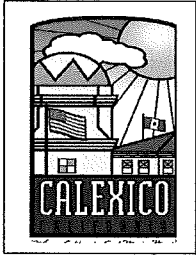


**AGENDA
ITEM**

17



AGENDA STAFF REPORT

DATE: October 12, 2016

TO: Mayor and City Council

APPROVED BY: Armando G. Villa, City Manager

PREPARED BY: Armando G. Villa, City Manager

SUBJECT: Discussion Pursuant to the Resolution No. 2010-17 Vesting Exclusive Authority with the City Council to Reduce or Waive Various Fees and Charges Owed to the City and Concern over Recent Reimbursements made by the City.

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Recommendation:

Council direction.

Background:

City Council approved Resolution No. 2010-17 on March 2, 2010 Vesting Exclusive Authority with the City Council to Reduce or Waive Various Fees and Charges Owed to the City. Adoption of the resolution was proposed as the possible result in full recovery of City administrative costs, as contemplated by the Calexico Municipal Code. This resolution was brought forth due in part to the troubled state of the economy the City was experiencing.

Discussion & Analysis:

The City of Calexico currently charges various fees for certain permits and/or licenses, including but not limited to, business license fees, building permit fees, fire inspection fees, facility rental fees, development impact fees, fees for the provisions of water and sewer services, and any other fees related to the City's provision of services as set forth in the City's Master Fee Schedule.

The goal of Resolution 2010-17 was to require a majority vote of the Councilmembers to consider whether a waiver or reduction of any fees or charges is appropriate, except those subject to a due process appeal process under the Calexico Municipal Code, as discussed below. Because of due process concerns, the process proposed in the said resolution was not intended to authorize the City Council to waive or reduce fees or penalties such as penalties or fees assessed



pursuant to administrative citations, parking violations, or other criminal violations of the municipal code. The process to appeal any of the above and the authority to set fines for those types of issues are already accounted for under the Calexico Municipal Code and State law. Such cases are subject to an appeal process before a hearing officer or judge. In no event shall any city employee or individual councilmember act to interfere with the due process procedures for administrative citations, parking violations, or other criminal violations of the municipal code.

There is a concern by Council that City Staff has issued reimbursements that may be contrary to Resolution No. 2010-17. City Staff is in the process of gathering the information necessary to report to the Council the reasons for reimbursements that may have been made by the City. This report will be provided prior to the meeting.

Fiscal Impact:

None.

Coordinated With:

None.

Attachment:

1. Resolution No. 2010-17.

RESOLUTION NO. 10-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO
VESTING EXCLUSIVE AUTHORITY WITH THE CITY COUNCIL TO
REDUCE OR WAIVE VARIOUS FEES AND CHARGES OWED TO THE
CITY.**

WHEREAS, due in part to a general recession in the national economy, the City of Calexico is currently, and has been, experiencing a fiscal crisis; and

WHEREAS, in order to ensure that the City remains able to deliver the maximum levels of municipal services to its citizens, the City must fully recover its administrative costs and fees to the greatest extent possible; and

WHEREAS, the City charges various fees for permits or licenses, including but not limited to, business license fees, building permit fees, fire inspection fees, facility rental fees, development impact fees, fees for the provisions of water and sewer services, and any other fees related to the City's provision of services as set forth in the City's Master Fee Schedule; and

WHEREAS, the City Council finds that the City, during the current fiscal crisis, cannot afford to regularly reduce or waive such fees; and

WHEREAS, the City Council of the City of Calexico desires to exercise its power as the governing body of the City in determining whether to waive or reduce certain fees or charges owed to the City, exclusively by means of a majority vote of the City Council.

NOW, THEREFORE, the City Council of the City of Calexico does hereby resolve as follows:

- 1) The City Council shall have sole authority to determine whether to waive or reduce certain fees or charges due and owing to the City after consideration by the City Council. A majority of three votes is required to waive or reduce such fees.

- 2) The process proposed in this Resolution is not intended to authorize the City Council to waive or reduce fees or penalties such as penalties or fees assessed pursuant to administrative citations, parking violations, or other criminal violations of the municipal code. The process to appeal any of the above fees or penalties and the authority to set fines for those types of violations are already accounted for under the Calexico Municipal Code and State law. Such violations are subject to an appeal process before a hearing officer or judge. In no event shall any city employee or individual councilmember act to interfere with the due process procedures for administrative citations, parking violations, or other criminal violations of the municipal code.

3) If there is a question as to the application of this Resolution to a particular fee, the matter shall be submitted to the City Council for interpretation and clarification.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the City Council of the City of Calexico this 2nd day of March, 2010.



DAVID OUZAN, MAYOR

ATTEST

for _____
LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM: -




JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS.
CITY OF CALEXICO)

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. 10-17 WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS 2nd DAY OF MARCH, 2010 BY THE FOLLOWING VOTE, TO WIT:

AYES: OUZAN, MORENO, CASTRO, ROMERO, HERMOSILLO
NOES: NONE
ABSENT: NONE


for _____
LOURDES CORDOVA, CITY CLERK