

**RESOLUTION NO. 2083-07**

**A RESOLUTION OF THE TOWN OF WINDSOR  
ESTABLISHING THE AMOUNT OF AN APPLICATION FEE RELATED TO THE  
MESSAGE ESTABLISHMENTS ORDINANCE**

**WHEREAS**, the Town Council of the Town of Windsor has adopted an ordinance (Ord. No. 2007-219) which establishes regulations to ensure that those offering massage services are qualified and trained and will conduct their work in a lawful and professional manner; and

**WHEREAS**, the Ordinance authorizes the Town Council to establish fees to cover the reasonable costs related to processing of permit applications required under the Ordinance and the costs related to appealing the issuance, suspension, and/or revocation of a permit under the Ordinance; 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 permits and appealing the issuance, suspension, and/or revocation of a permit needs to be adopted so that the Town might carry into effect its policies; and,

**WHEREAS**, the nature of the fees 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 fees on Exhibit "A" attached are hereby established and directed to be imposed and to be collected by the Town Permit Administrator for the processing of permit applications and the costs related to appealing the issuance, suspension, and/or revocation of a permit, in accordance with the Massage Establishments Ordinance.

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 in accordance with the Massage Establishments Ordinance, 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 fees 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 fees 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 fees 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.

The Town Council hereby declares that it would have passed this Resolution and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

**PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July 2007, by the following vote:**

**AYES: COUNCILMEMBERS FUDGE, GOBLE, SALMON AND  
MAYOR PARKER**

**NOES: NONE**

**ABSTAIN: NONE**

**ABSENT: COUNCILMEMBER ALLEN**

  
**WARIN J. PARKER, MAYOR**

**ATTEST:**

  
**MARIA DE LA O, TOWN CLERK**

Attachment:  
Exhibit "A"

**COST OF SERVICE WORKSHEET**  
6/21/2007

Name of service: **Massage - License\*\*\*\*\***

| 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>       |             |                           |                            |                    |             |                      |
| Planning Director        |             |                           |                            | 98.66              | 2           | 197.32               |
| Admin Specialist         |             |                           |                            | 43.61              | 2           | 87.22                |
| Accounting Tech          |             |                           |                            | 38.70              | 0.25        | 9.68                 |
|                          |             |                           |                            |                    |             | 0.00                 |
|                          |             |                           |                            |                    |             | 0.00                 |
|                          |             |                           |                            |                    |             | <u>294.22</u>        |
| <u>Employee benefits</u> |             |                           |                            |                    |             |                      |
|                          |             |                           |                            |                    |             | 0.00                 |
|                          |             |                           |                            |                    |             | 0.00                 |
|                          |             |                           |                            |                    |             | 0.00                 |
|                          |             |                           |                            |                    |             | 0.00                 |
|                          |             |                           |                            |                    |             | 0.00                 |
|                          |             |                           |                            |                    |             | <u>0.00</u>          |
| <u>Other costs</u>       |             |                           |                            |                    |             |                      |
|                          |             | County - Background Check |                            | 40.79              | 1           | 40.79                |
| Total cost               |             |                           |                            |                    |             | <u><u>335.01</u></u> |

Proposed fee structure: \*\*\*\*\* **\$335.00**

\*\*\*\*\*After two years of continuous operation and conformance with permit ordinance provisions, the annual renewal fee will be reduced to \$95.00 for the owner/operator and employees.