

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, PROVIDING
5 FOR FEES AND CHARGES FOR TOBACCO RETAIL ESTABLISHMENT
6 PERMITS.

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

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

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

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

21 WHEREAS, the City is implementing a new process and permit for the regulation of tobacco
22 retail establishments; and

23 WHEREAS, the fee proposed represents the reasonable cost for Riverside Police Department
24 staff to process an application for a tobacco retail establishment permit as well as any renewal; and

25 WHEREAS, the City Council held a duly noticed public hearing on April 27, 2021, and has
26 considered all oral and written evidence presented regarding the revision to the Master Fees and
27 Charges Schedule; and

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

1 WHEREAS, all the proposed fee revisions fall within the stated exceptions to the definition of
2 "tax" established by Proposition 26, and are therefore not subject to the requirements of Article XIIC
3 of the California Constitution; and

4 WHEREAS, the City desires to amend the Master Fees and Charges Schedule, Resolution No.
5 21960 and its related amendments, to reflect the new fee for a tobacco retail establishment permit and
6 its renewal,

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

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

11 Section 2: The City Council has reviewed the specific fees to be charged for a tobacco
12 retail establishment permit and renewal which are set forth in Exhibit "A" Schedule of Fees and
13 Charges, attached hereto and incorporated herein by reference, has determined that they are the
14 reasonable costs for service and hereby adopts the same.

15 Section 3: Resolution No. 21960 and all applicable amendments thereto are hereby
16 amended to include the new fee as shown in Exhibit "A" herein.

17 Section 4: This Resolution, together with any other resolution amending Resolution No.
18 21960 and the Master Fees and Charges Schedule (Resolution No. 21960), shall collectively be known
19 as, and hereinafter may be interchangeably referred to as, the "Fees and Charges Resolution" or the
20 "Master Fees and Charges Schedule."

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

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

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

Section 8: If any portion of this Resolution is for any reason declared invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect 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-item, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, paragraph, subparagraph, item, sub-item, sentence, clause, phrase, or portion be declared invalid or unconstitutional.

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

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

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

ADOPTED by the City Council this _____ day of _____, 2021.

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

DONESIA GAUSE
City Clerk of the City of Riverside

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1 I, Donesia Gause, 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 _____, 2021, by the following vote, to wit:

4 Ayes:

5 Noes:

6 Absent:

7 Abstain:

8
9 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
10 City of Riverside, California, this _____ day of _____, 2021.

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12 _____
13 DONESIA GAUSE
14 City Clerk of the City of Riverside
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