

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

448



April 26, 2004

FROM: Transportation and Land Management Agency

SUBJECT: Amendment to Ordinance 749, Relating to a Surcharge Applied to All Fees Collected Under Ordinances 457 and 671

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce proposed Ordinance 749.1; and
2. Set proposed Ordinance No. 749.1 for public hearing on June 8, 2004, at 9:30 a.m. with possible adoption thereafter, and direct the Clerk to publish notice of the hearing.

BACKGROUND: On March 9, 2004, the Board approved the purchase of a replacement Land Management System (LMS) for TLMA. As part of the recommended motion, the Board directed that an amendment to Ordinance No.749, the Land Management Fee Surcharge Ordinance, be prepared which would revise the maximum percent surcharge amount from the current 1.5% to the proposed 2% for all fees under Ordinances 457 and 671. This surcharge adjustment is necessary in order to help pay for the replacement system. This proposed surcharge increase was reviewed with the Building Industry Association (BIA) and has received favorable comment.

The attached ordinance amendment makes the proposed surcharge change, along with some minor language amendments which include the allowance of surcharge expenditure on ongoing systems maintenance costs.

Richard Lashbrook

Richard Lashbrook, Director
Transportation and Land Management Agency

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Kevin G. Smith

FISCAL PROCEDURES APPROVED
 ROBERT E. BYRNE, Auditor-Controller
 BY *Robert E. Byrne*
 Deputy

Departmental Concurrence

Dept't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: Item 3.33,3/9/2004 | **District:** All | **Agenda Number:**

3.31

1 ORDINANCE NO. 749.1

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE ESTABLISHING
4 A SURCHARGE TO APPLY TO ALL FEES AND CHARGES COLLECTED
5 UNDER ORDINANCE NO. 457 RELATING TO BUILDING REQUIREMENTS AND
6 ORDINANCE NO. 671 RELATING TO CONSOLIDATED
7 FEES FOR LAND USE AND RELATED FUNCTIONS
8

9 The Board of Supervisors of the County of Riverside ordains as follows:

10
11 **Section 1. TITLE.** This ordinance shall be known as the Land Management System Fee
12 Surcharge Ordinance.

13 **Section 2. PURPOSE.** This ordinance establishes a fee Surcharge that is to be applied to all other
14 fees or charges under the authority of Riverside County Ordinance Nos. 457 and 671. The Surcharge shall
15 be utilized to support necessary software and hardware lease payments, communications, and systems
16 maintenance costs for the "Land Management System" or "LMS".

17 **Section 3. AUTHORITY.** This ordinance is authorized and enacted under the provisions of
18 Government Code Section 66014 et seq.

19 **Section 4. FINDINGS.** In enacting this ordinance, the Board of Supervisors finds and determines:

- 20 (a) The LMS is necessary for the accurate and efficient processing and accounting of property
21 development related entitlements and permits, and fees or charges thereon, within Riverside
22 County.
- 23 (b) The Surcharge established herein is a reasonable means of providing partial payment for the
24 LMS.
- 25

1 (c) The Surcharge, in combination with all other fees and charges to which it is applied, does
2 not exceed the estimated reasonable cost of providing the services for which the Surcharge
3 and fees are charged.

4 (d) The Surcharge is a proper element of the cost of providing services under the authority of
5 Riverside County Land Development Ordinances, Ordinance Nos. 457 and 671, and those
6 other ordinances, resolutions, and rules mentioned therein, pursuant to federal Office of
7 Management and Budget Circular A-87.

8 **Section 5. AMOUNT AND APPLICATION OF THE SURCHARGE.** It is hereby established that
9 a surcharge in the amount of two percent (2.0 %) ("Surcharge") shall be applied and charged against each
10 and every fee or charge due on and after the date that this ordinance takes effect and collected under the
11 authority of Ordinance Nos. 457 and 671 as then in effect and as from time to time amended thereafter.

12 **Section 6. ACCOUNTING AND ADMINISTRATION.** The Surcharge shall be computed and
13 collected, or refunded when otherwise indicated, at the time that payment or refund of any fee or charge
14 under authority of Ordinance Nos. 457 and 671 is made to or by the County of Riverside. The Surcharge
15 shall be deposited and maintained in a separate account established through the County Auditor-Controller.
16 An annual accounting of the amount of Surcharge collected and appropriated from year to year, and a report
17 of the LMS payment progress and status to date, shall be made and presented to the Board of Supervisors in
18 concert with the County's annual budget. When the need for the Surcharge has become materially changed
19 or satisfied, the TLMA shall so notify the Board of Supervisors and make its recommendation as to whether
20 this ordinance should be amended or repealed.

21 **Section 7. SEVERABILITY.** If any provision, clause, sentence, or paragraph of this ordinance, or
22 the application thereof to any person, entity, or circumstances, shall be held invalid, such invalidity shall not
23 affect the other remaining provisions of this ordinance which can be given effect without the invalid
24 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
25 severable.

Section 8. EFFECTIVE DATE. This ordinance shall take effect 60 days after adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

BY _____

Chairman

FORM APPROVED
COUNTY COUNSEL

APR 06 2004

BY 
ASSISTANT COUNTY COUNSEL

ATTEST:

GERALD A. MALONEY

Clerk of the Board

BY _____

Deputy

(SEAL)