

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING EXHIBIT A TO NEWPORT BEACH MUNICIPAL CODE SECTION 3.36.030 RELATED TO COST RECOVERY

WHEREAS, the City of Newport Beach ("City") funds certain municipal services, which are typically performed without request by the user, benefit the public generally and are traditionally funded by tax revenue;

WHEREAS, the City performs other services which are funded in whole or in part by the person requesting the service;

WHEREAS, Newport Beach Municipal Code ("NBMC") Subsection 3.36.030(A) provides the cost recovery for user service fees specifically requested by a person shall be at one hundred percent (100%), unless the amount is modified by the City Council in Exhibit A to NBMC Section 3.36.030;

WHEREAS, the Finance Department conducts regular fee studies and makes recommendations to the City Council regarding adjustments that may be made to the cost recovery amounts provided in Exhibit A to ensure compliance with the law, consistency with current practices, and the maintenance of a high level of customer service for our residents;

WHEREAS, on June 14, 2018, the proposed revisions to Exhibit A were taken to the City's Finance Committee for review; and

WHEREAS, the Finance Committee recommends the City Council adopt the proposed revisions as depicted in Exhibit A.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Exhibit "A" in NBMC Section 3.36.030 is hereby amended to read as follows:

Exhibit A

The City's cost of providing the following services shall be recovered through direct fees charged for services. Exhibit "A" limits cost recovery fees to the percentages or dollar amounts indicated below.

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Community Development	
Building	
Appeals Board Hearing – Applicant Successful	0%
Appeals Board Hearing Applicant Unsuccessful	50%
Harbor Construction	50%
Permit Issuance (Counter Only) Electrical, Plumbing	\$35
Preliminary Plan Review	First Two Hours Free, Full Cost Thereafter
Planning	
Appeals to City Council	50%
Appeals to Planning Commission	50%
Reasonable Accommodation	0%
Recreation and Senior Services	
Adult Sports	50%-95%
Administrative Processing Fee	\$5

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Badge Replacement	\$5
After School/Camp Programs	
Camps	20%-50%
After-School/Teen Program	20%-50%
Pre-School Program	20%-50%
Aquatics	20%-50%
Contract Classes	50%-95%
Class Refunds	
\$74 or less	\$10
\$75 or more	\$20
Youth Sports	20%-50%
Special Events—Levels 1, 2, and 3	
Resident, Level 1 and Late Fees for Level 1	0%-20%
Resident, Levels 2-3 and Late Fees for Levels 2-3	20%-50%
Nonresident, Levels 1-2 and Late Fees for Level 1	20%-50%
Nonresident, Level 3 and Late Fees for Levels 2-3	50%-95%
Appeal to City Council	50%-95%

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Natural Resources Programs	0%-20%
Senior Services	
Oasis Transportation	\$1-\$3 each way
Contract Classes	20%-50%
Fitness Center	50%-95%
Library Services	
Passport Photo	\$10
Use Fees—Materials	\$1
Inter-Library Loan	\$5
Fire and Marine	
Emergency Medical Services	
Advanced Life Support (ALS) —Non-Transport	\$400
Basic Life Support (BLS) —Non-Transport	\$400
ALS First Responder Fee	\$400
BLS First Responder Fee	\$400
State-Mandated Inspections	
Day Care Facilities	25%

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Marine	
Junior Guards – Participation Fee	\$727
Police	
Bike Licenses	17%
Secondhand/Pawn Dealer Tag Check	0%
Registrant—Narcotics	0%
Impound Fee	Maximum Permitted by Contract
Public Works	
Engineering	
Encroachment Permit without Other Department/Division Review	88%
Encroachment Permit with Other Department/Division Review	57%
Harbor Resources	
Appeal of Lease/Permit under Section 17.60.080	\$100
Finance	

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Payment Plans (except Parking)	\$25
Parking Hearings	0%
Admin. Cite Hearings	0%
Municipal Operations	
Construction Water Meter Establishment	50%
Fats, Oils, and Grease (FOG) Annual Permit	0%
City Council, Board, Commission, Committee or Any Individual Member Thereof when Acting within the Scope of Their Official Duties	
Review from a Lower Body or Official	\$0

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4: The City Council finds the introduction and approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Section 5: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance to be published pursuant to City Charter Section 414, and it shall be effective thirty (30) days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 24th day of July, 2018, and adopted on the 14th day of August, 2018, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

MARSHALL "DUFFY" DUFFIELD, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

AARON C. HARP, CITY ATTORNEY