

TO: JAMES L. APP, CITY MANAGER
FROM: JOHN FALKENSTIEN, CITY ENGINEER
SUBJECT: RECOVERY OF CITY PROCESSING COSTS
DATE: JANUARY 3, 2006

Needs: For the City Council to consider adopting the attached Resolution which clarifies the City's cost recovery policy.

Facts:

1. The City will incur contract services and legal review costs related to processing of Development Agreements and land use entitlement requests.
2. The City Council has an adopted cost recovery policy related to City staff time and material costs.
3. The attached Resolution would confirm the City's intent to also recover its costs for contract services, including but not limited to services provided by the City Attorney and other attorneys working on behalf of the City.

Analysis
and

Conclusion: The attached Resolution is intended to clarify and confirm established City policy with regard to cost recovery.

Policy

Reference: General Plan; prior Council adopted fees for services

Fiscal

Impact: Intended to insure fiscal neutrality

Options:

- a. Adopt Resolution No. 06-xx confirming the City's intent to charge applicants for the City's costs of processing Development Agreements and other requests for land use entitlements.
- b. Amend, modify, or reject the foregoing option.

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
CONFIRMING THE CITY'S INTENT TO CHARGE APPLICANTS THE CITY'S
COSTS FOR PROCESSING DEVELOPMENT AGREEMENTS AND OTHER
REQUESTS FOR LAND USE-RELATED ENTITLEMENTS

WHEREAS, when the 2003 General Plan update was approved, it contained provisions that call for "fiscal neutrality"; and

WHEREAS, the City's fees for services are designed to recover the City's actual time and materials costs to process development-related applications, including but not limited to Subdivisions, Development Plans, and requests for Development Agreements; and

WHEREAS, City costs in terms of contract services, including but not limited to the time and materials costs of contract planners, engineers, and those of the City Attorney's work on development-related applications and agreements, should be recovered in order to insure fiscal neutrality and full cost recovery; and

WHEREAS, the City Council desires to clarify its policy in order to insure that City costs related to these items are recovered.

NOW, THEREFORE, BE IT RESOLVED, that consistent with the concept of fiscal neutrality and cost recovery, it is the policy and intent of the Council that persons or entities who seek or are seeking development entitlements, including but not limited to Development Agreements, shall be charged the City's actual time and material costs of processing their requests, including the contractual fees and expenses for services provided to the City by the City Attorney or other attorney. For City employees, the hourly rates that would apply would be those adopted by the City Council and subject to annual inflationary adjustments.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on 3rd day of January 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk