

**Before the Monterey County Water Resources Agency
Board of Supervisors**

Resolution No. 19-_____

Resolution of the Board of Supervisors of the Monterey County Water Resources Agency to adopt amendments to Article XI (Monterey County Water Resources Agency) of the Monterey County Master Fee Resolution to update land use fee descriptions and levy new fees for reimbursement to the Monterey County Water Resources Agency.

This Resolution is made with reference to the following facts:

1. State law allows the Monterey County Water Resources Agency (“MCWRA”), after noticed public hearing, to adopt a resolution to adopt new fees or increase existing fees for processing permits and entitlements, provided the fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged.
2. Section 1.40.010 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements, and charges of any kind collected by Monterey County (“County”) may be specified in the Monterey County Fee Resolution. The County collects the fees for the MCWRA, and therefore Article XI for MCWRA fees is included within the Monterey County Fee Resolution pursuant to Section 1.40.010 of the Monterey County Code.
3. Federal, state, and local laws and regulations mandate that MCWRA provide certain services. Periodically, land use fees are amended to recover some of these costs to provide these services.
4. In March 2019, the County and MCWRA executed a Memorandum of Understanding (“MOU”) which resulted in the transfer of certain functions related to land use permit development review, drainage review, and floodplain management. The transfer made the Monterey County Resource Management Agency (“RMA”) responsible with respect to these duties once performed by MCWRA. Per the MOU, RMA may request MCWRA provide assistance to RMA with respect to development and drainage review, and floodplain management. Services for such assistance shall be compensated in accordance with the appropriate hourly rate for the applicable personnel. Therefore, it is necessary for MCWRA to update certain land use fee descriptions and to levy new fees for technical and subject matter services.
5. The land use fee updates made by this resolution amend Article XI Monterey County Water Resources Agency Fees and will be referenced in the proposed Monterey County Fee Resolution.

6. These fees are not a “tax” and are exempt from voter approval under Section 1 (e)(1)-(6) of Article XIII C of the California Constitution (Proposition 26, excepting from the definition of “tax” charges imposed for specific benefit conferred/privilege/service or product, and/or reasonable regulatory costs to local government for issuing permits and the administrative enforcement thereof, fines and penalties and charges for violation of law, and property development charges). These fees are imposed for a specific government service provided directly to the applicant that is not provided to those not charged, are imposed for the reasonable regulatory costs to MCWRA for issuing permits for property development and the administrative enforcement thereof, and do not exceed the reasonable costs to MCWRA of providing these services.
7. This action to modify land use fees is not a project under the California Environmental Quality Act because it is a governmental funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (CEQA Guidelines section 15378(b)(4)).
8. Said amendments to the land use fees shall take effect no sooner than 60 days following final action on the adoption of the amendments.
9. The Monterey County Water Resources Agency Board of Supervisors held a duly noticed public hearing on September 17, 2019 to consider these fee adjustments. Notice of this matter was provided by publication of notice in newspaper of local circulation in Monterey County and distribution of notice to interested persons, and all testimony from staff and the public has been heard and considered.

NOW, THEREFORE, BE IT RESOLVED, the Monterey County Water Resources Agency Board of Supervisors hereby:

- a. Find the foregoing recitals are true and correct.
- b. Amend Article XI, Monterey County Water Resources Agency Fees of the Monterey County Fee Resolution, attached hereto and incorporated herein by reference.
- c. Find said amendment to Article XI shall take effect on November 16, 2019.

PASSED AND ADOPTED upon motion of Supervisor _____,
seconded by Supervisor _____, and carried this _____ day of _____, 2019, by
the following vote, to wit:

AYES:

NOES: ABSENT:

I, Valerie Ralph Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ____ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy