

1 BOARD OF SUPERVISORS
2 OF THE COUNTY OF FRESNO
3 STATE OF CALIFORNIA
4 Ordinance No. 19-003
5

6 AN ORDINANCE AMENDING SECTION 17.92.030 OF CHAPTER 17.92 TO TITLE 17 OF THE
7 FRESNO COUNTY ORDINANCE CODE RELATING TO COLLECTION OF DEVELOPMENT FEES
8 WITHIN THE SPHERE OF INFLUENCE OF THE CITY OF CLOVIS.

9 WHEREAS, on August 21, 1990, the County of Fresno ("County"), the City of Clovis ("Clovis"),
10 and the Clovis Community Development Agency ("Clovis CCDA") entered into that certain
11 Memorandum of Understanding; and

12 WHEREAS, on June 25, 2002, the County, Clovis, and the CCDA entered into that certain First
13 Amendment ("First Amendment") to the Memorandum of Understanding (collectively, the Memorandum
14 of Understanding and the First Amendment are the "MOU"); and

15 WHEREAS, the MOU addressed a number of topics including property development,
16 annexations, and Clovis' development fees within the Clovis sphere of influence; and

17 WHEREAS, sections 4.1.3 and 4.1.4 of the MOU provide that Clovis may, after conducting a
18 public hearing, establish or amend Clovis' development fees by resolution of Clovis, describing the
19 type, amount, and purpose of such Clovis fees to be requested for the County's adoption, imposition,
20 and collection on behalf of Clovis within the Clovis sphere of influence, and request that the County
21 adopt such Clovis fees by transmitting the adopted Clovis resolution to the County with appropriate
22 supporting documentation or findings by Clovis demonstrating that such fees comply with section
23 66000 of the California Government Code and other applicable state law requirements, and by
24 including with such resolution a draft implementing ordinance for the County's adoption; and

25 WHEREAS, Clovis has notified the County that Clovis has followed the procedures set forth in
26 sections 4.1.3 and 4.1.4 of the MOU and has requested that the County adopt an ordinance authorizing
27 the County's imposition and collection, on behalf of Clovis, of Clovis' development fees within the
28 sphere of influence of Clovis; and

1 WHEREAS, on August 16, 2005, pursuant to the County's obligations under the MOU with
2 respect to adopting Clovis' development fees, the Board of Supervisors adopted Chapter 17.88.160 of
3 Title 17 of the Fresno County Ordinance Code ("Chapter 17.88.160"); and

4 WHEREAS, Clovis has since then notified the County that Clovis has followed the procedures
5 set forth in sections 4.1.3 and 4.1.4 of the MOU and has requested that the County adopt another
6 ordinance authorizing the County's imposition and collection, on behalf of Clovis, of additional, or
7 increases to existing, Clovis development fees within the sphere of influence of Clovis; and

8 The Board of Supervisors of the County of Fresno ordains as follows:

9 Section 1: Chapter 17.92 of Title 17 of the Fresno County Ordinance Code shall be amended
10 as follows:

11 Chapter 17.92 Clovis development fees applicable within the sphere of influence of the City of
12 Clovis, and a schedule of fees.

13 Section 17.92.010. Definitions. For purposes of this chapter, the following definitions shall
14 apply:

15 (1) "Board" means the board of supervisors of the county.

16 (2) "Clovis" means the city of Clovis, a municipal corporation, organized and existing under
17 the constitution and laws of the State of California.

18 (3) "Clovis development fees" means fees to be charged and collected by the County, on
19 behalf of Clovis, pursuant to this chapter, in connection with the County's approval of a discretionary
20 development application with respect to a development project within the Clovis SOI, for the purposes
21 of (i) defraying all or a portion, as applicable, of the costs of certain public facilities that may be provided
22 by Clovis, and which are related to such development project, and of the costs of county library facilities
23 that may be provided within Clovis, and which are related to such development project, (ii) providing for
24 Clovis' administrative costs in relation to such fees, and (iii) if, adopted by the Board, providing for the
25 county's administrative costs in relation to such fees.

26 (4) "Clovis SOI" means the then-current Fresno County Local Agency Formation
27 Commission ("LAFCO") adopted sphere of influence of Clovis, including any LAFCo updates thereto
28 and any changes thereto by annexations of territory by Clovis.

1 (5) “County” means the County of Fresno, a charter county organized and existing under the
2 constitution and laws of the State of California.

3 (6) “Director” means the Director of the Department.

4 (7) “Department” means the County Department of Public Works and Planning, or its
5 successor County department or agency.

6 (8) “Discretionary development application to the County” means an application to the
7 County with respect to any of the following: general plan amendments; rezonings; tentative tract maps;
8 tentative parcel maps; conditional use permits; director review and approvals; or variances.

9 Section 17.92.020. Purposes. The purposes of the fees, as applicable, are for Clovis to
10 finance public facilities within Clovis and the Clovis SOI, which Clovis has determined are needed to
11 mitigate adverse impacts caused by new development within the Clovis SOI. To that end, Clovis may
12 use the fees, as applicable, to (i) prevent deterioration of public facilities by constructing, improving,
13 acquiring, providing, or planning for such public facilities financed by the fees concurrently with such
14 development, and (ii) provide a source of funding to the County for a County library in Clovis that is
15 necessary to serve such development.

16 Section 17.92.030. Adoption of and updates to the schedule of fees.

17 The Clovis City Council adopted Resolution No. 08-54, dated May 5, 2008, which adopted
18 Clovis’s proposed master development fee schedule for 2008-09, and transmitted such resolution and
19 fee schedule to the County for the County’s adoption, imposition, and collection of the Clovis
20 development fees in such fee schedule, pursuant to a County Ordinance, on behalf of Clovis. Such
21 Clovis proposed master development fee schedule for 2008-09 was thereby adopted by the Board as
22 the schedule of fees for Clovis development fees under this chapter. As more fully described in the
23 Clovis City Council Resolution No. 08-54, the Clovis City Council did thereby find that the Clovis
24 development fees for 2008-09 referred to therein were in compliance with applicable State laws
25 including Section 66000 of the Government Code. The Board relied upon such findings in adopting this
26 chapter, including the schedule of fees.

27 Subsequently, the Clovis City Council adopted Resolution No. 10-129, dated November 1,
28 2010, which adopted the City of Clovis proposed master development fee schedule for 2010-11, and

1 transmitted such resolution and fee schedule to the County for the County's adoption, imposition, and
2 collection of the Clovis development fees in such fee schedule, pursuant to a County ordinance, on
3 behalf of Clovis. The adopted City of Clovis proposed master development fee schedule for 2013-14
4 was thereby adopted by the Board on December 6, 2011 as the schedule of fees for Clovis
5 development fees under this chapter.

6 In 2013 the Clovis City Council adopted Resolution No. 2013-52, dated May 6, 2013, which
7 adopted the City of Clovis proposed master development fee schedule for 2013-14, and transmitted
8 such resolution and fee schedule to the County for the County's adoption, imposition, and collection of
9 the Clovis Development Fees in such fee schedule, pursuant to a County ordinance, on behalf of
10 Clovis. The adopted City of Clovis proposed master development fee schedule for 2013-14 was
11 thereby adopted by the Board on April 29, 2014 as the schedule of fees for Clovis development fees
12 under this chapter.

13 In 2015, the Clovis City Council adopted Resolution No. 2015-27, dated February 17, 2015,
14 which adopted the City of Clovis proposed master development fee schedule for 2014-15, and
15 transmitted such resolution and fee schedule to the County for the County's adoption, imposition, and
16 collection of the Clovis Development Fees in such fee schedule, pursuant to a County ordinance, on
17 behalf of Clovis. The adopted City of Clovis proposed master development fee schedule for 2014-15
18 was thereby adopted by the Board on September 22, 2015 as the schedule of fees for Clovis
19 development fees under this chapter.

20 More recently, the Clovis City Council adopted Resolution No. 2018-91 dated July 2, 2018,
21 which adopted the City of Clovis proposed master development fee schedule for 2018-19, and
22 transmitted such resolution and fee schedule to the County for the County's adoption, imposition, and
23 collection of the Clovis Development Fees in such fee schedule, pursuant to a County ordinance, on
24 behalf of Clovis. The adopted City of Clovis proposed Master Development Fee Schedule for 2018-19
25 is attached as Exhibit A, and as may be updated in the future from time to time. As more fully
26 described in the Clovis City Council Resolution No. 2018-91, the Clovis City Council did thereby find
27 that the Clovis development fees for 2018-19 referred to therein are in compliance with applicable State
28 laws including Section 66000 of the Government Code. The Board relies upon such findings in

1 adopting this chapter, including the schedule of fees.

2 Section 17.92.040. Collection of the Clovis development fees.

3 Except as otherwise provided in this chapter, the Clovis development fees, which are set forth in
4 the schedule of fees for this chapter, shall be charged by the county on behalf of Clovis for any
5 discretionary development application submitted to the county after the effective date of this chapter,
6 and to be approved by the county, with respect to any development project within the Clovis SOI, as
7 follows:

8 (i) the Clovis development fees set forth in the schedule of fees for this chapter shall be a
9 requirement for the county's approval of any discretionary development application submitted to the
10 county after the effective date of this chapter, with respect to any development project within the Clovis
11 SOI; and

12 (ii) the Clovis development fees shall be collected by the county on behalf of Clovis with respect
13 to such development project, and shall be due and paid in full pursuant to the provisions of this chapter
14 either at the time of the county's final map approval, or at the time of county's issuance of building
15 permits, with respect to such development project, provided however, the county instead may require
16 the applicant for any such discretionary development application to the county:

17 (a) to present a voucher issued by Clovis evidencing the full payment of the Clovis
18 development fees, pursuant to this chapter, directly to Clovis, or

19 (b) to present written confirmation by Clovis that the Clovis development fees are inapplicable to
20 such discretionary development application to the county.

21 The specific applicable amounts of the Clovis development fees shall be determined by using
22 the then-current schedule of fees for this chapter as of the date that the Clovis development fees are
23 collected.

24 The county shall transfer any Clovis development fees collected by the county to Clovis not later
25 than the fifteenth (15th) calendar day following the end of each calendar quarter.

26 Section 17.92.050. Amendments to this chapter.

27 The Board is authorized to make any revisions, from time to time, to any provisions of this
28 chapter by an amendment to this chapter, including, by way of example, and not as a limitation, the

1 schedule of fees for this chapter. This chapter and any subsequent amendments to this chapter shall
2 be read together.

3 Section 17.92.060. Severability.

4 If any provision of this chapter, or its application to any person or entity, or to any
5 circumstances, shall be held invalid or unenforceable by a court of competent jurisdiction, the
6 remainder of this chapter shall not be affected; the provisions of this chapter are intended to be
7 severable. Subject to the foregoing provisions of this section, if the amount of any Clovis development
8 fees payable under this chapter are held by a court of competent jurisdiction to be unlawfully excessive,
9 invalid, or unenforceable, in part, the remainder of the Clovis development fees shall nonetheless be
10 due and payable pursuant to the provisions of this chapter.

11 Section 17.92.080. Director's administration of this chapter.

12 The Director, or his or her designee, will administer this chapter for the county.

13 Section 2: This chapter shall be effective sixty (60) calendar days following the board's adoption
14 of this chapter.

15 Within fifteen (15) calendar days after the board's adoption of this chapter, a summary of this
16 chapter, with the names of the those supervisors of the board voting for and against the same, shall be
17 published once in a newspaper of general circulation, printed and published in Fresno County, and the
18 clerk to the board shall post in the office of the clerk to the board a certified copy of the full text of this
19 adopted chapter along with the names of those supervisors voting for and against this chapter.

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1 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 8th day of January 2019, to wit:

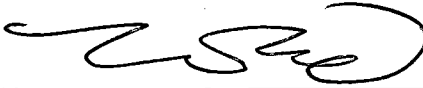
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4 AYES: Supervisors Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

8 VACANT: District 2

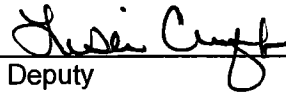


Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

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12 **ATTEST:**

Bernice E. Seidel
13 Clerk of the Board of Supervisors
14 County of Fresno, State of California

15 BY


Deputy

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18 FILE # 18-1405

19 AGENDA # 46

20 ORDINANCE # 19-003
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