

**TOWN OF SAN ANSELMO
RESOLUTION NO. 4199**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
IMPOSING A FEE FOR ROADWAY REPAIR INSPECTIONS**

WHEREAS, various contractors excavate in Town roadways for a number of reasons, including utility repair and replacement; and

WHEREAS, as a condition of encroachment permits, the Town requires contractors who excavate within public rights of way to restore the roadway in accordance with Marin County Uniform Construction Standards; and

WHEREAS, the quality of work and adherence to the Marin County Uniform Construction Standards impact the remaining life span and drivability of the repaired roadway; and

WHEREAS, inspections are necessary at several steps during the repair process to provide quality assurance to the Town; and

WHEREAS, the Town Council desires to impose a fee to cover the reasonable costs of roadway repair inspections.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

Section 1. Findings and Fee

Findings. The roadway repair inspection fee will cover the reasonable regulatory costs to the Town for performing investigations and inspections. (Cal. Const. art XIII C, § 1(e)(3)). The Town Council makes the following findings in association with the roadway repair inspection fee:

- A. The fee is not a tax. The fee is not a tax, because it covers only direct costs related to the necessary inspections for each project and it falls within the reasonable regulatory costs exception under Proposition 26 (Cal. Const. art XIII C, § 1(e)(3));
- B. The amount of the fee is no more than necessary to cover the reasonable costs of the governmental activity. The scope of work for each permit will be reviewed, and the reviewer will apply 1 unit (1 unit = \$83.50) for every inspection that the Town determines needs to be performed. This is the exact cost of the inspector payable by the Town. If the inspections are accomplished for less than what the Town collects (i.e., the actual cost is less than the Town charged) the Town will advise the applicant and s/he will be reimbursed when the Town reimburses the road bond on the same request form.
- C. The basis for determining the manner in which the inspection fee costs are allocated

to an applicant bears a reasonable relationship to the applicant's burdens on, or benefits received from, the roadway repair inspection. The fee will be charged directly to the applicant who is obligated to repair the roadway and will ensure that the repair meets Town requirements. The fee will be deposited into a liability account for Pavement Cut Inspection Costs. The Town will pay the inspector from that liability account in an amount equal to the amount charged for the permit's specific work.

D. Charging an inspection fee for pavement cut repair work is consistent with Section 7-3.05 of the Municipal Code.

Fee. The Town will charge an applicant with a project requiring roadway repair to pay \$83.50 for each inspection that the Town determines is necessary for the repair. This amount is based on the current amount charged by the inspectors hired by the Town, as reflected in Exhibit A hereto.

Section 2. Notice and Hearing. Notice of public hearing has been given pursuant to Government Code Section 6062a and the Town Council conducted a duly noticed public hearing on May 23, 2017, at which time the public was invited to make oral and written presentations as part of the regularly scheduled meeting prior to the adoption of this Resolution; and

Section 3. Environmental Review. The imposition of a service fee falls within a statutory exception to the California Environmental Quality Act (CEQA) because it involves a decision related to setting rates, tolls or other charges pursuant to Public Resources Code Section 21080(b)(8)(A) and 14 California Code of Regulations section 15273(1). Charging the fee will allow the Town to maintain its roadways in good condition without depleting the Town's funds. The Town Council finds that adoption of this resolution and imposition of the roadway repair inspection fee will not have a direct or indirect effect on the environment, nor are they essential steps culminating in an action that may affect the environment.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.


Section 5. Effective Date. This Resolution shall take effect upon its adoption.

I, the undersigned, hereby certify the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Town Council of the Town of San Anselmo at a regular meeting thereof held on May 23, 2017 by the following vote:

AYES: Coleman, McInerney, Wright, Greene, Brown


NOES: None

ABSENT: None



Kay Coleman, Mayor

ATTEST



Carla Kacmar, Town Clerk