

ATTACHMENT #1

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ESTABLISHING CERTAIN NEW USER FEES AND INCREASING CERTAIN EXISTING USER FEES FOR VARIOUS SERVICES PROVIDED BY THE CITY OF INDIAN WELLS AND FINDING THIS ACTION TO BE EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Government Code section 66016 and 66018 provides that a city may establish or increase fees for certain public services by resolution; and

WHEREAS, the City Council of the City of Indian Wells ("City Council") has determined that to continue providing effective service for the public welfare, Indian Wells ("City") must establish and increase fees for certain municipal services which accurately reflect the City's true costs in providing such services; and

WHEREAS, many of the City's existing fees for services no longer reflect the City's true costs in providing the services to which the fees pertain, as a result of increased costs borne by the City; and

WHEREAS, Willdan Financial Services prepared a report, entitled City of Indian Wells Comprehensive User Fee Study ("Fee Study"), attached to this Resolution as Attachment "2", that identified the City's cost to administer services and reviewed the fees charged by other cities for such services to assure that the proposed cost recovery fees are reasonable; and

WHEREAS, copies of the Fee Study are on file in the City Clerk's office and have been made available for public review in accordance with state law, as more fully described below; and

WHEREAS, there is a reasonable relationship between the fees to be collected for the provision of various City services and the City's costs in providing those services, as identified in the data made available; and

WHEREAS, the fees set forth in the Fee Study do not exceed the actual or estimated costs to the City of providing the services to which the fees relate; and

WHEREAS, the fees are necessary to enable the City to provide the services to which they relate; and

WHEREAS, pursuant to Government Code sections 66016 and 66018, the City has: (1) made available to the public at least at least ten days prior to its public hearing, data supporting the reasonableness of the fees; (2) mailed notice at least fourteen days prior to the public hearing to all interested parties who have requested notice of new or increased fees; (3) published notice two times in a newspaper of general circulation at least ten days prior to the public hearing; and (4) held a duly noticed, regularly scheduled public hearing at which oral and written testimony was received regarding the proposed fees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDIAN WELLS:

SECTION 1. Incorporation of Recitals. The City Council hereby **FINDS** and **DETERMINES** that the recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

SECTION 2. Adoption of Report and Fees. The City Council hereby **ADOPTS** the Fee Study and the suggested fee levels as set forth and attached hereto in "Attachment 2" of the Fee Study ("Fee Schedule") as the official user fees of the City, together with future adjustment thereof to take effect July 1, 2023 and on each anniversary thereafter, based on the Consumer Price Index for all Urban Areas Los Angeles- Riverside-Orange Counties for the annual period ending the prior June 30.

SECTION 3. Conflicts with Other Resolutions. This Resolution shall repeal any other resolutions or portions thereof to the extent that such resolutions or portions thereof conflict with this Resolution.

SECTION 4. Severability. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Resolution, which can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are hereby declared to be severable.

SECTION 5. CEQA. This action is statutorily exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273(a)(1).

SECTION 6. Effective Date. Consistent with Government Code section 66017(a), the Fee Schedule adopted by this Resolution shall take effect sixty (60) days following the adoption of this Resolution by the City Council.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 6th day of July, 2023.

DONNA J.H. GRIFFTH
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2023-__

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells the 6th day of July 2023, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

**ANGELICA AVILA
CITY CLERK**

**TODD LEISHMAN
CITY ATTORNEY**