

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, AMENDING THE CITY'S FEES AND CHARGES
4 SCHEDULE IN RESOLUTION NO. 21960, AS AMENDED, PROVIDING
5 FOR FEES AND CHARGES FOR APPEALS OF DECISIONS OF THE
6 BUILDING OFFICIAL AND BUILDING MODIFICATION/ALTERNATE
7 MATERIALS REVIEW.

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

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

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

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

22 WHEREAS, the City is re-establishing the process for appeals of the decision of the Building
23 Official and the fees for building modifications/alternate materials review; and

24 WHEREAS, the fees proposed represent the reasonable cost for the Community & Economic
25 Development Department – Building and Safety Division staff to process appeals and building
26 modification/alternate materials review research and determination; and

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

1 WHEREAS, the City desires to amend the Masters Fees and Charges Schedule, Resolution
2 No. 21960 and its related amendments, to reflect the new fee for the Building Official appeals and
3 building modification/alternate materials review decision.

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

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

8 Section 2: The City Council has reviewed the specific fees to be charged for the appeals
9 of the decisions of the Building Official and building modification/alternate materials review, which
10 are set forth in Exhibit "A" Schedule of Fees and Charges, attached hereto and incorporated herein by
11 reference, has determined that they are the reasonable costs for service and hereby adopts the same.

12 Section 3: Resolution No. 21960 and all applicable amendments thereto are hereby
13 amended as shown in Exhibit "A".

14 Section 4: This Resolution, together with any other resolution amending Resolution No.
15 21960 and the Master Fees and Charges Schedule, shall collectively be known as, and hereinafter may
16 be interchangeably referred to as, the "Fees and Charges Resolution" or the "Master Fees and Charges
17 Schedule."

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

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

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

26 Section 8: If any portion of this resolution is for any reason declared invalid or
27 unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect
28 the validity of the remaining portions of this resolution; the City Council hereby declaring that it would
have adopted this resolution and every other section, subsection, paragraph, subparagraph, item, sub-

1 item, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection,
2 paragraph, subparagraph, item, sub-item, sentence, clause, phrase, or portion be declared invalid or
3 unconstitutional.

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

7 Section 10: The provisions of this resolution shall become effective immediately upon
8 adoption.

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

12 ADOPTED by the City Council this _____ day of _____, 2019.

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14 _____
WILLIAM R. BAILEY, III
Mayor of the City of Riverside

15 Attest:

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17 _____
18 COLLEEN J. NICOL
City Clerk of the City of Riverside

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1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at
3 its meeting held on the _____ day of _____, 2019, by the following vote, to wit:

4 Ayes:

5 Noes:

6 Absent:

7 Abstain:

8 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
9 City of Riverside, California, this _____ day of _____, 2019.
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13 COLLEEN J. NICOL
14 City Clerk of the City of Riverside
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19-0809 KJS 09/30/19