



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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**NUMBER** 24-26

**TITLE** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING THE CITYWIDE FEE SCHEDULE REPEALING ALL OTHER RESOLUTIONS RELATIVE TO MUNICIPAL FEES AND CHARGES THERETO

**MEETING** At a regularly scheduled meeting of the City of Lindsay City Council held on July 23, 2024, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

**WHEREAS**, pursuant to the provisions of the California Constitution and the laws of the State of California, the city is authorized to adopt and impose user and regulatory fees and charges for the municipal services and activities, it provides (collectively hereinafter "User Fees"); and

**WHEREAS**, Article XIIC of the California Constitution generally states that such User Fees may not exceed the reasonable costs of providing the service or performing the activity; and

**WHEREAS**, the city must periodically review User Fees to ensure the revenues produced by said fees are sufficient to defray the cost of providing such services and do not exceed the estimated reasonable cost of providing such services; and

**WHEREAS**, On August 26, 2021, the State Auditor issued Report 2020-804 regarding the City of Lindsay which was conducted as part of the high-risk local government agency audit program. In Report 2020-804, the State Auditor issued a number of findings and required the City of Lindsay to submit a Corrective Action Plan by November 2021. On November 09, 2021, the Lindsay City Council adopted the City of Lindsay Corrective Action Plan via Resolution 21-48. The User Fee Study and Cost Allocation Plan were conducted directly in response to State Auditor Report 2020-804; and

**WHEREAS**, the City Council retained Willdan Financial Services ("Willdan") to conduct a comprehensive analysis and study of its activities and services, the costs of providing those services and activities, the beneficiaries of those services, and the revenues produced by those paying fees and charges for such services and activities to ensure that existing fees did not exceed the costs of service and to provide an opportunity for the City Council to re-align User Fees with current cost recovery goals; and

**WHEREAS**, the results and findings of said analysis were presented to the City Council of the City of Lindsay December 13, 2022, and all fees were approved as presented. July 25, 2023, Special Event Permit fees were further reviewed resulting in amended fees for the Special Event Permit fees. A few fees were inadvertently left off the fee schedule and a



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couple others were listed incorrectly. The revised fee schedule attached hereto as Exhibit A; and

**WHEREAS**, pursuant to Government Code Sections 66016 and 66018, notice of the proposed Amendment of the Fee Schedule was provided in the form of a public hearing notices published at least ten (10) days prior to the public hearing, in the Porterville Recorder; and

**WHEREAS**, the User Fee Study Report was made available for public review in the City Clerk's office and in the City's Finance Department at least ten (10) days prior to the public hearing; and

**WHEREAS**, the City Council conducted a duly noticed public hearing regarding the proposed adoption of the User Fee Study and Cost Allocation Plan at its regularly scheduled meeting on July 23, 2024, during which it heard public testimony and comment; and

**WHEREAS**, adoption of the proposed fee schedule is intended to align the fees collected by the City with the effective date of February 11, 2023, improving the City's recovery of the costs incurred to provide individual services, and represents the costs reasonably borne by the City in providing direct services to individuals or groups rather than to the general populace of the City; and

**WHEREAS**, based upon the data and findings provided in the User Fee Study and Cost Allocation Plan previously presented at the December 13, 2022, City Council meeting, the proposed fee schedule within the User Fee Study Report represents the reasonable costs incurred by the City in providing the listed services and activities and therefore do not exceed the City's cost of providing the same.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The recitals set forth above are true and correct and are incorporated into this

Resolution by this reference together with any definitions and findings set forth therein.

SECTION 2. The City Council has reviewed and hereby approves and adopts the amended Fee Schedule attached hereto as Exhibit A. Adoption of the amended fee schedule authorizes implementation of updated User Fees to be charged for City services and activities effective February 11, 2023, to align with fees collected by the City. Annually or periodically thereafter, the User Fees will be reviewed, and where applicable, may be adjusted provided

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that: 1) no fee or charge exceeds the reasonable costs associated with providing the service; and 2) such adjustments are duly adopted by the City Council, following an appropriately noticed public hearing.

- SECTION 3. The City Council hereby affirms, based on the findings of the User Fee Study and Cost Allocation Plan presented at the December 13, 2022, council meeting, the fees contained within the fee schedule, attached hereto as Exhibit A, represent no more than the reasonable costs incurred by the City in providing the listed services and activities and do not exceed the City's cost of providing the same.
- SECTION 4. Effective as of July 23, 2024, any other resolutions or administrative actions by the City Council, or parts thereof that are inconsistent with any The provisions of this Resolution are hereby superseded, but only to the extent of such inconsistency.
- SECTION 5. The City Council finds that the setting or revising of fees pursuant to this Resolution is exempt from environmental review under the California Environmental Quality Act ("CEQA"), pursuant to Public Resources Code Section 21080(b)(8) and Section 15272 of the CEQA Guidelines, which provide an exemption for the establishment or modification of charges by public agencies that the public agency finds are for the purpose of meeting operating expenses.
- SECTION 6. This Resolution shall take effect immediately upon its adoption.
- SECTION 7. Immediately following the implementation of these fees, the City Council hereby authorizes the City Manager to administratively set fees for certain services lower than indicated on the fee schedule. However, any increase in fees will be subject to State Law and City Council approval



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**PASSED AND ADOPTED** by the City Council of the City of Lindsay as follows:

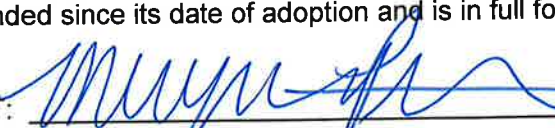
MEETING DATE	July 23, 2024
MOTION	Serna
SECOND MOTION	Cerros
AYES	Flores; Sanchez; Villarreal
ABSENT	Ø
ABSTAIN	Ø
NAYS	Ø

CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY AS DETAILED.

  
Ramiro Serna, Mayor

### CERTIFICATE OF ATTESTING OFFICER

The undersigned, Maegan Peton, City Clerk of the City of Lindsay does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the City of Lindsay which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date thereof.

ATTEST:   
Maegan Peton, City Clerk

