing Applications Plus Other Costs Incurred (materials, services, etc.)

EXHIBIT B
Fee Study Justification
2024 User Fee Study