



AGENDA ITEM NO. 18

CITY OF HAWTHORNE CITY COUNCIL AGENDA BILL

For the meeting of May 8, 2018

Originating Department: City Attorney/City Manager

City Manager: Arnold Shadbahr City Attorney: **Russell Miyahira**

SUBJECT:

Adopt Resolution No. 7986, a Resolution of the City Council of the City of Hawthorne, California, Establishing Fees For Both the Finance Department & the City Clerk's Department.

RECOMMENDED MOTION:

Adopt Resolution No. 7986.

NOTICING PROCEDURES: 72 hours posted notice pursuant to the Ralph M. Brown Act.

FISCAL IMPACT: City will be reimbursed for its actual costs in providing municipal services.

EXECUTIVE SUMMARY:

The City Council of the City of Hawthorne has determined that in order to continue providing effective services for the public welfare, the City must establish and increase fees for certain municipal services in order to accurately reflect the City's true cost in providing such services. The Council desires to enact new fees – and increase existing fees – for certain services and programs provided by the City. The Council desires to establish fees for both the Finance Department and City Clerk's Department to reflect the City's reasonable reimbursement costs. The City Clerk's Department processes many public records requests on a daily basis. On occasion, some of these requests are voluminous in nature and require staff in the City Clerk's Department to spend time making copies of documents or to compile data. The California

Government Code section 6253.9(b)(2) permits a city to charge a requester for “data compilation, extraction, or programming” to produce a record. City staff requests that the City be reimbursed for its actual costs of either making copies or for “data compilation, extraction or programming.” It should be emphasized that the public will not be charged for research time or time spent in locating documents. The time spent to either make copies or for data compilation, extraction or programming will not be triggered unless the time spent by staff in doing so exceeds fifteen (15) minutes. The departments have reviewed the fees charged for such services, and with the approval of the City Manager, recommend the adoption of certain fees. The Finance Department has evaluated the City’s processing costs, has prepared a schedule of such costs (attached as Exhibit “A” to Resolution No. 7986) and has recommended its approval. A public hearing notice was published in the Hawthorne Press Tribune on April 29, 2018 and May 3, 2018 describing a proposed increased schedule of fees.

ATTACHMENT(S):

Resolution No. 7986.

RESOLUTION NO. 7986

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ESTABLISHING FEES FOR BOTH THE FINANCE DEPARTMENT AND THE CITY CLERK'S DEPARTMENT.

WHEREAS, the City Council of the City of Hawthorne has determined that in order to continue providing effective services for the public welfare, the City must establish and increase fees for certain municipal services in order to accurately reflect the City's true cost in providing such services; and

WHEREAS, the Council desires to enact new fees – and increase existing fees – for certain services and programs provided by the City; and

WHEREAS, the Council desires to establish fees for both the Finance Department and City Clerk's Department to reflect the City's reasonable reimbursement costs; and

WHEREAS, the Council desires to charge fees for any one or more of the following purposes: (A) A specific City benefit conferred or privileged granted (California Constitution, Article XIII C, § (e)(1)); (B) A City service or product (California Constitution, Article XIII C, § 1(e)(2)); (C) A charge imposed for City's issuing licenses and permits, performing investigations, inspections, and audits, and administrative enforcement and adjudication (California Constitution, Article XIII C, § 1 (e)(3)); or (D) A monetary charge imposed by the City as a result of a violation of law (California Constitution, Article Xiii C, § (e)5)); and

WHEREAS, the City Clerk's Department processes many public records requests on a daily basis. On occasion, some of these requests are voluminous in nature and require staff in the City Clerk's Department to spend time making copies of documents or to compile data; and

WHEREAS, California Government Code section 6253.9(b)(2) permits a city to charge a requester for "data compilation, extraction, or programming" to produce a record, and

WHEREAS, City staff requests that the City be reimbursed for its actual costs of either making copies or for "data compilation, extraction or programming." It should be emphasized

that the public will not be charged for research time or time spent in locating documents. The time spent to either make copies or for data compilation, extraction or programming will not be triggered unless the time spent by staff in doing so exceeds fifteen (15) minutes; and

WHEREAS, the departments have reviewed the fees charged for such services, and with the approval of the City Manager, recommend the adoption of certain fees; and

WHEREAS, the Finance Department has evaluated the City's processing costs, has prepared a report of such costs (attached as Exhibit "A") and has recommended that the fee schedule proposed in Resolution No. 7986 be approved; and

WHEREAS, a public hearing notice was published in the Hawthorne Press Tribune on April 29, 2018 and May 3, 2018 describing a proposed increased schedule of fees; and

WHEREAS, on May 8, 2018, at the time and place set forth in such public hearing notice, the City Council held a public hearing regarding the proposed fee schedule; and

WHEREAS, the City Council finds that the proposed fees do not exceed the City's costs of processing permit requests and desires to adopt the proposed fees.

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

SECTION 1. The recitals in Resolution No. 7986 are true and correct.

SECTION 2. The schedule of fees (Exhibit "A") is approved for: 1) finance department fees; and 2) city clerk staff time in copying/scanning documents, and downloading documents onto a DVD or CD in response to a public records request.

SECTION 3. An annual adjustment shall occur for all fees identified in this Resolution. Such adjustment shall occur by using the California Per Capita Personal Income Index as reported quarterly by the State Department of Finance. Said adjustment shall be effected on July 1st of each calendar year based upon the actual percentage change for the latest reported four quarter period. Increases or decreases shall be rounded off to the nearest dollar. In no event shall the fee collected exceed the actual cost of providing the service by the City.

SECTION 4. The fee shall be effective on the date of adoption of Resolution No. 7986 and shall be due prior to processing the permit or conducting the inspection.

SECTION 5. All other resolutions in conflict herewith are hereby repealed.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and thenceforth thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 8th day of May, 2018.

ALEX VARGAS, Mayor
City of Hawthorne, California

ATTEST:

NORBERT A. HUBER, City Clerk
City of Hawthorne, California

APPROVED AS TO FORM

RUSSELL I. MIYAHIRA, City Attorney
City of Hawthorne, California

Exhibit “A”

CITY CLERK/FINANCE/BUSINESS LICENSE DEPARTMENT

Number	Service Title	FY 2017-18	Unit/Time	4/1/2018
1	Photocopies	\$0.10	Per Page	4/1/2018
2	GTV6 Video Duplication	\$20.00	Per Video	4/1/2018
3	CAFR Book	\$30.00	Per Book	4/1/2018
4	Budget Book	\$50.00	Per Book	4/1/2018
5	Budget CD	\$15.00	Per CD	4/1/2018
6	Notary Fees	\$10.00	Per Signature	4/1/2018
7	Returned Check Charges-1 st Insufficient Funds	\$25.00	First Insufficient Check	4/1/2018
8	Returned Check Charges-Subsequent Insufficient Check	\$35.00	Subsequent Insufficient Checks	4/1/2018
9	City Wide Collection Agency	Actual Cost	Cost Recovery of collection agency fees charged on past due accounts by various departments	4/1/2018
10	Reimbursement Charge for actual costs of either making copies/scanning documents or for “data compilation, extraction or programming” per Gov. Code § 6253.9(b)(2)	\$62.00	Per Hour	4/1/2018
11	Credit Card, Debit Card and Electronic Fund Transfer Payment Service Fee for transactions between \$0.01 to \$200.00	\$2.75	Per Transaction (Under \$200)	4/1/2018
12	Credit Card, Debit Card and Electronic Fund Transfer Payment Service Fee for transactions from \$200.01 and up.	2.4% of total charges	Per Transaction (Over \$200.01 and up)	4/1/2018