

RESOLUTION NO. 2078-07

**A RESOLUTION OF THE TOWN OF WINDSOR
ESTABLISHING THE AMOUNT OF LICENSING FEES RELATED TO THE
ADULT-ORIENTED BUSINESSES ORDINANCE**

WHEREAS, the Town Council of the Town of Windsor introduced an ordinance which establishes a licensing framework and performance standards for the establishment and operation of Adult-Oriented Businesses within the Town's boundaries so that the Town may promote the health, safety, and general welfare of the citizens of the Town; and

WHEREAS, the Ordinance authorizes the Town Council to establish the application, investigation, and licensing fee associated with the reasonable costs borne on the Town for providing such services related to the review and issuance of a license; and

WHEREAS, the Town wishes to comply with both the letter and the spirit of Article XIII B 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 of 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, a fee schedule to be paid by those applying for such licenses needs be adopted so that the Town might carry into effect its policies; and

WHEREAS, the nature of the fee and the total amount thereof, which is described on Exhibit "A" attached, is hereby determined to be reasonable in that the amounts thereof are not in excess of the estimated reasonable costs of providing the services for which the fees are proposed to be rendered.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR
DOES RESOLVE AS FOLLOWS:**

Section 1. Charge Schedule Adoption. The fee on Exhibit "A" attached is hereby established and directed to be imposed and to be collected by the Town Police Department for the application, investigation, and licensing of an Adult-Oriented Business and/or employee of an Adult-Oriented Business.

Section 2. Incorporation and Adoption of Findings and Service Cost Analysis. The recitals set forth above are hereby incorporated into this Resolution by this reference and adopted as findings of the Town Council, and after consideration of the Staff Report, the testimony received at the public meeting, and all correspondence received, the Town Council hereby approves and adopts the analysis prepared by Town staff of the application, investigation, and licensing fee for Adult-Oriented Businesses, which analysis is hereby incorporated by this reference into this Resolution.

Section 3. Review. It is the intention of the Town Council to review the fee as determined and set out herein on a periodic basis as well as the Town's costs reasonably borne as established and, as and if warranted, to revise such charges based thereon.

Section 4. Annual Adjustment. The fee in the attached Exhibit "A," shall be adjusted by the Town Manager in June of every year by the percentage increase or decrease in the total cost, including both direct and indirect salary, benefits, and overhead costs of the classification which was used to calculate the fee over or under such cost for the prior June.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

PASSED, APPROVED AND ADOPTED this 20th day of June 2007, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, GOBLE, SALMON AND
MAYOR PRO TEM FUDGE**
NOES: NONE
ABSTAIN: NONE
ABSENT: MAYOR PARKER



DEBORA FUDGE, MAYOR PRO TEM

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachments:
Exhibit "A"

COST OF SERVICE WORKSHEET PAGE 1

ID#

5/24/2007

Name of service: Adult Entertainment - License

Description of service:

Current fee structure:

Costs:	<u>Rate</u>	<u>Position</u>	<u>Description of Work</u>	<u>Hourly Rate</u>	<u>Unit</u>	<u>Unit Cost</u>
<u>Labor costs</u>						
Admin Specialist				43.61	1	43.61
Accounting Tech				38.70	0.25	9.68
						0.00
						0.00
						53.29
<u>Employee benefits</u>						
						0.00
						0.00
						0.00
						0.00
						0.00
						0.00
<u>Other costs</u>						
Attorney				275.00	1	275.00
County - Background Check				40.79	1	40.79
County - Sergeant				77.35	4	309.40
Overhead costs	59.68%					31.80
Total cost						7.25 678.48

Recommended percentage and amount of cost recovery: 99.5% \$ 675.00

Proposed fee structure:

COST OF SERVICE WORKSHEET PAGE 2

ID#

5/24/2007

Name of service: Adult Entertainment - Appeal

Description of service:

Current fee structure:

Costs:	Rate	Position	Description of Work	Hourly Rate	Unit	Unit Cost
<u>Labor costs</u>						
Admin Specialist				43.61	1	43.61
Accounting Tech				38.70	0.25	9.68
Town Manager				98.66	4	394.64
Town Clerk				61.11	2	122.22
						570.15

Employee benefits

0.00
0.00
0.00
0.00
0.00

0.00

Other costs

Attorney				275.00	2	550.00
County - Sergeant				77.35	2	154.70

Overhead costs 59.68% 340.26

Total cost 11.25 1,274.85

Recommended percentage and amount of cost recovery: 99.6% **\$ 1,270.00**

Proposed fee structure: