

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD, AMENDING THE 2023/2024 COST ALLOCATION PLAN AND SCHEDULE OF CITY FEES RELATED TO THE TIMING OF CONSUMER PRICE INDEX ADJUSTMENTS; AND REVISIONS TO PARK AND RECREATION FEES; AND FINDING THAT THE PROPOSED AMENDMENTS DO NOT CONSTITUTE A PROJECT FOR THE PURPOSES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on April 23, 2019, the City Council adopted Resolution 2019-54, amending the City of Brentwood 2018/19 Cost Allocation Plan and Schedule of City Fees related to: 1) the implementation and timing of Consumer Price Index adjustments and 2) proposed adjustments to Parks and Recreation permit, athletic leagues, recreation programs, activities, and aquatic fees; and

WHEREAS, on September 10, 2019, the City Council adopted Resolution 2019-103, adopting the 2019/20 Cost Allocation Plan and Schedule for City fees and repealing resolution 2018-128; and

WHEREAS, on June 9, 2020, the City Council adopted Resolution 2020-74, amending the City of Brentwood 2019/20 Cost Allocation Plan and Schedule of City Fees related to the timing of Consumer Price Index adjustments; and revisions to Park Planning and Landscape Review Fees; and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act; and

WHEREAS, on August 25, 2020, the City Council adopted Resolution No. 2020-116, amending the FY 2019/20 Cost Allocation Plan and Schedule of City Fees related to: 1) the timing of Consumer Price Index adjustments, and 2) revisions to Park Planning and Landscape Review fees, and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act; and

WHEREAS, on May 11, 2021, the City Council adopted Resolution 2021-49, amending the FY 2020/21 Cost Allocation Plan and Schedule of City Fees related to the timing of Consumer Price Index adjustments; and revisions to Parks and Recreation fees; and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act; and

WHEREAS, on June 14, 2022, the City Council adopted Resolution 2022-78, amending the FY 2021/22 Cost Allocation Plan and Schedule of City Fees related to the timing of Consumer Price Index adjustments; and revisions to Parks and Recreation fees; and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act; and

WHEREAS, on September 27, 2022, the City Council adopted Resolution 2022-122, adopting the FY 2022/23 Cost Allocation Plan and Schedule of City Fees; making certain supporting findings, including the inapplicability of the California Environmental Quality Act to these actions; imposing said fees; establishing a process for waiving or adjusting certain fees; and repealing Resolution No. 2021-137, which adopted the FY 2021/22 cost allocation plan and schedule of city fees; considering the inclusion of two new fees for 1) City owned electric vehicle charging stations, and 2) credit card processing; and

WHEREAS, on February 28, 2023, the City Council adopted Resolution 2023-22, amending the 2022/23 Cost Allocation Plan and Schedule of City Fees to adopt, change and eliminate certain permitting fees; and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act; and

WHEREAS, on June 13, 2023, the City Council adopted Resolution 2023-81, amending the 2022/23 Cost Allocation Plan and Schedule of City Fees to adopt, change and eliminate certain permitting fees; and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act; and

WHEREAS, on September 12, 2023, the City Council adopted Resolution 2023-113, adopting the FY 2023/24 Cost Allocation Plan and Schedule of City Fees; 2) making certain supporting findings, including the inapplicability of the California Environmental Quality Act to these actions pursuant to Sections 15061, 15273, and 15378 of the State CEQA Guidelines; 3) imposing said fees; 4) establishing a process for waiving or adjusting certain fees; 5) adding certain new Community Development, Police and Public Works fees; and 6) repealing Resolution 2022-122, which adopted the FY 2022/23 Cost Allocation Plan and Schedule of City Fees; and

WHEREAS, on April 23, 2024, the City Council directed staff to include proposed fees for Special Events in the forthcoming Cost Allocation Plan in FY 2024/25; and

WHEREAS, staff is recommending maintaining the current Recreation Program fees without any Consumer Price Index (CPI) increases in Fiscal Year 2024/25, as these fees are calculated using the Parks and Recreation Program Budget Worksheet to ensure cost recovery; and

WHEREAS, the supporting data or the proposed amendments set forth in this Resolution were available for public inspection and review for ten (10) days prior to a public hearing on this matter; and

WHEREAS, a public hearing was duly noticed and held on June 11, 2024 to consider the proposed revisions to the 2023/24 Cost Allocation Plan.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Brentwood that:

Section 1. Findings:

After considering the staff report and supporting data and the testimony received at a public hearing, the Council makes each of the following findings:

- A. That CEQA does not apply to the adoption of this Resolution, pursuant to Sections 15061, 15273 and 15378(b)(4) of the State CEQA Guidelines because: this action is not a project because it is a fiscal activity that does not commit the City to any specific project that may result in a potentially significant impact on the environment; and
- B. The purpose of the fees is to support those City services that are undertaken as a direct or indirect result of members of the public using the services of the City, and will be collected for the purposes of meeting operational expenses and maintaining service to those who request it.

- C. The staff report, presentation, and testimony establish:
1. That there is a reasonable relationship between the need for the fee and the type of service for which the fee is imposed; and
 2. That there is a reasonable relationship between the amount of the fee and the estimated reasonable cost of providing the type of service for which the fee is imposed; and
 3. That the cost estimates set forth in the amendments to the 2023/24 Cost Allocation Plan are reasonable and best approximate the direct and indirect (overhead) costs of City staff.
- D. The allocation of the cost to each fee payor bears a fair and reasonable relationship to the fee payor's burdens on, and the benefits received from, the City.
- E. The amended fees do not exceed the reasonable cost of providing the service for which the fee is charged.

Section 2. Fees Imposed:

- A. The Council amends the 2023/24 Cost Allocation Plan as set forth in the attached Exhibit A, which is incorporated here by this reference.
- B. Each person requesting a service in the City of Brentwood for which a fee is imposed pursuant to the report shall pay the fee set forth in the report.
- C. For Fiscal Year 2024/25, fees that are not subject to CPI increases are: Adult Sports, Youth Sports, Creative Activities Play Classes, Pre-School Classes, Creative Activities Arts and Crafts Classes, Teen and Adult Fitness Classes, Youth Dance Classes, Tennis Classes, Gymnastic Classes, Health and Safety Classes, Technology Classes and Camps, Youth Camps, Special Events, Aquatics lessons and programs, and Refundable Deposits.
- D. The Oldies But Goodies program fees are hereby exempted from the cost recovery goals set forth in section 5.8.1 of Council/Administrative Policy 10-5 (Budget and Fiscal Policy).
- E. For the fiscal years following Fiscal Year 2023/24, except as otherwise provided in this resolution or by other action of the City Council, on November 1 of each year, all Parks and Recreation fees not tied to an alternate index and/or requirement will be automatically adjusted by an amount equal to the percentage of increase to the April CPI for the Urban Wage Earners and Clerical Workers, San Francisco-Oakland-Hayward, California area, provided that the resulting fee is still no more than necessary to cover the reasonable costs to the City to provide the service and the allocation of the cost to the fee payor still bears a fair and reasonable relationship to the fee payor's burdens on, or the benefits received from, the City.

Section 3. Use of Fee Revenues:

The revenues raised by payment of these fees, along with any interest earned, shall be used to pay for the City's costs, including without limitation the capital costs and labor and contract costs directly or indirectly associated with providing the requested services.

Section 4. Subsequent Analysis of the Fees:

The fees established herein are adopted and implemented by the City Council in reliance on the Parks and Recreation Program Budget Cost Recovery Worksheets that have been prepared by the City. During the coming years, the City will continue to gather additional information that may affect the nature, scope and type of services to be provided in response to requests of the public.

Section 5. Effective Date of Revised Fees:

Except as otherwise provided, the fees established through this resolution will be effective November 1, 2024.

Section 6. Severability:

Each component of the fees and all portions of this Resolution are severable. Should any individual component of the fee or other provision of this Resolution be adjudged invalid and unenforceable, the remaining provisions shall be and continue to be fully effective, and the fee shall be fully effective except as to that portion that has been judged invalid.

Section 7. Statute of Limitations:

Any judicial action or proceeding to attack, review, set aside, void, or annul the fees established by this Resolution, or the Resolution itself, shall be commenced within one hundred twenty (120) days of the passage of this Resolution. Any action to challenge an adjustment adopted shall be commenced within one hundred twenty (120) days of the adjustment.

Section 8. Prior Resolutions:

Resolution 2023-113, which adopted the 2023/24 Cost Allocation Plan and Schedule of City Fees, remains in full effect except as may be amended by this or any other resolutions of the City Council.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on June 11, 2024, by the following vote: