

RESOLUTION NO. 2018-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
ESTABLISHING AND ADJUSTING PUBLIC WORKS DEPARTMENT –
ENGINEERING DIVISION SERVICES FEES AND ADJUSTING THE
GENERAL SANITATION FEE**

WHEREAS, it is the City Council's intent to recover costs incurred in providing services in the City of Pomona's Public Works Department-Engineering Division;

WHEREAS, the Pomona City Code (Chapter 2, Article VI, Division 5) sets forth the method for establishing and increasing fees charged to recover costs reasonably borne by the City in providing services;

WHEREAS, the adoption of this resolution is not subject to environmental review pursuant to Sections 15273, 15060(c)(2) and 1560(c)(3) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), which pertain to the establishment, modification, or approval of charges by the public agencies which the public agency funds are for the purpose of the meeting operating expenses, and pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a *project* under CEQA Regulations;

WHEREAS, for each fee, the City completed a cost analysis which is included in Exhibit "A" to this Resolution;

WHEREAS, pursuant to the California Constitution and the State laws, the City of Pomona may adopt fees for municipal services, which do not exceed the estimated reasonable cost of providing such services;

WHEREAS, in accordance with the cost analysis, the fee adjustments set forth herein are justified for recovering costs reasonably borne by the City in services provided by the Public Works Department-Engineering Division;

WHEREAS, the cost analyses were made available for review in the City Clerk's Office at least ten (10) days prior to the Public Hearing before the City Council on this Resolution;

WHEREAS, the City provided notice of the public hearing pursuant to Pomona City Code Section 2-925, and Government Code Section 6062a and 66016, by publishing notice on May 25, 2018 and May 30, 2018 in the Inland Valley Daily Bulletin and re-advertising the changes to fees on July 7, 2018 and July 12, 2018;

WHEREAS, on July 16, 2018, the City conducted a public hearing on the proposed fees set forth in this resolution;

WHEREAS, Article 11, Section 12-12 of the Code of the City of Pomona establishes the City's ability to charge a bimonthly fee for general sanitation public services to residents within the City of Pomona, known as the City General Sanitation Fee (GSF); and

WHEREAS, the City Council of the City of Pomona, California desires to revise the General Sanitation Fee to \$0.00, effective July 1, 2018 (retroactively).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. That the City Council hereby finds and determines that, based on data, analysis, cost review, cost comparison surveys, adoption of a schedule of fees for the City of Pomona Public Works Department-Engineering Division allows the City to recover costs incurred without exceeding the cost of providing Public Works Department-Engineering Division services to the public.

SECTION 2. That the City Council hereby finds and determines that, based on cost analysis included in Exhibit "A" to this Resolution, the proposed fees are justified.

SECTION 3. That, as shown in Exhibit "A" to this Resolution, the City shall charge the fees for the Public Works Department-Engineering Division.

SECTION 4. That the fees in Section 2 of this Resolution are hereby approved. Fees shall not exceed the amounts set by Section 2 above, except as approved by City Council Resolution.

SECTION 5. Future fee adjustments will be updated per Pomona City Code, Section 2-896, Annual Adjustment by Consumer Price Index.

SECTION 6. That all Public Works Department-Engineering Division fees previously implemented by the City shall be repealed and replaced in their entirety to the extent such fees are included in the fees adopted in Section 4 above.

SECTION 7. That the fees adopted and adjusted herein immediately above shall be effective ten (10) days after the Mayor signs an executive order (below) stipulating that the City has complied with Chapter 2, Division 5, of the Pomona City Code, and no written appeal has been filed.

SECTION 8. That the fees adopted herein that are subject Government Code Section 66017 shall take effect sixty (60) days after the adoption of this Resolution.

SECTION 9. That the General Sanitation Fee (GSF) charge will be adjusted to \$0.00 effective July 1, 2018 (retroactively).

SECTION 10. The City Clerk shall attest and certify to the passage and adoption of this Resolution.

APPROVED AND ADOPTED THIS 16th DAY OF JULY, 2018.

ATTEST:

CITY OF POMONA:

Marie Michel Macias, Interim City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, MARIE MICHEL MACIAS, INTERIM CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 16th day of July, 2018 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Marie Michel Macias, Interim City Clerk

EXECUTIVE ORDER

The fees set by Resolution No. 2018-_____ have been set in compliance with Division 5 of Chapter 2 of the Pomona City Code pertaining to the fixing of regulatory fees and service charges. Pursuant to Section 2-924(d) of the Pomona City Code, the fees set by Resolution No. 2018-_____ shall take effect sixty (60) days after the signing of an Executive Order if no written appeal has been filed.

_____ Date: _____