

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, AMENDING THE CITY'S MASTER FEES AND CHARGES
4 SCHEDULE IN RESOLUTION NO. 21960, AS AMENDED, APPROVING
5 CHANGES TO THE FIRE DEPARTMENT'S FEES AS A PARTICIPATING
6 AGENCY UNDER THE CERTIFIED UNIFIED PROGRAM TO REFLECT
7 100% COST RECOVERY FOR HAZMAT FEES.

8 WHEREAS, the City of Riverside ("City") has the authority to impose fees pursuant to its
9 authority under Article XI, §7 of the California Constitution and under its complementary powers
10 under Section 37112 of the California Government Code and Section 200 of the Riverside City
11 Charter; and

12 WHEREAS, the City has established a policy of recovering the full costs reasonably borne as
13 a result of providing special services of a voluntary and limited nature, such that general taxes are not
14 diverted from general services of a broad nature and thereby utilized to subsidize unfairly and
15 inequitably such special services; and

16 WHEREAS, in Chapter 3.30 of the Riverside Municipal Code, the City Council established its
17 policy as to the recovery of costs and more particularly the percentage of costs reasonably borne to be
18 recovered from users of City services and directing staff as to the methodology for implementing said
19 Chapter 3.30; and

20 WHEREAS, the California Health and Safety Code, Chapter 6.95 dictates the necessity of
21 implementation of business and area plans related to the handling and release of hazardous materials;
22 and

23 WHEREAS, inspections of business handling hazardous materials are required to occur once
24 every three years pursuant to the Riverside Fire Department's participating agency status in the
25 Certified Unified Program Agencies ("CUPA"); and

26 WHEREAS, the adoption of a schedule of fees and charges to be paid by those businesses
27 receiving such special services and the percentage of costs reasonably borne by those persons receiving
28 such special services are necessary so that the City might effectuate its policies; and

WHEREAS, the City currently recovers 40% to 100% of costs of hazmat inspection fees from
the Fiscal Year 2023/2024 Schedule of Fees and charges which was adopted on June 20, 2023; and

1 WHEREAS, the City desires to recover 100% cost recovery and update the Fiscal Year
2 2023/2024 Schedule of Fees and Charges; and

3 WHEREAS, the updated Hazmat Inspection Fees were recommended by MGT of America
4 Consulting, LLC in Fiscal Year 2020/2021 as part of the citywide fees and charges study; and

5 WHEREAS, the City Council held a duly noticed public hearing on November 28, 2023, and
6 has considered all oral and written evidence presented regarding the revision to the Master Fees and
7 Charges Schedule; and

8 WHEREAS, all requirements of law regarding the notice and the provision of data are hereby
9 found to have been met; and

10 WHEREAS, all the proposed fee revisions fall within the stated exceptions to the definition of
11 “tax” established by Proposition 26, and are therefore not subject to the requirements of Article XIIC
12 of the California Constitution; and

13 WHEREAS, the City desires to amend the Master Fees and Charges Schedule, Resolution No.
14 21960 and its related amendments, to reflect the new fee to reflect 100% cost recovery for Hazmat
15 Fees.

16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,
17 California, as follows:

18 Section 1: The above recitals are hereby found to be true and correct and are hereby
19 incorporated herein as if stated in full.

20 Section 2: The City Council hereby determines that the specific fees to be charged for
21 Hazmat Inspections and Business Plan, which shall consist of the evaluation and review of applications
22 fee and the site review fee, which are set forth in Exhibit “A,” Schedule of Fees and Charges, attached
23 hereto and incorporated herein by reference, are the reasonable costs for service and hereby adopts the
24 same.

25 Section 3: Resolution No. 21960 and all applicable amendments thereto are hereby
26 amended to include the new fees as shown in Exhibit “A” herein.

27 Section 4: This Resolution, together with any other resolution amending Resolution No.
28 21960 and the Master Fees and Charges Schedule (Resolution No. 21960), shall collectively be known

1 as, and hereinafter may be interchangeably referred to as, the “Fees and Charges Resolution,”
2 “Schedule of Fees and Charges,” or the “Master Fees and Charges Schedule.”

3 Section 5: All fees set by this Resolution are for each identified process or service;
4 additional fees shall be required for each additional process or service that is requested or required.

5 Section 6: The fees and charges revisions set forth in Exhibit “A” fall within the stated
6 exceptions to the definition of “tax” established by Proposition 26, and therefore, are not subject to
7 the requirements of Article XIII C of the California Constitution.

8 Section 7: The Chief Financial Officer is hereby directed and authorized to maintain a
9 current Master Fees and Charges Schedule which will include all amendments to the Fees and Charges
10 Resolution.

11 Section 8: If any portion of this Resolution is for any reason declared invalid or
12 unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect
13 the validity of the remaining portions of this Resolution; the City Council hereby declaring that it
14 would have adopted this Resolution and every other section, subsection, paragraph, subparagraph,
15 item, sub-item, clause, phrase, or portion thereof, irrespective of the fact that any one or more section,
16 subsection, paragraph, subparagraph, item, sub-item, sentence, clause, phrase, or portion be declared
17 invalid or unconstitutional.

18 Section 9: Resolution No. 21960 and all amendments thereto are hereby amended as of the
19 date this Resolution becomes operative and any previously established fee or charge not amended
20 herein remain in full force and effect.

21 Section 10: The provisions of this Resolution shall become effective immediately upon
22 adoption.

23 Section 11: Any and all future amendments to the Fees and Charges Resolution shall be
24 operative on the date of adoption of such resolution(s) approving the proposed amendments, except as
25 otherwise required by California law.

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1 ADOPTED by the City Council this _____ day of _____, 2023.

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PATRICIA LOCK DAWSON
Mayor of the City of Riverside

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Attest:

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DONESIA GAUSE
City Clerk of the City of Riverside

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I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the _____ day of _____, 2023, by the following vote, to wit:

12

13

Ayes:

14

15

Noes:

16

Absent:

17

Abstain:

18

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2023.

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DONESIA GAUSE
City Clerk of the City of Riverside

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23-1464 RNG 10/25/23

RIVERSIDE FIRE DEPARTMENT

CODE	FEE DESCRIPTION	Current Fee (Adopted 06/20/23)	2020 Volume	Proposed (100% Recovery)	\$ Change	Projected Revenue Impact
3502	Hazardous Materials Usage / Permit I (Business Emergency Plan)	\$ 226.75	470	\$ 532.00	135%	\$ 143,467.50
3503	Hazardous Materials Usage / Permit II (Business Emergency Plan)	\$ 363.25	279	\$ 610.00	68%	\$ 68,843.25
3504	Hazardous Materials Usage / Permit III (Business Emergency Plan)	\$ 635.25	160	\$ 727.00	14%	\$ 14,680.00
3541	Hazardous Materials Usage / Permit IV (Business Emergency Plan)	\$ 953.50	39	\$ 1,078.00	13%	\$ 4,855.50
3542	Hazardous Materials Usage / Permit V (Business Emergency Plan)	\$ 1,195.00	268	\$ 1,195.00	0%	\$ -
3543	Above Ground Petroleum Storage Act (APSA) - Tier I	\$ 136.50	83	\$ 649.00	375%	\$ 42,537.50
3544	Above Ground Petroleum Storage Act (APSA) - Tier II	\$ 363.25	22	\$ 805.00	122%	\$ 9,718.50
3545	Above Ground Petroleum Storage Act (APSA) - Tier III	\$ 545.00	2	\$ 961.00	76%	\$ 832.00
TOTAL						\$ 284,934.25