

Title 3

REVENUE AND FINANCE

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Chapter 3.04

MUNICIPAL FUNDS

Sections:

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3.04.010 Depository designated.

A bank or savings and loan association designated by the city council, that is located within Kern County, shall be the depository of all funds and money coming into the possession of the treasury of the city, and all such funds and money shall forthwith upon receipt by the city be deposited therein to the credit of the city. (Ord. 170 §1, 1982: Ord. 4 §1, 1960).

3.04.020 Withdrawals--Authorized signors.

All withdrawals upon funds and moneys deposited as required by Section 3.04.010 of this chapter shall be made upon warrants drawn on the city treasury signed by the mayor and the city clerk. In the absence of the mayor, the mayor pro tem shall be authorized to sign warrants with the city clerk. In the absence of the city clerk, the city treasurer shall be authorized to sign warrants with the mayor. (Ord. 170 §2, 1982: Ord. 4 §2, 1960).

Chapter 3.08

PURCHASING SYSTEM*

Sections:

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- 3.08.110 Surplus supplies and equipment--Sale or other disposal.

* For statutory provisions authorizing cities to adopt policies and procedures governing purchases of supplies and equipment, see Gov. Code §54201 et seq.

3.08.010 System adopted--Purpose.

In order to establish efficient procedures for the purchase of supplies, equipment and incidental services, to secure for the city supplies, equipment and incidental services at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases, a purchasing system is hereby adopted. (Ord. 138 §2, 1978).

3.08.020 Departments--Estimate filing required.

All departments shall file detailed estimates of their requirements in supplies and equipment, setting forth specifications in such manner, at such time, and for

such future periods as the purchasing rules and regulations shall prescribe. (Ord. 138 §3, 1978).

3.08.030 Departments--Requisitions for supplies and equipment.

Departments shall submit requests for supplies and equipment to the council by standard requisition form, or by other means as may be established. (Ord. 138 §5, 1978).

3.08.040 Purchase orders--Issuance authority.

Purchases of supplies and equipment shall be made only by purchase orders except as otherwise provided herein. No purchase order shall be issued except by the city council or such city officer as it may designate. (Ord. 138 §7, 1978).

3.08.050 Encumbrance of funds.

Except in cases where necessary budget adjustments have been duly authorized, no purchase order for supplies or equipment shall be issued, unless there exists an unencumbered appropriation in the fund account against which said purchase is to be charged. (Ord. 138 §8, 1978).

3.08.060 Annual contracts.

The city council or the city officer designated by the city council shall have authority to negotiate prices set forth in annual contracts for purchases of repetitively used items, and shall have authority to accept proposals from or enter into memorandum accounts with vendors for items that are required in minor, undetermined quantities which are not practical in competitive bidding. (Ord. 138 §4, 1978).

3.08.070 Bidding procedures generally.

Purchases of supplies and equipment shall be by procedures pursuant to Sections 3.08.080 and 3.08.090. Bidding may be dispensed with only when the city council has declared a local emergency which requires that an order be placed with the nearest available source of supply, or when the service, material, or group of commodities can be obtained from only one vendor. (Ord. 138 §6, 1978).

3.08.080 Open market procedure--Purchases under five thousand dollars.

Purchases of supplies and equipment of an estimated value in the amount of five thousand (\$5,000.00) dollars or less may be made in the open market pursuant to the procedure prescribed in this section and without observing the procedure prescribed in Section 3.08.090.

A. Minimum Number of Bids. Open market purchases shall, wherever possible, be based on at least three (3) bids, and shall be awarded to the lowest responsible bidder.

B. Notice Inviting Bids. Bids shall be solicited by written requests to prospective vendors, by telephone, and by public notice posted on a public bulletin board in the City Hall, for single purchases amounting to more than two thousand five hundred (\$2,500.00) dollars but less than five thousand (\$5,000.00) dollars.

C. Written Bids. Sealed written bids shall be submitted to the city clerk for single purchases amounting to more than two thousand five hundred (\$2,500.00) dollars. The city council shall keep a record of all open market orders and bids for a period of one year after the submission of bids or the placing of orders. This record, while so kept, shall be open to public inspection.

D. Oral Bids. Oral bids shall be obtained from prospective suppliers when the amount involved is two thousand five hundred (\$2,500.00) dollars or less, unless, at the city's discretion, written bids have been obtained or bidding has been dispensed with in accordance with Section 3.08.070 of this chapter, or the amount involved is less than one hundred fifty (\$150.00) dollars and the city council has determined more than one bid to be impractical; or the purchase is to be made through the petty cash procedures.

E. Petty Cash. Purchases of a minor nature may be made through petty cash procedures prescribed by the city council. Bidding shall, not be required for petty cash purchases. (Ord 138 §10, 1978).

3.08.090 Formal contract procedure--Purchases over five thousand dollars.

Except as otherwise provided in this chapter, purchases of supplies and equipment of an estimated value greater than five thousand (\$5,000) dollars shall be by

written order or contract with the lowest responsible bidder pursuant to the procedure prescribed in this section.

A. Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specification may be secured, and the time and place for opening bids.

1. Published Notice. Notices inviting bids shall be published at least five (5) days before the date of opening of the bid. Notice shall be published at least once in a newspaper of general circulation, printed and published in the city, or if there is none, it shall be posted in at least three public places in the city that have been designated by ordinance as the places for posting public notices.

2. Bidder's List. Sealed bids shall be solicited from responsible prospective suppliers whose names are on a bidder's list maintained by the city, or from responsible prospective suppliers who have made written request that their names be added thereto.

3. Bulletin Board. The city council, by its designated official, shall also advertise pending purchases by a notice posted on a public bulletin board in the City Hall.

B. Bidder's Security. When deemed necessary by the city council, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, however, that a successful bidder shall forfeit his bid security upon his refusal or failure to execute the contract within ten (10) days after notice of award of contract has been mailed, unless in the latter event the city is solely responsible for the delay in executing the contract. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the contract price differential between the lowest bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. If the city council rejects all bids presented and re-advertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids and the surplus, if any, shall be returned to the lowest bidder.

C. Bid Opening Procedure. Sealed bids shall be submitted to the city clerk and shall be identified as "bids" on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.

D. Rejection of Bids. In its discretion, the city council may reject any and all bids presented and readvertise for bids pursuant to the procedure hereinabove prescribed in this section.

E. Award of Contracts. Except as otherwise provided herein, orders or contracts shall be awarded by the city council to the lowest responsible bidder.

F. Tie bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may, in its discretion, accept the one it chooses.

G. Performance Bonds. The city council may require a performance bond before entering a contract, in such amount as it shall find reasonably necessary to protect the best interest of the city. When required, the form and amount of the bond will be described in the notice inviting bids. (Ord. 138 §9, 1978).

3.08.100 Inspection and testing of supplies and equipment.

The city council, or the city officer it designates, shall inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order. The city council shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Ord. 138 §11, 1978).

3.08.110 Surplus supplies and equipment--Sale or other disposal.

All department heads of the city shall submit to the city council at such times, and in such form as may be prescribed, reports showing stock, materials and equipment on hand not then in use in said department. When a surplus of stock, materials or equipment exists in any department,

the city council may transfer the same to any other department having a need for such stock or any portion thereof on approval of the city council or its designated official. When it is found by the city council that equipment exists which is not needed for use by any city department, the city council may authorize the sale thereof, and the proceeds from any such sale or sales shall be deposited in the city treasury. Such sale or sales shall be conducted in the following manner:

A. Upon authorization of the city council, the designated official shall obtain competitive and formal quotations for the sale of surplus stock, materials or equipment, when any one item or group of items offered for sale amounts to more than two hundred fifty (\$250.00) dollars in estimated resale value.

B. When items offered for sale amount to more than two hundred fifty (\$250.00) dollars in estimated resale value, the designated city official shall cause notice of sale to be published at least five days before the sale, in the official newspaper, giving a general description of the items to be sold, where bids are to be received, and the time and place of sale. The designated city official shall, in addition, solicit sealed quotations from prospective buyers by telephone, or by sending those copies of newspaper notices, or other methods designed to reach the greatest number of prospective buyers.

C. When any separate item or items of such surplus stock, material or equipment to be offered for sale amounts to two hundred fifty (\$250.00) dollars or less, the designated city official may accept informal written bids or quotations for the sale of such item or items, without causing a notice of sale to be published in a newspaper.

D. At the time and place of sale of such surplus stock, material or equipment, oral bids may be considered by the designated city official, after giving proper notice of such fact, provided such oral bids shall be at least ten (10) percent higher than the highest written bid received at the time of opening of bids.

E. The designated city official may, at his discretion, require cash or a cashiers check in an amount equal to ten (10) percent of the price bid to be deposited by the bidder at the time of making or submitting his bid. The person to whom any bid is awarded shall consummate the

purchase within five (5) days from then, excluding the day of the award of such bid. (Ord. 138 §12, 1978).

Chapter 3.12

REAL PROPERTY TRANSFER TAX*

Sections:

- 3.12.010 Title--Statutory authority.
- 3.12.020 Imposed--Rate.
- 3.12.030 Persons required to pay.
- 3.12.040 Exceptions--Statutory authority.
- 3.12.050 Administration--Conformity with provisions required.
- 3.12.060 Refund claims.

* For statutory provisions authorizing cities to impose a tax on transfers of real property, see Rev. and Tax. Code §11901 et seq.

3.12.010 Title--Statutory authority.

The ordinance codified in this chapter shall be known as the "real property transfer tax ordinance." It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the state. (Ord. 57 §1, 1967).

3.12.020 Imposed--Rate.

There is imposed on each deed instrument or writing by which any lands, tenements or other realty sold within the city shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars (\$100.00), a tax at the rate of twenty-seven and one half cents (\$0.275) for each five hundred dollars (\$500.00) or fractional part thereof. (Ord. 57 §2, 1967).

3.12.030 Persons required to pay.

Any tax imposed pursuant to Section 3.12.020 shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Ord. 57 §3, 1967).

3.12.040 Exceptions--Statutory authority.

Any tax imposed pursuant to this chapter shall not apply to instruments or writings excepted by Sections 11921 et seq. of the California Government Code. (Ord. 133 §19, 1978; Ord. 57 §4, 1967).

3.12.050 Administration--Conformity with provisions required.

The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto (Ord. 57 §9, 1967).

3.12.060 Refund claims.

Claims for refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the state. (Ord. 57 §10, 1967).

Chapter 3.16

SALES AND USE TAX*

Sections:

- 3.16.010 Title.
- 3.16.020 Purpose.
- 3.16.030 Operative date--Contract with state.
- 3.16.040 Sales tax--Rules and regulations.
- 3.16.050 Use tax--Rules and regulations.
- 3.16.060 Amendments.
- 3.16.070 Enjoining collection forbidden.

* For statutory provisions authorizing cities to impose sales and use taxes, See Gov. Code §37101; for provisions on uniform local sales and use taxes, see Rev. and Tax. Code §7200 et seq.

3.16.010 Title.

The ordinance codified in this chapter shall be known as the "uniform local sales and use tax ordinance" of the city. (Ord. 7 §1, 1960).

3.16.020 Purpose.

The council declares that the ordinance codified in this chapter is adopted to achieve the following, among other purposes, and directs that the provisions of this chapter be interpreted in order to accomplish these purposes:

A. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the state;

B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the sales and use tax law of the state insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax ordinance which imposes a one percent (1%) tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the state sales and use taxes;

D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of recordkeeping upon persons subject to taxation under the provisions of this chapter. (Ord. 32 §1, 1961; Ord. 7 §2, 1960).

3.16.030 Operative date--Contract with state.

The ordinance codified in this chapter shall become operative on January 1, 1961, and prior thereto this city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax ordinance; provided, that if this city shall not have contracted with the State Board of Equalization, as above set forth, prior to January 1, 1961, this chapter shall not be operative until the first day of the first calendar quarter following the execution of such a contract by the city and by the State Board of Equalization. (Ord. 7 §3, 1960).

3.16.040 Sales tax--Rules and regulations.

A. For the privilege of selling tangible personal property at retail a tax is imposed on all retailers in the city at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city on and after the operative date of the ordinance codified in this chapter.

B. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one (1) place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

C. Except as provided in this chapter, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the state, all of the provisions of Part 1 of Division 2 of such Code, as amended and in force and effect on January 1, 1961 applicable to sales taxes are adopted and made a part of this chapter as though fully set forth in this chapter.

D. Wherever, and to the extent that, in Part 1 of Division 2 of the State Revenue and Taxation Code, the

state is named or referred to as the taxing agency, the city shall be substituted therefor. Nothing in this section shall be deemed to require the substitution of the name of the city for the word "state" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the state; nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the city or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the state under such provisions of that Code; and, in addition, the name of the city shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted.

E. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this chapter.

F. There shall be excluded from the gross receipts by which the tax is measured:

1. The amount of any sales or use tax imposed by the state upon a retailer or consumer;
2. The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or

any foreign government. (Ord. 191 §1, 1983; Ord. 94 §§1, 2, 1973; Ord. 32 §2, 1961; Ord. 7 §4, 1960).

3.16.050 Use tax--Rules and regulations.

A. An excise tax is imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on or after the operative date of the ordinance codified in this chapter, for storage, use or other consumption in the city at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

B. Except as provided in this chapter, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the state, all of the provisions of Part 1 of Division 2 of such Code, as amended and in force and effect on January 1, 1961 applicable to use taxes are adopted and made a part of this section as though fully set forth in this chapter.

C. Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code of the state is named or referred to as the taxing agency, the name of this city shall be substituted therefor. Nothing in this section shall be deemed to require the substitution of the name of this city for the word "state" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the state, nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the city or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the state; where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax

while such storage, use or other consumption remains subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that Code; and in addition, the name of the city shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted, and the name of the city shall not be substituted for the word "state" in the phrase "retailer engaged in business in this state in Section 6203 nor in the definition of that phrase in Section 6203.

D. There shall be exempt from the tax due under this section:

1. The amount of any sales or use tax imposed by the state upon a retailer or consumer;

2. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state;

3. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. (Ord. 191 §2, 1983; Ord. 94 §3, 1973; Ord. 32, §§5, 6, 1961; Ord. 7 §5, 1960).

3.16.060 Amendments.

All amendments of the Revenue and Taxation Code enacted subsequent to the effective date of the ordinance codified in this chapter, which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. 7 §6, 1960).

3.16.070 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or the city, or against any official of the state or of the city, to prevent or enjoin the collection under this chapter or Part 1.5 of Division 2 of the Revenue and Taxation Code of the state of any tax or any amount of tax required to be collected. (Ord. 7 §7, 1960).

Chapter 3.20

GAS TAX STREET IMPROVEMENT FUND

Sections:

3.20.010 Special gas tax street improvement fund--
Created.

3.20.010 Special gas tax street improvement fund--
Created.

In order to comply with the provisions of Article 5 of Chapter 1 of Division 1 of the Streets and Highways Code of the state there is created in the city treasury a special fund to be known as the "special gas tax street improvement fund." All moneys received by the city from the state under the provisions of the Streets and Highways Code shall be placed in this fund for expenditure therefrom exclusively for the purposes authorized by and subject to all the provisions of Article 5, Chapter 1, Division 1 of the Streets and Highways Code. (Ord. 5 §1, 1960).

Chapter 3.24

SCHOOL FACILITIES

Sections:

3.24.010 Purpose.
3.24.020 Definitions.

- 3.24.030 Adoption of findings of overcrowding by governing board.
- 3.24.040 Hearing, notice, findings and fee setting.
- 3.24.050 Conditions for approval of residential development in overcrowded attendance areas.
- 3.24.060 Dedication of land in lieu of payment of fees procedure.
- 3.24.070 Use of fees or land for interim facilities.
- 3.24.080 Provision of interim facilities in lieu of fee.
- 3.24.090 Report by school district.
- 3.24.100 Amendments to fee schedules.
- 3.24.110 Agreement between overlapping school districts.
- 3.24.120 Termination of dedication or fee requirements.

3.24.010 Purpose.

The purpose of this chapter is to implement the provisions of Government Code Section 65970 and following, as they exist at the time of the adoption of this chapter and as they may be amended or added to in the future, and to provide a method for financing interim school facilities necessitated by new residential development causing overcrowding of existing school facilities. (Ord. 207 §1, 1985).

3.24.020 Definitions.

As used in this chapter:

- A. "Approval of a residential development" means any or all of the following:
 - 1. Adoption of an ordinance rezoning property to residential use;
 - 2. Granting a building permit or any discretionary permit for residential use;
 - 3. Approval of a tentative subdivision map for residential purposes.
- B. "Attendance area" means the area established by a governing board within which pupils must reside to attend a particular school.
- C. "Conditions of overcrowding" means that the total enrollment of a school or schools serving a particular

attendance area, including enrollment from proposed development, exceeds the capacity of such school or schools as determined by the governing board.

D. "Dwelling unit" means a building, or portion thereof or a mobile home, designed for residential occupancy by one person or a group of two or more persons living together as a domestic unit.

E. "Governing board" means the governing board of any school district which operates a high school or elementary school and whose territory lies in whole or in part within the city limits.

F. "Reasonable methods for mitigating conditions of overcrowding" means and includes, but is not limited to, agreements between a subdivider and the governing board whereby temporary use buildings will be leased to the school district or temporary use buildings owned by the school district will be used.

G. "Residential development" means a project containing residential dwellings, including mobile homes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

"Residential development" does not include the following:

1. Any modification or remodel of an existing dwelling unit where no additional dwelling unit is created;
2. The conversion of an existing apartment building into a condominium or stock cooperative where no new dwelling unit is created;
3. Rebuilding of a dwelling unit destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe;
4. Any residential complex which is maintained as exclusively senior citizens housing.

H. "Building permit" as used in this chapter means and includes mobile home installation permits. (Ord. 214 §1, 1985; Ord. 207 §2, 1985).

3.24.030 Adoption of findings of overcrowding by governing board.

If a governing board makes findings supported by clear and convincing evidence that: (a) conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of

education programs including the reason for such conditions existing; and (b) that all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist, the governing board shall notify the city council. The notice of findings shall specify the mitigation measures considered by the governing board. The notice shall include a map showing the overcrowded attendance area or areas and shall specify the fees which the governing board requests be imposed upon applicants for approval of residential developments within the overcrowded attendance area or areas and the method(s) used to calculate the amounts thereof. (Ord. 207 §3, 1985).

3.24.040 Hearing, notice, findings and fee setting.

Within sixty days of receipt of notice of the findings of the governing board, complete with supporting documentation, the city council shall hold a public hearing on the findings and the requested fees and land dedications.

A. Notice of the time and place of the public hearing referred to in subsection B of this section shall be given at least ten days before the hearing in the manner following:

1. Such notice shall be given by publication once in a newspaper of general circulation, published in the city and circulated in the school district, or if there is none, then in a newspaper of general circulation published and circulated in the city;

2. By mailing a copy of such notice to the governing board of the school district;

3. By mailing a copy of the notice to the planning director;

4. By mailing a copy of such notice to any person who may file a request in writing therefor with the planning director or the city clerk and who shall furnish therewith an envelope addressed for such purpose with postage prepaid;

5. Any notice required to be mailed may be given by personal delivery, in lieu of mailing.

B. Such notice shall also identify the school district, and generally describe the boundaries of the attendance area or areas in question, and shall refer to the notice of findings of the governing board of the school

district and state when and where the same may be examined by any interested person.

C. If, at the conclusion of the public hearing the city council determines that:

1. It concurs in the governing board's findings of overcrowding; and

2. The general plan provides for the location of public schools; and

3. The proposed fees and land dedication requirements bear a reasonable relationship to and will be limited to the needs of the community for interim school facilities and are reasonably related and limited to the need for school facilities caused by the residential developments on which they will be imposed, then the remaining provisions of this chapter shall apply to the approval of residential development within the attendance areas in which there are conditions of overcrowding. The city council shall, by resolution, establish the fees and land dedication requirements which shall thereafter be imposed as a condition of approval of residential development.

D. If the city council does not concur with the amount of fees to be paid or land to be dedicated requested by the governing board, it shall, by resolution, adopt such amount of fees or amount (or location) of land as it may deem proper in lieu of that requested.

E. Within ten days after conclusion of the hearing, the city council shall declare its decision and any findings in such matter. The city clerk shall mail a copy of the resolution or order of the city council and findings to each person to whom notice of the hearing was required to be mailed under this section. (Ord. 207 §4, 1985).

3.24.050 Conditions for approval of residential development in overcrowded attendance areas.

The city council shall not approve any residential development to which its above findings apply, unless either:

A. The city council, upon application by a developer of residential property and after notice and public hearing, has determined that there are specific overriding fiscal, economic, social or environmental factors which, in its judgment, would benefit the city and justify the approval of a particular residential development without

the mitigation of the impact of that development upon overcrowded schools; or

B. The applicant for rezoning or subdivision approval has furnished a signed written agreement with the governing board promising to pay the required fees prior to issuance of a building permit (which fees shall be those in effect, if any, as of the date of issuance of the building permit), and an applicant for a building permit has furnished evidence of payment of the required fees to the governing board; or

C. An applicant for approval of a residential development has furnished evidence, in the form of a signed written agreement with the governing board, that the applicant has paid or promised to pay, and the governing board has accepted or promised to accept, fees, to be used exclusively for capital expenditures, in mitigation of the impact of proposed residential development on the school district in lieu of fees otherwise required under this chapter or Section 65970 et seq. of the California Government Code. Fees paid or promised under the alternate provisions of this subsection shall not exceed the fees which would otherwise be required pursuant to the resolution of the city council. (Ord. 207 §5, 1985).

3.24.060 Dedication of land in lieu of payment of fees procedure.

A. Upon request of the governing board, the city council shall impose as a condition of approval of a residential development containing more than fifty parcels that the applicant dedicate to the governing board a parcel of land to be used as a site for classroom facilities, whose location is consistent with the city general plan. Except as may otherwise be agreed between the school district and the subdivider, the fair market value of land so dedicated shall not exceed the amount of fees which would otherwise be paid for approval of residential development of the dedicated parcel to the high density of any other portion of the applicant's residential development.

B. In case land is dedicated in connection with approval of a subdivision, the fair market value of the land at the time of such approval shall be established by agreement between the governing board of the school district and the subdivider, and the amount thereof shall be reported to the planning director; and if they cannot

agree, they shall report that fact to the city council, which shall establish such fair market value after a public hearing, noticed as provided in Section 3.24.040 of this chapter.

C. The planning director shall ascertain the amount of fees which are, or would be, payable as a condition to approval of the subdivision under the standards adopted by the city council.

D. Except as may otherwise be agreed between the school district and the subdivider, if the fair market value of the land, as determined under subsection B of this section, exceeds the amount of fees ascertained under subsection C of this section, at such time as approval of the tentative map and the acceptance of the dedication have both been completed, the school district shall pay the subdivider the amount by which such fair market value exceeds the amount of such fees so ascertained.

E. If the school district pays the subdivider the amount of the excess mentioned in subsection D of this section, the amount to be credited to each lot in the subdivision shall be based on the amount ascertained under subsection C of this section instead of the fair market value of the land.

F. If the fair market value of the land, as determined under this section, is equal to or less than the amount ascertained under subsection C of this section, the amount of such value shall be credited to the respective lots in the subdivision.

G. The provisions of this chapter shall also apply in case land is dedicated in connection with approval of a mobile park, in which case references to subdivision means mobile home park and references to lots means mobile home sites.

H. If land is dedicated to a school district for a fixed or ascertainable term, there shall be established under this section the fair rental value of a lease of such land for such term, and the amount so established shall be applied in lieu of fair market value wherever mentioned in this section.

I. At any city council hearing for the purpose of establishing fair market value of land, as mentioned in subsection C, the city council shall consider the reports of three appraisers, one to be selected by the school district, one to be selected by the subdivider, and one to be

selected by the two selected by the district and the subdivider. The fees and expenses of such appraisers shall be divided equally between and paid by the school district and the subdivider, and in any case the city shall not be liable therefor. (Ord. 207 §6, 1985).

3.24.070 Use of fees or land for interim facilities.

Fees or land provided pursuant to this chapter, except fees received under Section 3.24.050C of this chapter, shall be used only for the purpose of providing interim classroom facilities. The fees established by resolution of the city council shall not exceed the amount necessary to enable the district to make five annual lease payments for temporary classroom and toilet facilities, including related expenses to make them ready for the instruction of children. (Ord. 207 §7, 1985).

3.24.080 Provision of interim facilities in lieu of fee.

A builder of a residential development who would otherwise be required to pay fees to a school district pursuant to this chapter may, at his or her option and sole expense, provide interim facilities owned or controlled by the builder at a place designated by the governing board. These facilities shall be installed prior to or, at the governing board's option, within ninety days of the issuance of building permits to the developer and shall remain in place for five complete school years. After the fifth year, the facilities shall be removed, and the school district's property restored, at the builder's sole expense. (Ord. 207 §8, 1985).

3.24.090 Report by school district.

The governing board shall file with the city council not later than October 15th of each year an account of the following:

A. The amount of fees received by the governing board in the preceding fiscal year (July 1st through June 30th).

B. The facilities leased, purchased or constructed during the previous fiscal year and the amount expended for the facilities.

C. The attendance areas which will continue to be overcrowded in the current school year, and those which are no longer overcrowded.

D. A schedule specifying how the governing board will use fees or land acquired pursuant to this chapter to relieve overcrowding, the sites to be used, the facilities to be acquired and the times when the facilities will be available. (Ord. 207 §9, 1985).

3.24.100 Amendments to fee schedules.

On request of a governing board, and following a public hearing held within sixty days of the receipt of that request, the city council shall consider adjusting the fee schedule applicable in any attendance area to reflect new information provided by the governing board on the fees necessary to alleviate overcrowding caused by new residential development in that attendance area. The same findings as set forth in Section 3.24.040C of this chapter shall be made prior to any adjustment in the fee schedule. (Ord. 207 §10, 1985).

3.24.110 Agreement between overlapping school districts.

Where two separate school districts operate schools in an attendance area where overcrowding conditions exist for both school districts, the city council shall enter into an agreement with the governing board of each school district for the purpose of determining the distribution of revenues from the fees. (Ord. 207 §11, 1985).

3.24.120 Termination of dedication or fee requirements.

A. If overcrowding conditions cease to exist in any attendance area of a school district as to which fee or land dedication requirements have been imposed pursuant to this chapter, the governing board of the district shall promptly adopt a resolution so finding and send a certified copy of it to the city council.

B. When it is determined by the city council that conditions of overcrowding no longer exist in an attendance area, whether or not such determination follows a resolution by the governing board as provided in subsection A of this section, the requirements of this chapter shall cease to apply therein. (Ord. 207 §12, 1985).

Chapter 3.28

TRANSIENT OCCUPANCY TAX

Sections:

- 3.28.010 Definitions.
- 3.28.020 Tax imposed--Disposition of funds.
- 3.28.030 Exemptions.
- 3.28.040 Tax collector powers and duties.
- 3.28.050 Payment time.
- 3.28.060 Reports and remittances.
- 3.28.070 Successors and assignees--Tax to be withheld from purchase money.
- 3.28.080 Successors and assignees--Liability for tax.
- 3.28.090 Failure to collect and report--Interest and penalties.
- 3.28.100 Failure to collect and report--Assessment by tax collector.
- 3.28.110 Violation--Penalty.

3.28.010 Definitions.

The following words and phrases, when used in this chapter shall, for the purposes of this chapter, have the following respective meanings, except where the context clearly indicates a different meaning:

A. "Hotel" means any public or private hotel, inn, hostelry, tourist home or house, motel, roominghouse or other lodging place within the city offering lodging for five (5) or more persons at any one time, and the owner and operator thereof who, for compensation, furnishes lodging to any transient as defined in this section. However, notwithstanding the foregoing, the council has determined that there has been a severe shortage of housing in the city which is affordable to persons of low or moderate income and/or to migrant or seasonal farm workers who are passing through the region and that certain local public agencies have, in this short supply of housing, incurred indebtedness to construct such facilities. Therefore, "hotel" does not mean and does not include any facility which would otherwise fit the definition given in the first sentence of this subsection, if that facility meets both of the following criteria:

1. The construction of that facility has been funded by tax exempt bonds, certificates of participation or other similar evidence of public indebtedness, so long as the debt has not yet been paid in full, and so long as that debt was issued by a tax exempt public agency, including but not limited to the city, the housing authority of the city or any agency or subsidiary thereof; and

2. The facility is primarily or exclusively for the purpose of housing persons of low or moderate income and/or migrant or seasonal farm workers.

B. "Person" means any individual, corporation, company, association, firm, copartnership, or any group of individuals acting as a unit.

C. "Room rental" means the total charge made by any such hotel for lodging or lodging space furnished by any such transient. If the charge made includes any charge for services or accommodations in addition to that of lodging, or the use of lodging space, then such portion of the total charge as represents only room or lodging space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

D. "Tax collector" means the tax collector of the city.

E. "Transient" means any person who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging or the use of any lodging space in any hotel, as defined in this section, for which lodging or use of lodging space a charge is made. (Ord. 267 §1, 1993; Ord. 242 (part), 1990).

3.28.020 Tax imposed--Disposition of funds.

On any date after the effective date of the ordinance codified in this chapter, a tax shall be imposed and levied by a resolution of the city council on each and every transient occupying a hotel room in the city, which tax shall be collected from such transient at the time and in the manner hereinafter provided. The tax is levied for revenue purposes, and is necessary for the usual financial operation of the city, and when collected shall be made a part of the general funds of the city. (Ord. 242 (part), 1990).

3.28.030 Exemptions.

No tax shall be payable under this chapter in any of the following instances:

A. On room rental paid by any federal, state or city official or employees, when on official business;

B. On room rental paid to any hospital, medical clinic, convalescent home or home for aged people. (Ord. 242 (part), 1990).

3.28.040 Tax collector powers and duties.

It shall be the duty of the tax collector to ascertain the name of every person operating a hotel in the city, liable for the collection of the tax levied by this chapter, who fails, refuses or neglects to collect the tax, or to make, within the time provided by this chapter, the reports or remittances required in this chapter. (Ord. 242 (part), 1990).

3.28.050 Payment time.

On and after the effective date of the ordinance codified in this chapter, as amended, every person receiving any payment for room rental with respect to which a tax is levied under this chapter, shall collect the amount of tax hereby imposed from the transient on whom the same is levied, or from the person paying for such room rental, at the time of payment for such room rental until remitted as required in this chapter. (Ord. 242 (part), 1990).

3.28.060 Reports and remittances.

A. The person collecting any such tax shall prepare a report upon such forms, and setting forth such information as the tax collector may prescribe and require, showing the amount of room rental charges collected, and the tax required to be collected, and shall sign and deliver it to the tax collector with a remittance of the tax.

B. Reports and remittances shall be due the first day of each month, covering the amount of tax collected during the preceding month, the first report and remittance hereunder being due on the first day of December, covering the amount of tax collected during the month of November.

C. Any person operating a hotel regularly throughout the year may, upon written application to, and with the written consent of the tax collector, make reports and

remittances on a quarterly basis in lieu of the monthly basis hereinbefore provided. Such quarterly reports and remittances shall be due on the first days of January, April, July and October in each year, and shall cover the amounts collected during the three (3) months immediately preceding the months in which reports and remittances are required. If the remittance is by check or money order, it shall be payable to the city. (Ord. 242 (part), 1990).

3.28.070 Successors and assignees--Tax to be withheld from purchase money.

If any person liable for any amount under this chapter sells out his business or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the tax collector showing that all taxes due from the person quitting, selling or assigning his business have been paid, or a certificate stating that no amount is due. (Ord. 242 (part), 1990).

3.28.080 Successors and assignees--Liability for tax.

If the purchaser of a business fails to withhold the purchase price as required in Section 3.28.070, he shall personally be liable for the payment of the amount requested to be withheld by him to the extent of the purchase price, valued in money. Within sixty (60) days after receiving a written request from the purchaser for a certificate, or within sixty (60) days from the date the former owner's records were made available for audit, whichever period expires the later, but in any event not later than ninety (90) days after receiving the request the tax collector shall either issue the certificate or mail notice to the purchaser at his address, as it appears in the records of the tax collector, of the amount that must be paid as a condition of issuing the certificate. (Ord. 242 (part), 1990).

3.28.090 Failure to collect and report--Interest and penalties.

If any person fails or refuses to remit to the tax collector the tax required to be collected and paid under this chapter, in the amount specified in this chapter, on or before the last day of the month in which the remittance becomes due, there shall be added to such tax by the

tax collector a penalty of ten (10) percent of the amount of the tax; and if the tax remains delinquent and unpaid thereafter for a period of thirty (30) days, there shall be added thereto by the tax collector an additional penalty of ten (10) percent. (Ord. 242 (part), 1990).

3.28.100 Failure to collect and report--Assessment by tax collector.

If any person fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance required by this chapter, the tax collector shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the tax collector shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any person who has filed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such person the tax and penalties provided for by this chapter, and shall notify such person, by mail sent to his last known place of address, or the total amount of such tax, and interest and penalties, and the total amount thereof shall be payable within ten (10) days from the date of such notice. (Ord. 242 (part), 1990).

3.28.110 Violation--Penalty.

Any person violating any of the provisions of this chapter, or knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in reporting the taxes herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, and each violation or failure shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of the tax, as provided in this chapter. (Ord. 242 (part), 1990).

Chapter 3.32

FEE AND SERVICE CHARGE REVENUE/ COST COMPARISON SYSTEM

Sections:

- 3.32.010 Findings and intent.
- 3.32.020 Delegation of authority and direction to manager.
- 3.32.030 Costs reasonably borne defined.
- 3.32.040 Schedule of fees and service charges.
- 3.32.050 Statutory public meeting.
- 3.32.060 Provision of data.
- 3.32.070 Appeal to city council.

3.32.010 Findings and intent.

A. Pursuant to Article XIIIB of the California Constitution, it is the intent of the city council to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefor in providing the regulation, products or services enumerated in this chapter.

B. The fee and service charge revenue/cost comparison system set forth in this chapter provides a mechanism for ensuring that fees adopted by the city for services rendered do not exceed the reasonable estimated cost for providing the services for which the fees are charged.

C. The adoption of this chapter is exempt from the California Environmental Quality Act (Public Resources Code Sections 2100 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of city departments, as set forth in Public Resources Code Section 21080 (b)(8)(1). (Ord. 240 §1(part), 1991).

3.32.020 Delegation of authority and direction to manager.

A. The city manager is delegated the authority and directed to provide documents to the city council to implement its policy enumerated in this chapter to adjust fees and charges to recover the percentage of costs reasonably borne as established hereby, in providing the regulation, product or service enumerated in this chapter

in the percentage of costs reasonably borne and on the schedule of rate review and revision as established in this chapter.

B. The city manager is delegated authority to issue executive orders defining terms, setting out administrative, fee collection and financial procedures, definitions, and establishing effective dates of all fees set by the city council by resolution. All executive orders shall be originated and signed by the affected department head, shall be signed by the finance director certifying that the financial requirements of this chapter are complied with, and shall be signed by the city manager connoting the effective date of the executive order and new or revised rate structure, procedure or definition.

C. "Costs reasonably borne" shall be defined in Section 3.32.030. In adjusting fees and charges, the city manager shall act in an administrative and ministerial capacity and shall consider only the standards and criteria established by this chapter and the procedures set hereby and by applicable state law. All executive orders issued hereunder shall comply in all respects with this chapter and the several schedules of fees and rates as set by the city council by resolution. (Ord. 240 §1(part), 1991).

3.32.030 Costs reasonably borne defined.

"Costs reasonably borne," as used and ordered to be applied in this chapter, are to consist of the following elements:

A. All applicable direct costs including, but not limited to, salaries, wages, overtime, employee fringe benefits, services and supplies, maintenance and operation expenses, contracted services, special supplies, and any other direct expense incurred;

B. All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communications expenses, computer costs, printing and reproduction, vehicle expenses, insurance, debt service, and like expenses when distributed on an accounted and documented rational proration system;

C. Fixed asset recovery expenses, consisting of depreciation of fixed assets, and additional fixed-asset expense recovery charges calculated on the current estimated cost of replacement, divided by the approximate life ex-

pectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement shall also be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset;

D. General overhead, expressed as a percentage, distributing and charging the expenses of the city council, city attorney, city administration, city clerk, city treasurer, economic development, finance department, personnel office, city promotion, and all other staff and support service provided to the entire city organization. Overhead shall be prorated between tax-financed services and fee-financed services on the basis of such percentage so that each of the taxes, fees and charges shall proportionately defray such overhead costs;

E. Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses as enumerated in subsections A, B, C and F of this section;

F. Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, note or securities issues or loans of whatever nature or kind. Any required coverage factors or required or established reserves beyond basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the city. (Ord. 240 §1(part), 1991).

3.32.040 Schedule of fees and services charges.

A. The city manager, finance director and each city department head, under the direction of the city manager, shall review annually the fees and service charges listed following, and provide an adjusted fee or charge schedule to the city council for its consideration so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, product or service.

Regulation, Product or Service	Percentage of Costs Reasonably Borne To Be Recovered
I. Development Services	
1. Building plan checking	100%

Regulation, Product or Service	Percentage of Costs Reasonably Borne To Be Recovered
2. Construction inspection	100%
3. Building reinspection	100%
4. Building investigation	100%
5. Special building survey	100%
6. Relocation survey	100%
7. Mobilehome foundation inspection	100%
8. Temporary mobilehome inspection	100%
9. Variance review	100%
10. Limited variance review	100%
11. Zone change review	100%
12. Tentative parcel map review	100%
13. Revised parcel map review	100%
14. Tentative tract map review	100%
15. Tentative tract map modification	100%
16. Compliance review	100%
17. Development extension review	100%
18. Environmental review	100%
19. EIR review	100%
20. Temporary use permit review	100%
21. Annexation review	100%
-- City-initiated	0%
22. Appeal processing	100%
-- Owner-occupied single-family dwelling, by owner	10%
23. Agricultural preserve status report	100%
24. Agricultural preserve contract report	100%
25. Agricultural preserve contract cancellation	100%
26. Agricultural preserve in/exclude	100%
27. Agricultural preserve public hearing	100%
28. Lot line adjustment	100%
29. New street name proposal review	100%
30. Right-of-way abandonment review	100%
31. Setback/deviation request review	100%
32. Grading permit plan check	100%
33. Grading permit plan inspection	100%
34. Improvement plant checking	100%
35. Improvement construction inspection	100%
36. Street encroachment review	100%
37. Street cut permit and inspection	100%
38. Final parcel map check	100%
39. Final tract map check	100%
40. Home occupation permit review	100%
II. Public Safety Services	
41. Municipal code enforcement	100%

Regulation, Product or Service	Percentage of Costs Reasonably Borne To Be Recovered
42. Parking ordinance enforcement	100%
43. Traffic code enforcement	100%
44. Written alcohol use response	100%
45. ABC permit review	100%
46. Concealed weapon permit review	100%
47. Animal control	80%
48. Business regulation	100%
49. Clearance letter processing	75%
50. Crime report copying	100%
51. Police false alarm response	75%
52. Accident report preparation	100%
53. Drunk driver investigation	100%
54. Second call response	100%
55. Citation signoff	100%
56. Yard sale permits	100%
57. Fingerprinting	100%
58. Bicycle regulation	100%
59. Parade regulation	50%
60. Public property vehicle removal	100%
61. Private property vehicle removal	100%
III. Utility and Enterprise Services	
62. Refuse service	90% February 1, 1991 100% February 1, 1992
63. Transit services	100%
64. Sanitary sewer service	75% January 1, 1991 100% January 1, 1992
65. Sewer permit inspection	100%
IV. Maintenance Services	
66. Utility street use	100%
67. Street sweeping	50% May 1, 1991 100% May 1, 1992
68. State highway sweeping	100%
69. Street lighting maintenance through 1972 assessment district	25% August 15, 1991 50% August 15, 1992 75% August 15, 1993 100% August 15, 1994
70. Drainage maintenance through creation of drainage utility	100%
71. Alley maintenance	100%
V. Administrative Services	
72. New business license review	100%
73. NSF check processing	100%
74. Senior center building rental	100%
75. DMV building rental	100%
76. Photocopying	100%

Regulation, Product or Service	Percentage of Costs Reasonably Borne To Be Recovered
77. Document printing	100%
78. Document certification	100%
79. Records and information research	100%

B. A minimum fee of ten dollars (\$10.00) shall be charged in all instances except in the cases of numbers 49, 50, 56, 58, 76, 77 and 78.

C. The services listed in this section shall be as defined in the document entitled "Cost Control System for the City of Arvin," dated July 4, 1990, as produced by Management Services Institute, Incorporated, of Anaheim, California.

D. All fees and charges set pursuant to this chapter and section shall take effect ten (10) days after the city manager signs an executive order stipulating that all provisions of this chapter have been compiled with, and no written appeal has been filed.

E. The schedule of frequency of rate adjustments may be varied by the city manager to adjust revenues sufficient to meet debt service coverage requirements of any bond, certificate, ordinance, resolution, indenture, contract, or action under which securities have been issued by the city which contain any coverage factor requirement.

F. The city manager may vary the review schedule listed in this section if, in the judgement of the city manager and a directly affected and requesting department head, a gross inequity would be perpetrated by not revising the rate schedule. Any such rate revision which deviates from the review schedule as set in this chapter shall be reported to the city council at its next meeting. (Ord. 240 §1(part), 1991).

3.32.050 Statutory public meeting.

Pursuant to California Government Code Sections 66016 through 66018.5, the city clerk shall cause notice to be provided as set out in Government Code Sections 6062a, 54992 and 54994.1, and the city council periodically, at least annually, shall receive at a regularly scheduled meeting oral and written presentations concerning fees and charges proposed to be increased or added. Such notice, oral and written presentation, and public meeting shall be provided prior to the city council taking any action on

any new or increased fees or charges. At least one such public hearing shall be held annually, in conjunction with the city annual budget process and hearing. (Ord. 299, 1996: Ord. 240 §1(part), 1991).

3.32.060 Provision of data.

Pursuant to California Government Code Section 66016, at least ten (10) days prior to the required hearing set out in this chapter, the city manager shall make available to the public appropriate data indicating the cost or estimated cost required to support the fees and charges for which changes are proposed to be made or fees or charges imposed. The city manager also shall provide a summary of the present fee and charge schedules and those proposed at such annual public hearing. A general explanation of such changes also shall be published per the requirements of Government Code Section 6062a. (Ord. 298, 1996: Ord. 240 §1(part), 1991).

3.32.070 Appeal to city council.

A. Any person who feels that any fee or charge determined and set is in excess of the percentage of costs reasonably borne to be recovered as set out in this chapter, or that such fee or charge has been reviewed prior to or has not been reviewed within the review schedule as set out in this chapter, may appeal in writing to the city council.

B. No fee or charge for which an appeal has been filed shall take effect until heard by the city council. Such appeal shall be placed on the agenda of the next ensuing council meeting after receipt of such appeal, and heard at the next ensuing council meeting. Such appealed fee or charge shall take effect immediately upon hearing by the city council unless ordered otherwise by the city council by ordinance amending this chapter. (Ord. 240 §1(part), 1991).