

**AGREEMENT FOR PAYMENT OF SERVICES  
PROVIDED BY CITY OF ORLAND**

Applicant agree(s) to pay to the City of Orland all reimbursable costs, both direct and indirect, incurred by the City in providing City services associated with review of the subject property or proposed development project located at:

\_\_\_\_\_ [Location, Address or Assessor's Parcel Number(s)]

Services requested by Applicant: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Reimbursable costs include, but are not limited to all items within the scope of the City's adopted Cost Recovery Program (Resolution No. 2008-26). The Applicant will be billed for the full cost of staff time (including City-retained contractors/consultants) and materials. Hourly rates are established by the City of Orland Finance Director.

The property owner(s) and/or applicant(s) by signing this application, shall be deemed to have agreed to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions (collectively, the "Indemnified Parties") from any claim, action, or proceeding brought against any of the foregoing individuals or entities by a third party, the purpose of which is to attack, set aside, void, or null the approval of this development entitlement or approval or certification of the environmental document which accompanies it (collectively, the "Entitlements") or to obtain damages relating to such action(s).

Name of Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

\_\_\_\_\_

Signature of Property Owner/Applicant

Date: \_\_\_\_\_

Or

\_\_\_\_\_  
Signature of Authorized Agent

Date: \_\_\_\_\_

**NOTIFICATION TO PUBLIC  
FOR  
CITY OF ORLAND  
ESTABLISHING CHARGES FOR  
COST RECOVERY FOR CERTAIN CITY SERVICES**

On September 15, 2008, the Orland City Council adopted Resolution No. 2008-26 and updated on September 7, 2010 by Resolution No. 2010-20 establishing charges for cost recovery for certain City Services. See attached Resolutions and Exhibits:

- Resolution No. 2008-26;
- Resolution No. 2010-20; and
- Exhibit "A" (City of Orland Development Applications and Fees).

**MEMORANDUM**

August 27, 2010

From: City Manager   
To: Mayor, Vice-Mayor and Council members

RE: Update of Cost Recovery Charges

The Cost Recovery is very important and was implemented in a manner in which the taxpayer is not burdened with the cost of businesses coming to Orland. Cost Recovery fees ensure that businesses pay their fair share of the city's time.

Mayor Elliott and Vice-Mayor Paschal as well as several Economic Development Commission members had requested that the Cost Recovery fees be reviewed. The Cost Recovery fees were implemented in September 2008 by the City Council and had not been reviewed for almost two years.

Finance Director Daryl Brock, Director of Community Services Nancy Sailsbery and myself reviewed the current Cost Recovery fees. While reviewing the fees it was determined that a review of the fees are needed to be accomplished each year at the same time the Assessment Districts and Impact Fees are reviewed.

Cost Recovery fees utilize salary, benefits and departmental budgets to determine fee charges. Due to the fluctuating costs of all three areas, again, Cost Recovery fees need to be reviewed annually after a preliminary budget has been determined.

There are several reasons for the large reduction in Cost Recovery fees; benefit costs have been reduced, such as the employees are paying their own share of PERS; employee health care cost has been reduced; and finally the budget have been reduces from \$3.4 million to \$2.7 million.

RESOLUTION NO. 2010 - 20

**A RESOLUTION OF THE ORLAND CITY COUNCIL ESTABLISHING CHARGES  
FOR COST RECOVERY FOR CERTAIN CITY SERVICES**

WHEREAS, the Orland City Council has previously established fees and charges for City services, with the intent of recovering the City's actual and reasonable costs to provide such services, by means of adoption of Resolution 2008-26, on September 15, 2008; and,

WHEREAS, the hourly rates attached as Exhibit "A" herein identifies the actual hourly costs that the City incurs in providing certain City services; and

WHEREAS, the hourly rates attached as Exhibit "A" herein would recover the full, lawfully-recoverable costs incurred by the City in providing City services once the initial deposit is expended; and

WHEREAS, the hourly rates attached as Exhibit "A" herein adopted by this Resolution do not violate Article XIII D of the California Constitution; and

WHEREAS, in accordance with Government Code Section 50076, fees that do not exceed the reasonable cost of providing the service or regulatory activity for which the fees are charged and which are not levied for general revenue purposes are not special taxes as defined in Article 3.5 of the Government Code; and

WHEREAS, in accordance with Government Code Section 66014, local agency fees for: zoning, variances, use permits, building inspections, building permits, filing and processing applications and petitions filed with the local agency formation commission or conducting proceedings filed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq.*), processing maps under the Subdivision Map Act (Government Code Section 66410 *et seq.*), or planning services shall not exceed the estimated reasonable cost of providing the service for which the fee is charged; and

WHEREAS, in accordance with Government Code Section 65104, fees to support the work of planning agencies shall not exceed the reasonable cost of providing the service for which the fee is charged; and

WHEREAS, in accordance with Government Code Section 65456, legislative bodies may, after adopting a specific plan, impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan, and such fees shall, in the aggregate, defray but not exceed the cost of preparation, adoption and administration of the specific plan; and

WHEREAS, in accordance with Government Code Section 85909.5, reasonable city fees

for the processing of use permits, zoning variances, or zone changes shall not exceed the amount reasonably required to administer the processing of such permits, zone variances or changes; and

WHEREAS, in accordance with Government Code Section 66451.2, reasonable local agency fees for the processing of tentative, final and parcel maps shall not exceed the amount reasonably required by the agency; and

WHEREAS, in accordance with Health and Safety Code Section 17951, city governing bodies may prescribe fees for permits, certificates or other documents required or authorized concerning implementation and enforcement of the California Building Code, and such fees shall not exceed the amount reasonably required to administer or process those permits, certificates, or other forms or documents, and shall not be levied for general revenue purposes; and

WHEREAS, in accordance with Health and Safety Code Section 19132.3, city governing bodies may adopt fees for filing building permit applications, and such fees shall not exceed the amount reasonably required for the local enforcement agency to issue such permits, and shall not be levied for general revenue purposes; and

WHEREAS, in accordance with Health and Safety Code Section 19852, city governing bodies may prescribe such fees as will pay the expenses incurred by the building department in maintaining the official copy of the plans of buildings for which building permits have been issued, but such fees shall not exceed the amount reasonably required in maintaining the official copy of the plans for which building permits have been issued; and

WHEREAS, fees adopted pursuant to Government Code Sections 66014, 65104, 65456, 65909.5, and 66451.2, and Health and Safety Code Sections 17951, 19132.3, and 19852, are to be imposed pursuant to Section 66016 of the Government Code, which imposes certain procedural requirements.

## FINDINGS

- A. The purpose of the charges set forth in Exhibit "A" of this Resolution is to recover up to the full, lawfully recoverable costs incurred by the City in providing various City services, and such rates not levied for general revenue purposes.
- B. After consideration of the information presented by staff, and upon further discussion by the City Council, the Orland City Council approves and adopts the Resolution with Exhibit "A" attached herein; and
- C. Adoption of the hourly rates as set forth in Exhibit "A" of this Resolution is intended to recover costs necessary to maintain such services within the City and will be used to maintain current service levels. As such, such rates as they relate to provision of development related services within the City are not a "project" within

the meaning of the California Environmental Quality Act or CEQA (Public Resources Code Section 21080(b)(8)(D)).

- D. In adopting the hourly rates attached as Exhibit “A” of this Resolution establishes that these rates are those actual costs incurred by the City in providing City services and are reasonable estimates of the cost of providing such services and are necessary to recover the reasonable, estimated cost of providing such services.

### **ADOPTION OF FEES**

NOW THEREFORE, the Orland City Council does resolve as follows:

Section 1. Adoption of hourly rates: The hourly rates as set forth in Exhibit “A” of this Resolution are hereby directed to be computed by and applied by the various City departments, and to be collected by the City of Orland when services are provided by the City or its designated contractors/consultants.

Section 2. Deposits Plus Staff Time and Materials: This means that any applicant/developer will be billed for the full cost of processing the application based on staff time (including City-retained contractors/consultants) and materials over and above the amount of the initial deposit. Hourly rates shall be fully burdened and be determined by regular work rates established by the City of Orland Finance Director for the given fiscal year(s) in which the application is processed. For applications requesting multiple entitlements, the initial deposit shall be the sum of the individual amounts.

Section 3. Full Cost Recovery Applications: This includes a deposit amount of the current application fee and the actual costs of the staff time and required material and as may be revised annually.

Section 4. Annual Cost Increases: The Finance Director shall increase fees on July 1<sup>st</sup> of each year by the increase in the actual employee costs and administrative charges.

Section 5. Use of Cost Recovery Charges Revenue: The revenues raised by payment of the hourly rates established by this Resolution shall be used to fund the estimated reasonable cost of providing the services for which the rates are charged, and the revenues from such charges shall not be used for general revenue purposes.

Section 6. Analysis and Revision: The hourly rates set forth in Exhibit “A” of this Resolution herein are adopted and implemented by the Orland City Council in reliance on the cost estimates provided by the Department of Finance. When additional information is available, the City Council may review the charges to determine that the amounts do not exceed the estimated reasonable cost of providing the services.

Section 7. Effective Date: This Resolution shall become effective immediately. In accordance

with Government Code Section 66017, the hourly rates established herein shall be effective 60 days from the effective date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Orland City Council adopts the hourly rates for cost recovery as set forth in this Resolution, attached hereto as Exhibit "A."

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately and shall supersede any previously adopted resolutions and/or other actions and any and all conflicting resolutions and/or other actions are hereby rescinded.

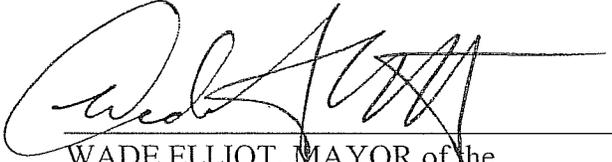
THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED by the Orland City Council at a regular meeting on this 7th day of September, 2010, by the following vote:

AYES: Councilmembers Barr, Olney, Roundy, Paschall and Mayor Elliott

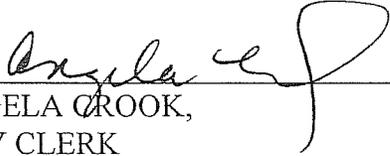
NOES: None

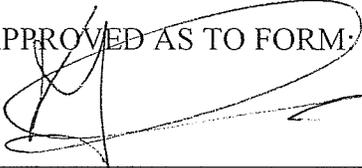
ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
WADE ELLIOT, MAYOR of the  
CITY OF ORLAND

ATTEST:

  
\_\_\_\_\_  
ANGELA CROOK,  
CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
THOMAS N. ANDREWS,  
CITY ATTORNEY

CODIFY \_\_\_\_\_

UNCODIFY \_\_\_\_\_

EXHIBIT "A"

City of Orland  
Employee Cost Recovery Costs  
For the Year Ending June 30, 2011

	City Manger	Assistant City Manager	Community Services Director	Building Inspector	Building Department Clerk	Public Works Director	Public Work Secretary	Front Office Clerical
Base Wages	\$ 80,000	\$ 49,322	\$ 80,005	\$ 60,796	\$ 17,285	\$ 76,383	\$ 42,462	\$ 28,222
Workers Compensation	2,800	1,726	2,800	2,140	608	6,729	3,741	2,515
Vehicle Allowance	2,000	0	0	0	0	0	0	0
Deferred Compensation	0	6,547	6,547	0	0	0	0	0
Medical Insurance	6,351	0	0	13,796	0	13,796	16,486	7,511
Life Insurance	198	198	198	198	198	198	198	198
Employer's PERS	16,899	10,419	16,900	12,843	3,651	16,135	8,970	5,962
Employer's FICA	6,120	3,773	6,120	4,651	1,322	5,843	3,248	2,159
Employer's CA UI	400	247	400	304	86	382	212	141
<b>Total Wages and Benefits</b>	<b>114,769</b>	<b>72,232</b>	<b>112,971</b>	<b>94,727</b>	<b>23,151</b>	<b>119,466</b>	<b>75,318</b>	<b>46,708</b>
Annual Hours	2,080	2,080	2,080	2,080	2,080	2,080	2,080	2,080
Hourly Wages and Benefits	\$ 55.18	\$ 34.73	\$ 54.31	\$ 45.54	\$ 11.13	\$ 57.44	\$ 36.21	\$ 22.46
Dept & Gen & Admin Exp Allocation:								
Planning - 1 emp			36,465					
Building Dept - 3 emp			27,967	27,967	27,967			
Streets - 5 emp						1,089	1,089	0
Park Main - 4 emp						6,556	6,556	0
Water Ent - 9 emp						37,740	37,740	37,740
Sewer Ent - 9 emp						17,503	17,503	17,503
Industrial Ent - 5 emp						3,522	3,522	3,522
	0	0	64,432	27,967	27,967	66,410	66,410	58,765
Annual Hours	2,080	2,080	2,080	2,080	2,080	2,080	2,080	2,080
Hourly Dept & G&A Exp	0	0	\$ 30.98	\$ 13.45	\$ 13.45	\$ 31.93	\$ 31.93	\$ 28.25
Total Wages & Allocated	\$ 55.18	\$ 34.73	\$ 85.29	\$ 58.99	\$ 24.58	\$ 89.36	\$ 68.14	\$ 50.71

**City of Orland**  
**General and Enterprise Funds Budgeted Expenditure Allocation**  
For the Year Ending June 30, 2011

Fund Number	Department	Operating Expenses	Leases and Capital Expenditures	Administrative Expense Allocation	Balance after Allocation
<b>Administrative Departments</b>					
5010	City Council	27,586	0	(27,586)	0
5050	City Manager	18,056	0	(18,056)	0
5020	City Clerk	18,674	0	(18,674)	0
5030	Finance	94,229	0	(94,229)	0
5040	Legal	41,853	0	(41,853)	0
5160	Engineering	23,267	0	(23,267)	0
5190	Building Maintenance	30,135	0	(30,135)	0
<b>General Fund Departments</b>					
5060	Planning	29,221	0	7,244	36,465
5110	Public Safety	339,133	6,000	85,556	430,689
5120	Fire	51,600	0	12,791	64,391
5200	Library	26,424	0	6,550	32,974
5260	Recreation/Swimming Pool	55,531	5,000	15,005	75,536
6220	Grants	5,775	0	1,432	7,207
<b>General Fund - Public Works</b>					
5170	Street and Storm Drains	4,364	0	1,082	5,446
5250	Park Maintenance	21,015	0	5,209	26,224
	<b>SUBTOTAL</b>	<u>786,863</u>	<u>11,000</u>	<u>(118,931)</u>	<u>678,932</u>
<b>Enterprise Funds</b>					
5070	Building Official/Inspector	67,234	0	16,667	83,901
5300	Water Enterprise	234,982	37,208	67,474	339,664
5400	Sewer Enterprise	105,087	21,144	31,292	157,523
5440	Industrial Sewer	14,115	0	3,499	17,614
	<b>SUBTOTAL</b>	<u>421,418</u>	<u>58,352</u>	<u>118,931</u>	<u>598,701</u>
	<b>TOTALS</b>	<u>1,208,281</u>	<u>69,352</u>	<u>0</u>	<u>1,277,633</u>

RESOLUTION NO. 2008 - 26

**A RESOLUTION OF THE ORLAND CITY COUNCIL ESTABLISHING CHARGES FOR COST RECOVERY FOR CERTAIN CITY SERVICES**

WHEREAS, the Orland City Council has previously established fees and charges for City services, with the intent of recovering the City's actual and reasonable costs to provide such services; and,

WHEREAS, the fee schedule attached as Exhibit "A" identifies the current processing fees charged for processing development projects; and

WHEREAS, the processing fees attached as Exhibit "A" would be considered a deposit with adoption of this Resolution; and

WHEREAS, the hourly rates attached as Exhibit "B" herein identifies the actual hourly costs that the City incurs in providing certain City services; and

WHEREAS, the hourly rates attached as Exhibit "B" herein would recover the full, lawfully-recoverable costs incurred by the City in providing City services once the initial deposit is expended; and

WHEREAS, the hourly rates attached as Exhibit "B" herein adopted by this Resolution do not violate Article XIII D of the California Constitution; and

WHEREAS, in accordance with Government Code Section 50076, fees that do not exceed the reasonable cost of providing the service or regulatory activity for which the fees are charged and which are not levied for general revenue purposes are not special taxes as defined in Article 3.5 of the Government Code; and

WHEREAS, in accordance with Government Code Section 66014, local agency fees for: zoning variances, use permits, building inspections, building permits, filing and processing applications and petitions filed with the local agency formation commission or conducting proceedings filed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq.*), processing maps under the Subdivision Map Act (Government Code Section 66410 *et seq.*), or planning services shall not exceed the estimated reasonable cost of providing the service for which the fee is charged; and

WHEREAS, in accordance with Government Code Section 65104, fees to support the work of planning agencies shall not exceed the reasonable cost of providing the service for which the fee is charged; and

WHEREAS, in accordance with Government Code Section 65456, legislative bodies may, after adopting a specific plan, impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan, and such fees shall, in the aggregate, defray but not exceed the cost of preparation, adoption and administration of the specific plan; and

WHEREAS, in accordance with Government Code Section 65909.5, reasonable city fees for the processing of use permits, zoning variances, or zone changes shall not exceed the amount reasonably required to administer the processing of such permits, zone variances or changes; and

WHEREAS, in accordance with Government Code Section 66451.2, reasonable local agency fees for the processing of tentative, final and parcel maps shall not exceed the amount reasonably required by the agency; and

WHEREAS, in accordance with Health and Safety Code Section 17951, city governing bodies may prescribe fees for permits, certificates or other documents required or authorized concerning implementation and enforcement of the California Building Code, and such fees shall not exceed the amount reasonably required to administer or process those permits, certificates, or other forms or documents, and shall not be levied for general revenue purposes; and

WHEREAS, in accordance with Health and Safety Code Section 19132.3, city governing bodies may adopt fees for filing building permit applications, and such fees shall not exceed the amount reasonably required for the local enforcement agency to issue such permits, and shall not be levied for general revenue purposes; and

WHEREAS, in accordance with Health and Safety Code Section 19852, city governing bodies may prescribe such fees as will pay the expenses incurred by the building department in maintaining the official copy of the plans of buildings for which building permits have been issued, but such fees shall not exceed the amount reasonably required in maintaining the official copy of the plans for which building permits have been issued; and

WHEREAS, fees adopted pursuant to Government Code Sections 66014, 65104, 65456, 65909.5, and 66451.2, and Health and Safety Code Sections 17951, 19132.3, and 19852, are to be imposed pursuant to Section 66016 of the Government Code, which imposes certain procedural requirements; and

WHEREAS, in accordance with Government Code Section 66016, all information pertaining to this matter was available for public review and comment for ten (10) days prior to the public hearing at which this Resolution was adopted; and

WHEREAS, ten (10) days advance notice of the public hearing at which this Resolution was adopted was given by publication in accordance with Section 6062a of the Government Code; and

## FINDINGS

WHEREAS, the Orland City Council finds as follows:

- A. The purpose of the charges set forth in Exhibit "B" of this Resolution, upon expenditure of the initial deposit, is to recover up to the full, lawfully recoverable costs incurred by the City in providing various City services, and such rates not levied for general revenue purposes.
- B. After consideration of the testimony received at this noticed public hearing, the Orland City Council approves and adopts the Resolution with Exhibits "A" and "B" attached herein; and

- C. Adoption of the hourly rates as set forth in Exhibit "B" of this Resolution is intended to recover costs necessary to maintain such services within the City and will be used to maintain current service levels. As such, such rates as they relate to provision of development related services within the City are not a "project" within the meaning of the California Environmental Quality Act or CEQA (Public Resources Code Section 21080(b)(8)(D)).
- D. In adopting the hourly rates attached as Exhibit "B" of this Resolution establishes that these rates are those actual costs incurred by the City in providing City services and are reasonable estimates of the cost of providing such services and are necessary to recover the reasonable, estimated cost of providing such services.

### ADOPTION OF FEES

NOW THEREFORE, the Orland City Council does resolve as follows:

Section 1. Adoption of hourly rates: The hourly rates as set forth in Exhibit "B" of this Resolution are hereby directed to be computed by and applied by the various City departments, and to be collected by the City of Orland when services are provided by the City or its designated contractors/consultants.

Section 2. Deposits Plus Staff Time and Materials: This means that any applicant/developer will be billed for the full cost of processing the application based on staff time (including City-retained contractors/consultants) and materials over and above the amount of the initial deposit. Hourly rates shall be fully burdened and be determined by regular work rates established by the City of Orland Finance Director for the given fiscal year(s) in which the application is processed. For applications requesting multiple entitlements, the initial deposit shall be the sum of the individual amounts.

Section 3. Full Cost Recovery Applications: This includes a deposit amount of the current application fee and the actual costs of the staff time and required material and as may be revised annually.

Section 4. Annual Cost Increases: The Finance Director shall increase fees on July 1<sup>st</sup> of each year by the increase in the actual employee costs and administrative charges.

Section 5. Use of Cost Recovery Charges Revenue: The revenues raised by payment of the hourly rates established by this Resolution shall be used to fund the estimated reasonable cost of providing the services for which the rates are charged, and the revenues from such charges shall not be used for general revenue purposes.

Section 6. Analysis and Revision: The hourly rates set forth in Exhibit "B" of this Resolution herein are adopted and implemented by the Orland City Council in reliance on the cost estimates provided by the Department of Finance. When additional information is available, the City Council may review the charges to determine that the amounts do not exceed the estimated reasonable cost of providing the services.

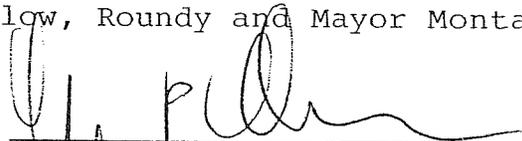
Section 7. Effective Date: This Resolution shall become effective immediately. In accordance with Government Code Section 66017, the hourly rates established herein shall be effective 60 days from the effective date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Orland City Council adopts the current processing fees as initial deposits and adopts the hourly rates for cost recovery upon expenditure of the initial deposit as set forth in this Resolution, attached hereto as Exhibits "A" and "B".

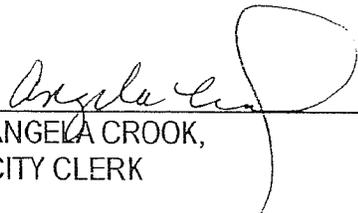
BE IT FURTHER RESOLVED that this Resolution shall be effective immediately and shall supersede any previously adopted resolutions and/or other actions and any and all conflicting resolutions and/or other actions are hereby rescinded.

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED by the Orland City Council at a regular meeting on this 15<sup>th</sup> day of September, 2008, by the following vote:

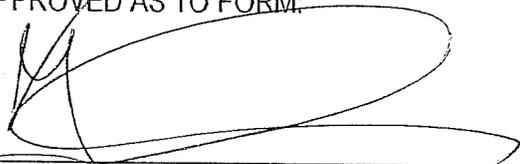
AYES: Councilmembers Olney, Barr, Yalow, Roundy and Mayor Montague  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
VERNON MONTAGUE, MAYOR of the  
CITY OF ORLAND

ATTEST:

  
\_\_\_\_\_  
ANGELA CROOK,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
TOM ANDREWS,  
CITY ATTORNEY

CODIFY \_\_\_\_\_

UNCODIFY \_\_\_\_\_

## EXHIBIT "A"

### CITY OF ORLAND DEVELOPMENT APPLICATIONS AND FEES

• General Plan Amendments	(\$1,430)
• Specific Plans/Amendments	(\$1,430)
• Pre-Zones/Zone Changes	(\$1,416)
• Tentative Subdivision Maps	(\$1,500 + \$15 per lot)
• Tentative Subdivision Map Amendment	(\$1,175)
• Tentative Subdivision Map Extension	(\$870)
• Final Subdivision Map	(\$350 + \$10 per lot)
• Tentative Parcel Map	(\$1,370)
• Tentative Parcel Map Amendment	(\$846)
• Tentative Parcel Map Extension	(\$846)
• Tentative Parcel Map Appeal	(\$350)
• Conditional Use Permits	(\$1,040)
• Conditional Use Permit Amendment	(\$874)
• Conditional Use Permit Extension	(\$874)
• Site Plan Review	(\$390.00)
• Amendment	(\$195.00)
• Annexation/Detachment (City fee only)	(\$2,375) (LAFCo fee is separate)
• Variances	(\$1,285)
• Lot Line Adjustment/Lot Merger	(\$300)
• Certificates of Compliance	(\$300)
• Administrative Use Permits	(\$65)
• Home Occupation	
• Business	
• Appeals	(\$350)
• Planning Clearance Fee (All Building Permits)	(\$50.00)

Note: California Environmental Quality Act (CEQA): Costs are listed separately in each application packet.