

Attachment D
Resolution No. 24-012

RESOLUTION NO. 24-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, ADOPTING A BUSINESS LICENSE FEE REDUCTION POLICY FOR FIRST-TIME APPLICANTS FOR SIDEWALK VENDING AND MOBILE VEHICLE VENDING LICENSES

WHEREAS, on February 20, 2024, following a duly noticed public hearing, the City Council of the City of Victorville (the “**City**”) passed Resolution No. 24-010, approving a Minor User Fee Study and adopting an amendment to the City’s Master User Fee Schedule to add certain new business license User Fees to implement Ordinance No. 2449 (hereinafter the “**Vendor Code**”); and

WHEREAS, the Vendor Code establishes new business licensing requirements and regulations applicable to Sidewalk Vendors and Mobile Vehicle Vendors; and

WHEREAS, said Minor Fee Study was performed by NBS Government Finance Group (NBS) and established updated maximum fees for the new vendor classifications; and

WHEREAS, the City has compared the maximum fees established through the adoption of Resolution No. 24-010 and collected feedback from various stakeholders as to the potential impact of such increased User Fees on the affected vendors; and

WHEREAS, there is no requirement to implement fees at the maximum rate determined through the Minor Fee Study and it is within the discretion of the City Council to establish fees at amounts less than the specified maximum to further the strategic goals of the City; and

WHEREAS, California Senate Bills 946 and 972 sought, among other things, to promote entrepreneurship and support immigrant and low-income communities by requiring local agencies to regulate sidewalk vending activities and compact mobile food operations in accordance with the provisions of those bills and further required that such regulations be enforced with civil fines instead of criminal penalties; and

WHEREAS, in line with the spirit of these bills, City staff is proposing adoption of a Council Policy (“**CP No. 24-01**”) to provide for a fee reduction to promote the initial licensing of Sidewalk and Mobile Vehicle Vendors; and

WHEREAS, CP No. 24-01 was presented for review and consideration for adoption by the City Council at a duly noticed public hearing held on February 20, 2024, together with the Vendor Code, with the intent of incentivizing and encouraging the specified vendors to obtain City business licenses and such other governmental permits/licenses as may be required by State and County laws, thereby increasing compliance within the City limits and reducing the need for Code Enforcement measures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the recitals set forth above are true and correct and are incorporated into this Resolution by reference together with any definitions and findings set forth therein.

SECTION 2. That the City Council has reviewed and hereby adopts City Council Policy No. CP 24-01, attached hereto as Exhibit A and incorporated herein by this reference, to provide for the reduction of certain vendor business licensing fees as set forth in said attached policy.

SECTION 3. That this Resolution shall take effect immediately upon its adoption. However, CP No. 24-01 shall not be in force or effective until the date that the new Vendor Code (Ordinance No. 2449) has been adopted and subsequently becomes effective.

SECTION 4. That the City Council finds that the setting or revising of fees pursuant to this Resolution is exempt from environmental review under the California Environmental Quality Act ("CEQA"), pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the CEQA Guidelines, which provide an exemption for the establishment or modification of charges by public agencies that the public agency finds are for the purpose of meeting operating expenses. Based on the record as a whole, the establishment or modification of fees or other charges pursuant to this Resolution is entirely for the purpose of meeting operating expenses in that none of the recommended fees or fee increase would recover more than 100% of the cost incurred by the City to deliver the service provided.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions; and shall make a minute of passage and adoption thereof in the records of the proceedings, in the minutes of the meeting at which this Resolution is passed and adopted.

Exhibit A

CP-24-01

**City of Victorville
Council Policy**

SUBJECT:	Policy No. CP-24-01
Sidewalk and Mobile Vehicle Vendor Business License Fee Reduction	Adopted: February 20, 2024 Effective: _____

I. Purpose

California Senate Bills 946 and 972 (SB 946 and SB 972 respectively) sought, among other things, to promote entrepreneurship and support immigrant and low-income communities by requiring local agencies to regulate sidewalk vending activities and compact mobile food operations in accordance with the provisions of those bills and further required that such regulations be enforced with civil fines instead of criminal penalties.

In line with the spirit of SB 946 and SB 972, the purpose of this policy is to establish a one-time, percentage-based fee reduction for first-time applicants for Sidewalk Vendor and Mobile Vehicle Vendor business licenses, which licenses are required to operate in the City upon the effective date of City Ordinance No. 2449 (the “**Vendor Code**”). The percentage reduction is intended as a means of incentivizing and encouraging the specified vendors to obtain licenses, thereby increasing compliance within the City’s limits and reducing the need for Code Enforcement measures.

II. Applicability, Calculation, and Implementation

The fee percentage reductions shall apply only to the vendor license types specified in this policy and listed in the table below. Such fee reductions shall only apply to first-time (new) license applications. The percentage fee reductions shall be in accordance with the Master User Fee Schedule, which was amended by the adoption of Resolution No. 24-010, to add two new vendor license categories which are consistent with the City’s Vendor Code and which shall be applicable upon the effective date of said Vendor Code.

The fee percentage reduction will be calculated based upon the amount of the full license application fee that is specified in the Master User Fee Schedule in effect at the time a vendor submits his/her/its first application for a license. The percentage rates of reduction shall be as follows:

Vendor License Category/Type	Current NBS Recommended Fee (Full Cost Recovery Amount)	Reduction Percentage	Resulting Fee (based on Current NBS Recommended Fee Amount)
Mobile/Single Location Sidewalk or Mobile Vehicle Vendor (operating at pre-approved location)	\$439.00	50%	\$219.50
Mobile/Single Location Sidewalk or Mobile Vehicle Vendor (seeking approval of new location)	\$499.00	50%	\$249.50

III. Annual Cost Adjustment

Fees within these categories will be subject to the same annual adjustments, based on the Consumer Price Index, as are other User Fees in the Master User Fee Schedule adopted by the City Council.

IV. Fee Collection

The fee percentage reduction will be credited against the full license fee due at the time the application for a new license is submitted to the City and vendor applicant shall pay only the reduced balance due with his/her/its application submission.

V. Forfeiture of Reduction

The fee reduction provided by this policy will be forfeited by any vendor who is issued an Administrative Citation by the City for violations of the Vendor Code during his/her/its first year of operation, unless such Administrative Citation is successfully appealed.

Upon issuance of an Administrative Citation, and absent a successful appeal, the reduced fee amount will be re-assessed to the business license account of the vendor so cited. The vendor would then be required to pay such re-assessed fee amount not later than the date on when the vendor's annual business license renewal fee is due.