

## **SUMMARY OF ORDINANCE NO. 2024**

### **AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL REPEALING AND REPLACING CHAPTER 3.34 OF TITLE 3 OF THE SAN RAFAEL MUNICIPAL CODE, TITLED FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2024, which will repeal and replace Chapter 3.34 of Title 3 of the San Rafael Municipal Code, as detailed in the complete text of Ordinance No. 2024.

Ordinance No. 2024 is scheduled for adoption by the San Rafael City Council at its regular meeting of January 17, 2023. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

## **SUMMARY OF AMENDMENT TO MUNICIPAL CODE**

This Ordinance repeals and replaces Chapter 3.34 of the San Rafael Municipal Code. The chapter lists services provided by the City with a percentage of cost recovery for each enumerated service. The replacement provides a “catch all” provision that the City Council may adopt by resolution fees and service charges to recover costs reasonably borne and such costs will be reflected in the City’s “Master Fee Schedule”.

Copies of the Ordinance are available for public review by contacting the City Clerk’s office by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org). You may also contact the City Clerk, at 415-485-3066 or [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) for information.

/s/ Lindsay Lara  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 12/23/22

## ORDINANCE NO. 2024

### **AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL REPEALING AND REPLACING CHAPTER 3.34 OF TITLE 3 OF THE SAN RAFAEL MUNICIPAL CODE, TITLED FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM**

**WHEREAS**, pursuant to Article XIII B of the California Constitution, the City of San Rafael may adopt fees to cover the costs of providing regulation, products or services to the public, including direct costs, indirect costs, debt service and fixed asset recovery expenses; and

**WHEREAS**, State law under Government Code section 66016 permits a local agency to levy a new fee or service charge, or approve an increase in an existing fee or service charge, by ordinance or resolution; and

**WHEREAS**, the City Council adopts by resolution a master fee schedule of all of the various fees and charges for service collected by the City; and

**WHEREAS**, the City Council finds that the provisions of Chapter 3.34 of the San Rafael Municipal Code, providing a fee and service charge revenue/cost comparison system, are unnecessary because the Council desires to continue setting service fees in accordance with applicable State law and adopting such fees by resolution; and

**WHEREAS**, this Ordinance No. 2024 was introduced and read by title only at a duly-noticed public meeting of the San Rafael City Council on the 19<sup>th</sup> day of December 2022.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**DIVISION 1.** Chapter 3.34 of Title 3 of the Municipal Code of the City of San Rafael is hereby repealed and replaced in its entirety to read as follows:

#### **Chapter 3.34 – FEES AND SERVICE CHARGES**

##### **3.34.010 – Schedule of fees and service charges.**

The city council may from time to time adopt or change fees and service charges to recover costs reasonably borne to provide any regulation, product or service to the public, including but not limited to direct costs, indirect costs, debt service, and fixed asset recovery expenses. Such fees and service charges will be adopted or changed by resolution of the city council and incorporated in a “Master Fee Schedule”.

##### **3.34.020 – Appeal to city council.**

(a) Any person who feels that any fee or service charge is in excess of the percentage of costs reasonably borne to be recovered as set out in this chapter, or that in adopting such fee or service charge the provisions of this chapter have not been complied with, may appeal in writing to the city clerk. Appeals under this

section must be filed within ninety (90) days of the adoption of the fee or service charge.

(b) No fee or service charge for which an appeal has been filed shall take effect until heard by the city council or its designee. Such appeal shall be heard within forty-five (45) days of the filing of the appeal. Such appealed fee or charge shall take effect, as originally imposed or as modified, immediately upon the decision following the hearing by the city council or its designee.

## **DIVISION 2.**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Codes hereby adopted are hereby repealed.

## **DIVISION 3.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

## **DIVISION 4.**

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

## **DIVISION 5.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effect 30 days after its adoption. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19<sup>th</sup> day of December 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 17<sup>th</sup> day of January 2023 by the following vote, to wit:

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

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Kate Colin, Mayor

Attest:

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LINDSAY LARA, City Clerk