

**RESOLUTION NO. 24-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
ADOPTING A MASTER FEE SCHEDULE FOR THE TOWN OF ATHERTON**

**WHEREAS**, the City Council commissioned Capital Accounting Partners to update the cost allocation plan and fully burdened staff hourly rate to establish a new Master Fee Schedule for the Town; and

**WHEREAS**, the Comprehensive Fee Study provides the necessary data to substantiate that the proposed fees will not exceed the estimated reasonable cost of providing the services for which the fees are to be levied; and

**WHEREAS**, the City Council has reviewed the User Fee Study and determined that all of the proposed fees which are the subject of this Resolution will not exceed the estimated reasonable cost of providing the services for which the fees are to be levied; and

**WHEREAS**, none of the fees outlined in the Master Fee Schedule are Development Impact Fees (fees imposed as a condition of approval of a development project) subject to State law requirements pertaining to such fees; and

**WHEREAS**, in accordance with State law, the User Fee Study was made available for public review at least 10 days prior to the meeting at which the Master Fee Schedule was adopted; and

**WHEREAS**, in compliance with relevant provisions of the Mitigation Fee Act (Government Code sections 66000 et seq.), the City Council held a noticed public hearing on the proposed Master Fee Schedule at a regular meeting on January 17, 2024 and published notice in accordance with Government Code section 6062a.

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON  
DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1. Findings.**

The City Council declares that the above recitations are true and correct.

**Section 2. Amount of Fee.**

The City Council hereby approves and adopts the Master Fee Schedule as set forth in Appendices of fees as Staff Recommended fee to this Resolution, attached hereto and incorporated by this reference.

**Section 3. Waiver of Fee.**

The City Council is hereby authorized to waive any of the fees outlined in User Fees Appendix. If such a waiver occurs, the City Manager or his/her designee will ensure that any fee category for which a waiver was granted does not exceed the estimated reasonable cost of providing the service.

**Section 4. No Increase in Amount of Any Town Mitigation Fee.**

In calculating any Town mitigation fee based upon fees or factors modified by this Resolution, the fee shall be calculated using the previously existing fees or factors if the result is a lower mitigation fee.

**Section 5. Environmental Clearance.**

The adoption of the Master Fee Schedule is not subject to the California Environmental Quality Act (CEQA) in that the establishment of such a funding mechanism is not a "project." Specifically, in accordance with CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms that do not involve any commitment to any specific project that may cause a significant effect on the environment is not deemed to be a "project" under CEQA.

**Section 6. Severability.**

If any action, subsection, sentence, clause or phrase of this Resolution or the fees levied by this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or the fees levied by this Resolution that can be given effect without the invalid provisions.

**Section 7. Effective date.**

Pursuant to Government Code section 66017(a), the fees identified in Exhibit A shall take effect 60 days following the adoption of this Resolution by the Town Council.

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 17th day of January, 2024, by the following vote:*

AYES: Council Members:  
 NOES: Council Members:  
 ABSENT: Council Members:  
 ABSTAIN: Council Members:

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Diana Hawkins-Manuelian, Mayor

**ATTACHMENT 1**

ATTEST:

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Anthony Suber, City Clerk

APPROVED AS TO FORM:

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Mona G. Ebrahimi, City Attorney