

RESOLUTION NO. 19-0009

A RESOLUTION OF THE MANHATTAN BEACH CITY
COUNCIL ESTABLISHING NEW FEES AND CHARGES
FOR SERVICES PROVIDED BY THE CITY OF
MANHATTAN BEACH RELATED TO SIDEWALK VENDING

THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY DECLARE, FIND,
DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City of Manhattan Beach ("City") is empowered to impose reasonable fees, rates, and charges for municipal services. California Government Code Section 66000 et seq. authorizes the City to adopt fees for municipal services, provided such fees do not exceed the cost to the City for providing the services. Periodically, the City Council determines that fees, rates, and charges should cover the costs reasonably borne or a substantial portion of the actual costs of the goods and services provided by the City.

SECTION 2. The City has conducted an extensive analysis of its services, the costs reasonably borne by the City in providing its services, the beneficiaries of such services, and the revenues produced by those paying fees and charges for such services. The City retained an independent consultant, Matrix Consulting Group ("Matrix"), to conduct the analysis of the City's services and related costs. Matrix collected data and interviewed City personnel as part of that analysis. Matrix completed that certain Full Cost Allocation Plan dated March 3, 2015 and that Cost of Services (User Fee) Study Final Report dated March 10, 2015 (collectively "Studies"). The Studies are on file with the City Finance Department and are incorporated by this reference. In addition, in December 2018, the Finance Department analyzed the necessary services and related costs associated with the services necessary for processing sidewalk vending permits and associated review (Attachment A). The Studies and additional analysis set forth a mechanism to ensure that fees adopted by the City do not exceed the reasonable estimated cost for providing the services for which the fees are charged.

SECTION 3. The adoption of this Resolution approves and sets forth a procedure for increasing reasonable costs, fines and penalties for the purpose of meeting increased operating expenses of City departments and is, therefore, exempt from the California Environmental Quality Act (Public Resources Code Sections 21080 et seq.) pursuant to Public Resources Code Section 21080(b)(8)(A).

SECTION 4. After conducting a duly noticed public meeting on January 2, 2019, the City Council hereby determines that the proposed fees, and charges should cover the costs reasonably borne or a substantial portion of the actual costs of the services provided by the City. The proposed fees and charges are attached hereto as Attachment A and incorporated by this reference.

SECTION 5. Based upon the foregoing, the City Council hereby establishes, the fees and charges identified in the Amendment (Attachment A). The City Council hereby finds that, the fees, rates and charges will not exceed the cost to the City of providing the service to which such fees apply. The fees adopted hereunder are based upon the actual cost to the City of providing the service or facility for which the fee is charged.

SECTION 6. The City Manager shall have the authority to interpret the provisions of this Resolution and the attached Amendment (Attachment A) for purposes of resolving ambiguities.

SECTION 7. The fees listed on the Amendment shall take effect immediately.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED January 2, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN

ATTEST:

STEVEN A. NAPOLITANO
Mayor

LIZA TAMURA
City Clerk

Attachment A

Title/Category	Task Description	Cost
Street Sidewalk Vendor Non-Refundable Application Fee	Initial review and confirmation of information and documents provided on the permit application.	\$ 79.00
Annual Sidewalk Vendor Permit	Annual administrative review, renewal and inspection .	\$ 172.00