

1 with appropriate supporting documentation or findings by Clovis demonstrating that such fees
2 comply with section 66000 of the California Government Code and other applicable state law
3 requirements, and by including with such resolution a draft implementing ordinance for the
4 County's adoption; and

5 WHEREAS, sections 4.1.6 of the MOU provides that, notwithstanding Section 4.1.6, or
6 any other provision of the MOU, Clovis shall be solely responsible for determining the amount of
7 the fees and setting them in accordance with law, and that Section 4.1.6 shall not be construed
8 as a representation by the County as to the propriety of the fees or the procedures used in setting
9 them; and

10 WHEREAS, section 4.1.7 of the MOU provides that Clovis shall hold harmless, defend
11 and indemnify the County from all claims, demands, litigation of any kind whatsoever arising from
12 disputes relating to the fees, the enactment of the fees or the collection of fees; and

13 WHEREAS, previously, Clovis notified the County that Clovis had followed the procedures
14 set forth in sections 4.1.3 and 4.1.4 of the MOU and had requested that the County adopt an
15 ordinance authorizing the County's imposition and collection, on behalf of Clovis, of Clovis'
16 development fees within the sphere of influence of Clovis, and pursuant to the MOU, the County
17 adopted such ordinance; and

18 WHEREAS, since then, on June 26, 2023, Clovis has notified the County that Clovis has
19 followed the procedures set forth in sections 4.1.3 and 4.1.4 of the MOU and has requested that
20 the County adopt another ordinance authorizing the County's imposition and collection, on behalf
21 of Clovis, of additional, or increases to existing, Clovis development fees within the sphere of
22 influence of Clovis, as provided herein; and

23 WHEREAS, on August 25, 2023, the County published in the Fresno Business Journal
24 notice of the first reading of this Ordinance, which took place on September 5, 2023, and on
25 September 29, 2023, the County published in the Fresno Business Journal notice of the second
26 reading of this Ordinance, which took place on October 10, 2023; and

27 WHEREAS, the Board of Supervisors has considered the proposed ordinance authorizing
28 the County's imposition and collection, on behalf of Clovis, of additional, or increases to existing,

1 Clovis development fees, within the sphere of influence of Clovis, and has found, based on such
2 representations by Clovis to the County, as follows:

3 A. That the purpose of the fees is to finance the cost of Clovis public facility improvements
4 within the Clovis sphere of influence, including water facilities, water service, water
5 supply, sewer facilities, parks, refuse, parks including acquisition and development
6 and park deposits, library facilities, utility undergrounding, and administrative public
7 facilities miscellaneous, and administrative costs, as described in Exhibit 1 attached
8 hereto.

9 B. That the fees to be collected pursuant to such proposed ordinance will be used for
10 such purposes;

11 C. That there is a reasonable relationship between the fees' use, namely, expanded,
12 improved, or newly constructed improvements, and the types of development for which
13 the corresponding fees are charged, as described in Exhibit 1;

14 D. That there is a reasonable relationship between the need for the improvements and
15 the impacts of the types of development within the Clovis sphere of influence, for which
16 the corresponding fees are charged;

17 E. That the cost estimates set forth in Exhibit 1 are reasonable cost estimates for
18 constructing these improvements, and the fees expected to be generated by
19 development within the Clovis sphere of influence do not exceed the total costs of
20 constructing the improvements identified in Exhibit 1; and

21 F. That the amount of the fees will not exceed the estimated reasonable cost of the public
22 facilities or portion of the public facilities attributable to the development of property
23 within the Clovis sphere of influence upon which the fee is imposed; and

24 G. That square footage is not appropriate metric to calculate fees imposed on housing
25 development projects identified in Exhibit 1 for the reasons stated in the City's
26 "Findings in Support of the Continuation of City Policies to Impose Residential
27 Development Impact Fees on a Per Unit or Per Acreage Basis," attached hereto as
28 Exhibit 2; and

- 1 H. That a per-unit basis of calculating the fees imposed on housing development projects
2 identified in Exhibit 1 bears a reasonable relationship between the fee charged and
3 the burden imposed by the development for the reasons stated in Exhibit 2; and
4 I. Other policies in the fee structure support smaller developments, or otherwise ensure
5 that smaller developments are not charged disproportionate fees.

6 NOW, THEREFORE, the Board of Supervisors of the County of Fresno ordains as follows:

7 Section 1: Chapter 17.92 of Title 17 of the Fresno County Ordinance Code, section
8 17.92.030 thereof, entitled, "Adoption of and updates to the schedule of fees," shall be amended
9 as follows:

10 Add the following provisions to the end of amended section 17.92.030:

11 "In 2023, the Clovis City Council adopted Resolution No. 23-46 on June 5, 2023 which
12 updated the City of Clovis master development fee schedule for 2023-24 and transmitted such
13 resolution and fee schedule to the county for the county's adoption, imposition, and collection of
14 the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of
15 Clovis. As more fully described in the Clovis city council Resolution No. 23-46, the Clovis city
16 council did thereby find that the Clovis development fees for 2023-24 referred to therein are in
17 compliance with applicable state laws including Section 66000 of the Government Code. The
18 board relies upon such findings in adopting this chapter, including the schedules of fees."

19 The updated City of Clovis water major facilities fee schedule and the updated city of
20 Clovis master development fee schedule for 2023-24, as set forth in the attached Clovis city
21 council Resolution No. 23-46, as Exhibit 1, is hereby adopted, and as either or both such fee
22 schedules may be updated in the future from time to time. As more fully described in the Clovis
23 City Council Resolution No. 23-46, the Clovis City Council did thereby find that the Clovis' updated
24 Fees are in compliance with applicable State laws including Section 66000 of the Government
25 Code. The Board relies upon such findings in adopting this chapter, including the schedules of
26 fees.

27 Section 2: The amendments to Chapter 17.92 shall be effective sixty (60) calendar days
28 following the Board's adoption of this Ordinance.

1 Within fifteen (15) calendar days after the Board's adoption of this Ordinance, a summary
2 of this Ordinance, with the names of the those Supervisors of the Board voting for and against
3 the same, shall be published once in a newspaper of general circulation, printed and published in
4 Fresno County, and the Clerk of the Board shall post in the office of the Clerk to the Board a
5 certified copy of the full text of this adopted chapter along with the names of those supervisors
6 voting for and against this chapter.

7 THE FOREGOING was passed and adopted by the following vote of the Board of
8 Supervisors of the County of Fresno the _____ day of _____, 2023, to wit:

9 AYES:

10 NOES:

11 ABSENT:

12 ABSTAINED:

13 _____
14 Sal Quintero, Chairman of the Board of Supervisors
of the County of Fresno

15 **ATTEST:**
16 Bernice E. Seidel
17 Clerk of the Board of Supervisors
County of Fresno, State of California

18 By _____
19 Deputy

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