

Attachment B

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**ATTACHMENT B
DRAFT RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

A Resolution of the Monterey County Board of Supervisors to:

Amend IX (Housing and Community Development) of the Monterey County Master Fee Resolution to establish a fee for processing the Vacation Rental Operation License.

WHEREAS, on September 10, 2024, the Monterey County Board of Supervisors (“Board”) will consider adoption of an ordinance to add Chapter 7.120 to the Monterey County Code;

WHEREAS, Chapter 7.120 requires vacation rentals to obtain an annual Vacation Rental Operation License to operate a vacation rental in accordance with state and County law;

WHEREAS, the fee addition made by this Resolution is to recover staff costs of processing applications for the Vacation Rental Operation License and associated planning, monitoring, and enforcement activities performed by the HCD if the Board adopts the ordinance. The fee does not exceed the estimated reasonable or actual costs of performing the services, processing applications and entitlements, and associated permitting, monitoring, and enforcement activities. The new fee reflects no more than the actual costs of the services or benefits received by the payor. To the extent that the fees do not result in full cost recovery, the shortfall may impact the County General Fund;

WHEREAS, previous amendments to Article IX became effective October 23, 2023;

WHEREAS, Section 1.40.010 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements and charges of any kind by the County may be specified in the Monterey County Fee Resolution;

WHEREAS, any and all adjustments to fees for services reflect no more than the actual and reasonable cost of the service or benefit received by the payor and burdened on the County. Any discount applicable to these surcharges have a de minimus impact on the departmental budget and implementation of that discount does not result in increased fees or costs for other patrons;

WHEREAS, by definition, this fee is not a “tax” and is exempt from voter approval pursuant to Article XIII C, section 1(e)(3) of the California Constitution (charges imposed for the reasonable regulatory costs to a local government for issuing licenses and permits);

WHEREAS, the purpose of this action is to establish a standard fee for the Vacation Rental Operation License; and

WHEREAS, this action to add a new Vacation Rental Operation License fee is not a project under the California Environmental Quality Act (CEQA) 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 15273.)

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of the County of Monterey does hereby adopt a resolution to:

- I. Certify that the foregoing recitals are true and correct;
- II. Find that establishment of permit fees is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 of the CEQA Guidelines;
- III. Amend Article IX (Housing and Community Development) of the Monterey County Master Fee Resolution, as set forth in the attached **Attachment A** (redline), **Attachment B** (clean) incorporated herein by reference;
- IV. These amendments do not change the other fees set forth in Article IX, which remain in full force and effect; and
- V. Said amendments to Article IX shall take effect immediately after the Board of Supervisors adopt an ordinance adding Chapter 7.120 to the Monterey County Code.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this 27th day of August 2024, 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 resolution of said Board of Supervisors duly made and entered in the minutes thereof Minute Book _____ for the meeting on August 27, 2024.

Dated: _____
File Number: _____

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

By _____
Deputy