

ORDINANCE NO. 774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA AMENDING CHAPTER 2.06 (CITY COUNCIL DISTRICT ELECTIONS) OF TITLE 2 TO ADD SECTIONS 2.06.060, 2.06.070, AND 2.06.080; AND CHAPTER 3.34 (REVENUE AND FINANCE) OF TITLE 3 TO MODIFY SECTION 3.34.040 RELATING TO SCHEDULE OF FEES AND SERVICE CHARGES

WHEREAS, pursuant to Article XIII B of the California Constitution and Carpinteria Municipal Code (CMC) Chapter 3.34, it is the intent of the City Council to require the ascertainment and recovery of costs reasonably borne from fees, charges, and regulatory license fees in; and

WHEREAS, CMC Chapter 3.34 provides a mechanism for ensuring that fees adopted annually by the City Council by resolution do not exceed the reasonable estimated cost for providing the regulation, products or services for which the fees are charged; and

WHEREAS, “costs reasonably borne” shall include all direct and indirect costs, fixed asset recovery expenses, general and departmental overhead, and debt services costs as further defined in CMC Section 3.34.030; and

WHEREAS, pursuant to CMC Section 3.34.020 the City Manager has been delegated the authority to implement said City Council policy to establish or adjust the amount of fees and charges to recover the percentage of costs reasonably borne in providing the regulation, product, or service; and

WHEREAS, the City of Carpinteria has prepared a Cost of Services Study, dated September 2023 which was presented to the City Council at a public hearing on October 9, 2023, and October 30, 2023; and

WHEREAS, the City Council directed staff to initiate the update of the City’s Master Fee Schedule and CMC Chapter 3.34; and

WHEREAS, pursuant to California Elections Code Section 10228, the Master Fee Schedule includes a new fee entitled “Elections Candidate Processing” which is a filing fee for each City Council candidate’s nomination papers; and

WHEREAS, the City Manager is recommending amending Chapter 2.06 (CITY COUNCIL DISTRICT ELECTIONS) of Title 2 of the CMC to incorporate said Candidate Filing Fee; and

WHEREAS, the City Manager is recommending changes to certain provisions of Chapter 3.34 (REVENUE AND FINANCE) of Title 3 of the CMC in order to support the effective and efficient process of annually updating the City’s Master Fee Schedule.

THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. AMENDING CHAPTER 2.06 (CITY COUNCIL DISTRICT ELECTIONS) OF TITLE 2 OF THE CARPINTERIA MUNICIPAL CODE

New Sections 2.06.060 titled "Candidate Filing Fee", 2.06.070 titled "Petition in Lieu of Fees" and 2.06.080 titled "Extension of Filing Date" are hereby added to the City's municipal code as follows:

"2.06.060 – Candidate Filing Fee.

(A) In accordance with Section 10228 of the California Elections Code, as such section may be amended from time to time, it is hereby determined that a filing fee for each City Council candidate's nomination papers for elective office shall be established by resolution of the City Council.

(B) The filing fee established in subsection (A) of this section shall be payable at the time of submission of nomination papers to the City Clerk.

(C) Filing fees collected pursuant to this article shall be paid into the General Fund of the city.

2.06.070 – Petition in Lieu of Fees.

(A) Notwithstanding any other provision of this chapter, a candidate for City Council may submit, in lieu of all or part of the required filing fee, a petition containing four qualified signatures for each dollar of the filing fee not paid.

(B) Within the meaning of this section, a qualified signature is the signature of a person who, at the time of providing such signature, is a registered voter of the City and a resident of the geographical area making up the district from which the Councilmember candidate is to be elected.

(C) Any petition submitted pursuant to this section in lieu of all or part of the required filing fee shall be submitted to the City Clerk with nomination papers related thereto, together with the amount of the filing fee, if any, remaining to be paid.

2.06.080 – Extension of Filing Date.

(A) Nothing contained in this chapter shall be construed to extend or otherwise modify the period of time for filing nomination papers for candidates of City Council office.”

SECTION 3. AMENDING SECTION 3.34.040 IN CARPINTERIA MUNICIPAL CODE CHAPTER 3.34 (SCHEDULE OF FEES AND SERVICE CHARGES) OF TITLE 3 (REVENUE AND FINANCE)

Section 3.34.040 in CMC Chapter 3.34 (Schedule of Fees and Service Charges) of Title 3 (Revenue and Finance) is hereby amended to read as follows:

“3.34.040 - Schedule of Fees and Service Charges.

(A) Fees and service charges for regulation, product, and service shall be established in a master fee schedule adopted by resolution of the city council so as to recover costs reasonably borne and necessary to provide the regulation, product, or service. The master fee schedule shall be adopted annually by resolution of the city council but may be modified more frequently at the discretion of the city council.

(B) The regulation, product, and service shall be as defined in the most recent cost of service study received by the City Council, and may be amended/updated from time to time, a copy of which shall be on file in the office of the city clerk.

(C) For the purpose of this chapter, "fee and/or charge" includes any required deposit relating to a regulation, product, or service enumerated in this section, which deposit is to be applied against such fee and/or charge.”

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect on January 29, 2024, sixty (60) days following adoption. .

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6. CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Sections

15060(c)(3) (this activity is not a “project” as defined in § 15378) and 15060(c)(2) (this activity will not result in a direct or reasonably foreseeable change in the environment).

SECTION 7. LIMITED EFFECT

Except as explicitly provided herein, all other provisions of CMC Chapters 2.06 and 3.34 shall remain unchanged and in full force and effect.

PASSED, APPROVED AND ADOPTED on November 27, 2023, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

Mayor, City of Carpinteria

ATTEST:

Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on November 13, 2023.

Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Jena Shoaf Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria