

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 09/17/2019 by the following vote:

AYE: ☒ 5 John Gioia
Candace Andersen
Diane Burgis
Karen Mitchoff
Federal D. Glover

NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2019/553

APPROVAL OF LAND DEVELOPMENT FEE SCHEDULE

- A. State law authorizes Contra Costa County (County) and the Contra Costa County Flood Control and Water Conservation District (District) to charge fees for services and activities they perform based on the estimated reasonable cost of providing the services and activities for which the fees are charged.
- B. The County has conducted a review of certain services performed by the Department of Conservation and Development and Public Works Department on behalf of the County and the District in connection with development, construction, and issuance of certain discretionary and ministerial approvals, and the reasonable cost of providing those services, the beneficiaries of those services, and the revenues produced by those paying fees and charges for those services. These services, and the estimated reasonable cost for performing the services, are more particularly described in the July 15, 2019 "Update of the County Land Development Fee Schedule" ("Fee Study") prepared by the County's consultant, NBS.
- C. The Fee Study includes fees for certain services and activities performed by and on behalf of the County and the District. The Fee Study establishes that revenue from the proposed fees will not exceed the reasonable costs to perform the services and activities for which the fees are charged. The Fee Study further establishes that the amounts of the fees will not exceed the proportional cost of the services and activities provided to or attributable to each fee payer. The Fee Study further establishes that the fees included therein are for specific governmental services, benefits, and products directly provided to payers and not provided to persons not charged the fees.
- D. Pursuant to Government Code Sections 6062a, 66016, and 66018, notice of the public hearing on the adoption of this resolution was published and given, and, on September 17, 2019, a public hearing was held before the Board of Supervisors, as the governing body of the County and the District. The Board of Supervisors considered all written and oral testimony, comments, and presentations submitted at and before the hearing, including the board order and its attachments and the Fee Study.

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of Contra Costa County, as the governing body of the County and the District:

1. Determinations. Based on all written and oral testimony, reports, and presentations to the Board of Supervisors, including the board order and its attachments and the Fee Study, the Board of Supervisors DETERMINES that the fees set forth in the Fee Study attached hereto as Exhibit A are necessary to recover the County's and District's estimated reasonable costs for performing the services and activities for which the fees are charged; and further DETERMINES that these fees do not exceed the proportional cost of the service provided to, or benefit attributable to, payers of the fees.
2. Fee Schedule Adoption. The fees set forth in Exhibit A, attached hereto and incorporated herein by this reference, are hereby adopted and shall be charged and collected for the services and activities described in Exhibit A.
3. Fee Schedule Implementation. The fees set forth in Exhibit A shall be charged and implemented in accordance with Division 620 of the Ordinance Code, as may be amended from time to time.
4. Added Fees. One and one half times the set fee shall be charged for accelerated processing. Where additional fees must be charged and collected for completed staff work, or where a refund of excess deposited monies is due, and where such charge or refund is ten dollars (\$10.00) or less, a charge or refund need not be made, pursuant to and provided the requirements of Government Code Sections 29373.1 and 29375.1 and amendments thereto are met. Where a fee payment is

over 60 days past due, the departments may seek a court judgment against the debtor and will charge interest at a rate of ten percent (10%) from the date of judgment.

5. Repeal. Except as set forth in Section 6, Resolution No. 2018/615, including each of the fees contained therein, is repealed as of the effective date of this resolution. Notwithstanding anything to the contrary contained herein, this repeal shall not affect any obligation to pay fees charged under Resolution No. 2018/615 before the effective date of this resolution.
6. Severability. Notwithstanding any other provision of this resolution to the contrary, if a court of competent jurisdiction determines any fee set forth in Exhibit A is invalid or unenforceable, the comparable fee adopted by Resolution No. 2018/615, shall be deemed not to have been repealed and shall remain in effect and subject to the remaining provisions of this resolution. Notwithstanding any other provision of this resolution to the contrary, if a court of competent jurisdiction determines this resolution is invalid or unenforceable, Resolution No. 2018/615 shall be deemed not to have been repealed and shall remain in full force and effect.
7. Effective Date. This resolution becomes effective immediately. All of the fees included in the fee schedule attached as Exhibit A will be charged beginning March 1, 2020.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 17, 2019

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Jason Crapo, 925-674-7722

Jami Napier
By: Jami Napier, Deputy



cc: