

RESOLUTION NO. 2011-629

Adopted by the Sacramento City Council

November 22, 2011

ESTABLISHING APPLICATION AND ANNUAL FEES FOR SPECIAL ACCESS PERMITS IN CITY PARKS

BACKGROUND

- A. On November 22, 2011, the City Council enacted Ordinance No. 2011-050, thereby adding Article VII, Sections 12.72.300 through 12.72.400 to the Sacramento City Code. Sections 12.72.330 and 12.72.340 authorize the City Council to establish by Resolution an initial and renewal application fee and an annual fee for a permit allowing special access by private patrol operators and their security guards into City parks.
- B. The proposed fees for initial and renewal applications and for annual permits are set forth in Exhibit A.
- C. The amount of the proposed fees is no more than necessary to cover the City's reasonable costs to review the initial and renewal applications, receive updates to security guard records during the term of an annual permit, review and respond to incident reports during the term of an annual permit and otherwise administer and enforce Article VII. In addition, the manner in which the costs are allocated to the permittees bears a reasonable relationship to each permittee's burdens on, or benefits received from, the City.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City of Sacramento Fees and Charges Report, Parks and Recreation Department, is hereby amended, as set forth in Exhibit A, to establish the fees authorized by Sections 12.72.330 and 12.72.340 of the Sacramento City Code.
- Section 2. The City Manager or designee is authorized to adjust the operating revenue and expense budgets as necessary.
- Section 3. The fees described in Section 1 are attached as Exhibit A and made a part of this Resolution.

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Exhibit A - Fees for special access permits

Adopted by the City of Sacramento City Council on November 22, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmember McCarty.

Attest:


Shirley Concolino, City Clerk

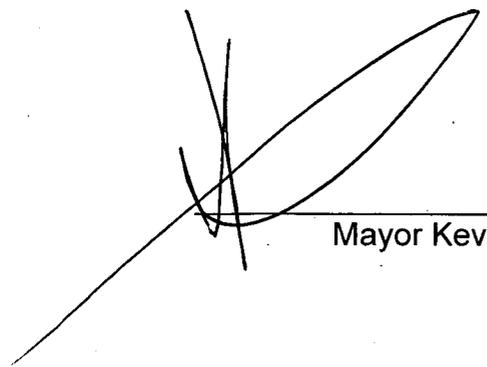

Mayor Kevin Johnson

Exhibit A

Fee Name: Special Access Permits for Private Patrol Operators in City Parks

Current Fee: None

Proposed Fees:

Initial Application Fee	\$ 112
Renewal Application Fee	\$ 56
Annual Fee	\$ 672

Justification: The fees recover 100% of estimated costs for reviewing permit applications and administering and enforcing the permit regulations during the one-year permit period.

Reviewing initial and renewal permit applications includes reviewing the applicant's private patrol service license, reviewing the pocket identification cards issued by the State to the applicant and its security guards, reviewing the security guards' firearms qualifications cards, verifying with the Police Department that the applicant and its security guards are all registered as required under City Code Section 5.100.020, reviewing the applicant's business operations tax certificate, reviewing the applicant's certificates of insurance, reviewing the applicant's contract to provide private patrol service within the vicinity of one or more City parks, reviewing the map of the territory to be patrolled by the applicant's security guards, reviewing the names and locations of and the special access requested for the park(s) to which the applicant requests special access, and creating conditions of approval applicable to the specific special access requested and the specific parks for which special access is requested.

The annual fee covers staff time spent reviewing regular reports submitted by the applicant, reviewing and investigating incident reports submitted by the applicant, determining whether the conditions of approval are being followed, reviewing and investigating incident reports submitted by police officers, park safety rangers, park users and/or neighborhood residents about the conduct of the applicant and its security guards in City parks, and conducting any necessary field inspections to view the applicant's security guards in operation.

The fees are calculated at the hourly rate of \$56. It is estimated that an initial application will require two hours of staff time ($2 \times \$56 = \112), a renewal application will require one hour of staff time ($1 \times \$56 = \56) and administering and enforcing the permit regulations during the one-year permit period will require one hour per month or twelve hours per year ($12 \times \$56 = \672).

Proposition 26: These fees are not "taxes" under section 1, subdivision (e), article XIII C of the California Constitution, as they are within the exception set out in subdivision (e)(3) of that section. The fees recoup not more than 100% of the Department's actual

cost of issuing the permits and/or administering and enforcing the permit regulations. No fee waivers are provided and the Department's costs are allocated equally to the private patrol operators who apply for initial and renewal permits.