



Meeting Date: 07/24/07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Gary L. Gillig Agenda Item No. K-1
 Reviewed By: City Manager [Signature] City Attorney [Signature] Finance SW Other (Specify) _____

DATE: July 16, 2007

TO: City Council

FROM: Gary Gillig, City Attorney
City Attorney's Office [Signature]

SUBJECT: Extension of Immediate Imposition of Increased Planned Traffic Circulation Facilities Fees

RECOMMENDATION

That City Council by a 4/5ths vote adopt a resolution extending the time for thirty days, to protect public health, welfare and safety, for the immediate imposition of an interim planned traffic circulation facilities fee of \$730 per vehicle trip.

DISCUSSION

On June 26, 2007, City Council adopted Resolution No. 13,328 establishing an interim planned traffic circulation facilities fee of \$730 per vehicle trip. In the customary situation, the fees imposed by this resolution would be effective August 26, 2007.

In accordance with Government Code section 66017(b), however, the City Council, upon making certain findings by a 4/5ths vote, ordered the fee to be effective immediately on June 27, 2007, for a period of thirty days. The City Council findings concluded that the immediate imposition of the fee was necessary for the preservation of the public health, welfare and safety.

Further, Government Code section 66017(b) authorizes City Council to extend the effective date of the urgency Resolution No. 13,328 for an additional thirty days after notice and public hearing. The resolution for City Council adoption tonight extends the effective date of the urgency resolution until August 26, 2007.

Since the adoption of Resolution No. 13,328, City staff has received requests from the public for clarification of the administrative policy that would exempt from the imposition of the new interim fee those projects that were already in the plan check process on June 27, 2007. The resolution for City Council adoption tonight clarifies that policy.

For purposes of the administrative policy the terms “application for permit” pursuant to section 302.1 of the Uniform Administrative Code (UAC), means application for a building permit. The expiring of a permit pursuant to section 303.4 of the UAC, means the expiring of the building permit.

The proposed language for the administrative policy, which is contained in the resolution, is:

“If prior to June 27, 2007, an application for permit had been accepted by the Development Services Department pursuant to section 302.1 of the 1997 Uniform Administrative Code, the Planned Traffic Circulation Facilities Fees in effect on June 26, 2007, shall apply to such application unless:

- (1) The applicant fails to resubmit corrected plans for plan check by the Development Services Department within 180 days of the date the Development Services Manager notifies the applicant that the plans require corrections; or
- (2) A permit issued by the Development Services Department pursuant to such application for permit expires pursuant to section 303.4 of the 1997 Uniform Administrative Code.”

The recommended language only exempts those applicants who submitted plans for plan checking on or before June 26, 2007. The language provides no relief for those applicants whose projects were already approved by the Planning Commission, but who had not submitted plans for plan checking on or before June 26, 2007.

FINANCIAL IMPACT

The adoption of this resolution extends the period for the immediate imposition and collection of planned traffic circulation facilities fees in an amount not determined depending on the number of pending applications. The adoption of the resolution which clarifies existing administrative policy has no fiscal impact.

Attachment 1: Resolution Extending Time for Immediate Imposition of Fees

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD EXTENDING THE TIME FOR IMMEDIATE IMPOSITION OF INTERIM PLANNED TRAFFIC CIRCULATION FACILITIES FEES

WHEREAS, Division 5 of Article VI of Chapter 15 of the Oxnard City Code imposes planned traffic circulation facilities fees on development projects producing additional vehicle trips and such fees are to be set by resolution; and

WHEREAS, the City Council adopted Resolution No. 13,328 as an urgency measure in order to cause the subject fees to be effective on June 27, 2007, for thirty days at \$730 per vehicle trip; and

WHEREAS, pursuant to Government Code section 66017(b), by a 4/5ths vote, the City Council desires to extend the immediate imposition of such fees for another thirty days; and

WHEREAS, the City Council desires to confirm existing administrative policy regarding which development project applicants with pending applications on June 27, 2007, pay the interim fee and which development project applicants with pending applications are exempt from payment of the interim fee.

NOW, THEREFORE, the City Council of the City of Oxnard resolves as follows:

1. Government Code section 66017(b), authorizes City Council upon making certain findings by a 4/5ths vote to order the planned traffic circulation facilities fees adopted on June 26, 2007, by Resolution No. 13,328 and effective until July 27, 2007, to be extended for an additional thirty days after notice and a public hearing.

2. After notice and a public hearing, City Council adopts this resolution pursuant to Government Code section 66017(b) because its passage is required for the immediate preservation of the public health, welfare and safety. The facts constituting this urgency are that: (a) there is a pressing need for infrastructure that will service new developments, (b) the provision of this essential infrastructure is dependant upon the availability of revenues from the fees imposed by this resolution, and (c) in order to ensure that the developers of all new developments proposed at this time in the City be responsible for paying their fair share of infrastructure costs. These facts constitute a current and immediate threat to the public health, welfare and safety. Accordingly, the City Council determines and finds that it is necessary for this resolution to be effective on July 27, 2007.

3. By a 4/5ths vote, the City Council hereby orders that this urgency resolution be effective and the subject fees be imposed effective July 27, 2007 until August 26, 2007.

4. City Council hereby confirms the administrative policy that would exempt from the imposition of the new interim fee those projects that were already in the plan check process on June 27, 2007. For purposes of this policy the "application for permit" pursuant to section 302.1

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ATTACHMENT NO. 1
PAGE 1 OF 2

of the Uniform Administrative Code (UAC) means application for a building permit. The expiring of a permit pursuant to section 303.4 of the UAC, means the expiring of the building permit.

5. The administrative policy, governing the immediate imposition of the subject fees is that:

(1) If prior to June 27, 2007, an application for permit had been accepted by the Development Services Department pursuant to section 302.1 of the 1997 Uniform Administrative Code, the Planned Traffic Circulation Facilities Fees in effect on June 26, 2007, shall apply to such application unless:

- (a) The applicant fails to resubmit corrected plans for plan check by the Development Services Department within 180 days of the date the Development Services Manager notifies the applicant that the plans require corrections; or
- (b) A permit issued by the Development Services Department pursuant to such application for permit expires pursuant to section 303.4 of the 1997 Uniform Administrative Code.”

(2) The policy only exempts those applicants who submitted plans for plan checking on or before June 26, 2007. The policy shall not exempt those applicants whose development projects were already approved by the Planning Commission, but who had not submitted plans for plan checking on or before June 26, 2007.

6. If any provision, section, paragraph, sentence or word of this resolution, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this resolution, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this resolution are severable.

PASSED AND ADOPTED THIS 24th day of July, 2007 by the following vote:

AYES:

NOES:

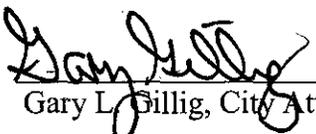
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

 07-16-07

Gary L. Gillig, City Attorney