

RESOLUTION NUMBER R-300843

ADOPTED ON SEPTEMBER 19, 2005

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE ESTABLISHMENT OF THE  
PUBLIC CONVENIENCE OR NECESSITY FEE FOR  
INCLUSION IN THE RATEBOOK OF CITY FEES AND  
CHARGES MAINTAINED IN THE OFFICE OF THE CITY  
CLERK.

WHEREAS, it is the policy of the City of San Diego to establish fees to recover the costs of providing services in accordance with the City of San Diego Administrative Regulation 95.25; and

WHEREAS, Administrative Regulation 95.25 encourages transferring specific fee schedules listed in the Municipal Code and Council Resolutions to the standardized Ratebook maintained by the City Clerk; and

WHEREAS, each department conducted a full evaluation of the costs and revenues associated with providing City services, in accordance with the California Constitution as well as the State Government Code, which authorize local jurisdictions to impose fees, charges, and rates in order to recover costs associated with provided services and the use of facilities; and

WHEREAS, on June 7, 2005, a public hearing was held by the Council of the City of San Diego at which oral and written presentations were made regarding the new and revised fees; and

WHEREAS, on June 20, 2005, a follow up public hearing was held by the Council of the City of San Diego regarding the revised fees for Mt. Hope Cemetery and a low income fee assistance program for Mt. Hope was presented; and

WHEREAS, on July 25, 2005, the Council of the City of San Diego continued the determination of the Public Convenience or Necessity Fee, the Mount Hope Low Income Fee Assistance Program, and the Volleyball Leagues, Beaches and Bay Areas, Season Reservations Fee, to September 19, 2005; and

WHEREAS, ten days prior to the public hearing held in connection with City Manager's Report No. 05-121 regarding Establishment of New Rates and Fees and Adjustments to Existing Rates and Fees, a notice was made available to the public that included an explanation of the proposed new fees and revisions to existing fees to be considered at the public hearing; and

WHEREAS, Business and Professions Code section 23958.4 authorizes local entities to make "public convenience or necessity" (PCN) determinations for all off-sale liquor licenses and certain on-sale liquor licenses as part of the ABC licensing process; and

WHEREAS, the City of San Diego, in Resolution Number R-294124, delegated to the San Diego Police Department the authority to make "public convenience or necessity" determinations on behalf of the City of San Diego; and

WHEREAS, Resolution Number R-294124 authorized the recovery of costs associated with the determination of "public convenience or necessity"; and

WHEREAS, the San Diego Police Department incurs various costs associated with the determination of "public convenience or necessity"; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the public convenience or necessity fee is hereby adopted for the purpose of recovering the cost of the San Diego Police Department's "public convenience or necessity" determinations.

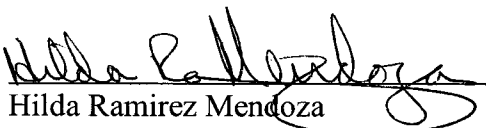
BE IT FURTHER RESOLVED, that the fee for this service shall be two hundred and twenty dollars (\$220), and shall be effective thirty days from and after the passage of this resolution.

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to review the fees annually to ensure that all reasonable costs incurred in providing services are being recovered and to approve fee schedules whenever possible in accordance with the City of San Diego Administrative Regulation 95.25.

BE IT FURTHER RESOLVED, that the Council finds that the establishment or modification of these rates or fees are for the purpose of meeting operating expenses, and not for the funding of capital projects for the expansion of services, and therefore is exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to amend the City Ratebook to include the public convenience or necessity fee of two hundred and twenty dollars (\$220).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Hilda Ramirez Mendoza  
Deputy City Attorney

HRM:cfq  
08/29/2005  
09/21/05 **COR.COPY**  
Or.Dept:CityMgr.  
R-2006-198  
MMS#2209