

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION ADOPTING THE FY 2024 MASTER FEE SCHEDULE THAT REFLECTS UPDATED FEES AND CHARGES FOR DEPARTMENTS IN THE CITY OF HAYWARD AND RESCINDING RESOLUTION NO. 22-073 AND ALL AMENDMENTS THERETO AND FINDING THAT THE ACTION IS EXEMPT FROM CEQA REVIEW

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions; and

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State Constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed Master Fee Schedule (MFS) is compliant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts with changes the Master Fee Schedule relating to fees and charges for all departments of the City of Hayward incorporated herein by reference and as outlined in the March 21, 2023 City Council report; either on its face or as applied, the invalidity of one provision shall not affect the other provisions of this Master Fee Schedule, and the applications thereof; and to that end the provisions of this Master Fee Schedule shall be deemed severable.

BE IT FURTHER RESOLVED that Resolution No. 22-073, and all amendments thereto are hereby rescinded.

**ATTACHMENT II**

BE IT FURTHER RESOLVED that this resolution shall become effective as of July 1, 2023.

BE IT FURTHER RESOLVED that this action is determined to be exempt from CEQA review for the reasons stated herein.

IN COUNCIL, HAYWARD, CALIFORNIA March 21, 2023.

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
                  City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward