

USER FEE COST RECOVERY

City Council Procedure #CC-22-025

Adopted August 23, 2022

Resolution No. 6768



Purpose

A clear User Fee Cost Recovery Policy will allow the City of Menlo Park to provide an ongoing, sound basis for setting fees that allows charges and fees to be periodically reviewed and updated based on predetermined, researched and supportable criteria that can be made available to the public.

Background

In 2005 the *Your City/Your Decision* community driven budget process provided community direction and initial information on approaches to cost recovery of services. In 2007, the Cost Allocation Plan provided further basis for development of a standardized allocation system by providing a methodology for data-based distribution of administrative and other overhead charges to programs and services. The Cost of Services Study completed in 2008 allowed the determination of the full cost of providing each service for which a fee is charged and laid the final groundwork needed for development of a values-based and data-driven User Fee Cost Recovery Policy. A draft User Fee Cost Recovery Policy was presented for consideration by the Council at a Study Session on February 10, 2009. Comments and direction from the Study Session were used to prepare this Fiscal Policy.

Policy

The policy has three main components:

1. Provision for ongoing review
2. Process of establishing cost recovery levels
 - Factors to be Considered
3. Target Cost Recovery Levels
 - Social Services and Recreation Programs
 - Development Review Services
 - Public Works – Engineering Transportation, and Maintenance
 - Public Safety – Police Services
 - Library Services
 - Administrative Services

Provision for ongoing review

Fees will be reviewed at least annually in order to keep pace with changes in the cost of living and methods or levels of service delivery. In order to facilitate a fact-based approach to this review, a comprehensive analysis of the city's costs and fees should be made at least every five years. In the interim, fees will be adjusted by annual cost factors reflected in the appropriate program's operating budget.

Process of establishing service fee cost recovery levels

The City of Menlo Park provides services and infrastructure that contribute to quality-of-life for all Menlo Park residents. In so doing, the City strives to balance the resources and requirements of each area of the city in an equitable manner for all residents, in all neighborhoods of the City. The City of Menlo Park prioritizes social justice in decisions that affect residents' lives: the fair, just and equitable management of all institutions serving the public directly or by contract; the fair, just and equitable distribution of public services and implementation of public policy; and the commitment to promote fairness, justice, and equity in the formation of public policy.

The following factors will be considered when setting service fees and cost recovery levels

1. Community-wide vs. special benefit
 - The use of general purpose revenue is appropriate for community-wide services while user fees are appropriate for services that are of special benefit to individuals or groups. Full cost recovery is not always appropriate.
2. Service Recipient Versus Service Driver
 - Particularly for services associated with regulated activities (development review, code enforcement), from which the community primarily benefits, cost recovery from the "driver" of the need for the service (applicant, violator) is appropriate.
3. Consistency with City public policies and objectives
 - City policies and Council goals focused on long term improvements to community quality of life may also impact desired fee levels as fees can be used to change community behaviors, promote certain activities

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or provide funding for pursuit of specific community goals, for example: health and wellness, environmental stewardship.

4. Impact on demand (elasticity)

- Pricing of services can significantly impact demand. At full cost recovery, for example, the City is providing services for which there is a genuine market not over-stimulated by artificially low prices. Conversely, high cost recovery may negatively impact lower income groups and this can work against public policy outcomes if the services are specifically designed to serve particular groups.

5. Discounted Rates and Surcharges

- Rates may be discounted to accommodate lower income groups or groups who are the target of the service, such as senior citizens or residents.
- Higher rates are considered appropriate for non-residents to further reduce general fund subsidization of services.

6. Feasibility of Collection

- It may be impractical or too costly to establish a system to appropriately identify and charge each user for the specific services received. The method of assessing and collecting fees should be as simple as possible in order to reduce the administrative cost of collection.

Target cost recovery levels

1. Low cost recovery levels (0%-30%) are appropriate if:

- There is no intended relationship between the amount paid and the benefit received
- Collecting fees is not cost-effective
- There is no intent to limit use of the service
- The service is non-recurring
- Collecting fees would discourage compliance with regulatory requirements
- The public at large benefits even if they are not the direct users of the service

2. High cost recovery levels (70%-100%) are appropriate if:

- The individual user or participant receives the benefit of the service
- Other private or public sector alternatives could or do provide the service
- For equity or demand management purposes, it is intended that there be a direct relationship between the amount paid and the level and cost of the service received
- The use of the service is specifically discouraged
- The service is regulatory in nature

3. Services having factors associated with both cost recovery levels would be subsidized at a mid-level of cost recovery (30% - 70%).

General categories of services tend to fall logically into the three levels of cost recovery above and can be classified according to the factors favoring those classifications for consistent and appropriate fees. Primary categories of services include:

- Social Services and Recreation Programs
- Development Review Programs – Planning, and Building
- Public Works Department – Engineering, Transportation, and Maintenance
- Public Safety

Social services and recreation programs

Master fee schedule page #'s	General categorization of programs, services, activity, and facilities	Low cost recovery (0-30%)	Mid cost recovery (30-70%)	High cost recovery (70-100%)
Parks				
Page 9	Dog Parks	X		
Page 9	Skate Parks	X		
Page 9	Open Space/ Parks	X		

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Page 9	Playgrounds	X		
Social services				
	Senior Transportation	X		
Page 7	Senior Classes/ Events	X		
Page 11	Belle Haven School Age – Title 22		X	
Page 10	Menlo Children's Center – Title 22			X
Page 11	Preschool – Title 22			X
Page 11	Preschool – Title 5		X	
Page 7	Second Harvest	X		
Page 7	Congregate Nutrition		X	
Page 11	Belle Haven Community School		X	
Events/Celebrations				
	City Sponsored	X		
	City-Wide	X		
	Youth & Teen Targeted	X		
	Cultural	X		
	Concerts	X		
Facility usage				
	City Functions (e.g. commissions)	X		
	Co-Sponsored Organizations	X		
Page 5,6,7	Non-Profit	X		
Page 9	Fields - Youth (non-profit)		X	
Page 9	Fields – Adult (non-profit)		X	
Page 9	Tennis Courts		X	
Page 10	Picnic Rentals – Private Party			X
Page 5,6,7	Private Rentals			X
Page 9	Fields – for-profit			X
Page 5,6,7,8,9,10	Contracted Venues – for-profit			X
Fee assisted programs				
Page 8	Recreational Swim	X		
Page 8	Swimming Classes	X		

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Page 8	Lap Swimming	X		
Page 7	Recreation Classes	X		
Page 11	Open Gym Activities	X		

Low recovery expectations

Low to zero recovery is expected for programs in this category as the community benefits from the service. Non-resident fees if allowed may provide medium cost recovery.

In general, low cost programs or activities in this group provide a community wide benefit. These programs and activities are generally youth programs or activities enhancing the health, safety and livability of the community and therefore require the removal of a cost barrier for optimum participation. Recreation programming geared toward the needs of teens, youth, seniors, persons with disabilities, and/or those with limited opportunities for recreation are included. For example:

- Parks – As long as collecting fees at City parks is not cost-effective, there should be no fees collected for general use of parks and playgrounds. Costs associated with maintaining the City's parks represent a large cost for which there is no significant opportunity for recovery – these facilities are public domains and are an essential service of City government.
- Social Services – There is no intended relationship between the amount paid and the benefit received for social service programs. Some programs are designed and delivered in coordination/partnership with other providers in Menlo Park.
- Senior Transportation – Transportation is classified as a low cost recovery program because there is no fee charged for the program and the majority of the seniors served cannot afford the actual cost of the service. Donations are solicited, but they are minimal. No fee should be established for this service, as it would threaten ridership and County reimbursements would be withdrawn.
- Senior Classes/Events – The primary purpose of senior classes and events is to encourage participation. The seniors served in these classes do not have the means of paying for the classes and are classified as "scholarship" recipients due to their low income levels. The classes should continue to be offered in collaboration with outside agencies which can offer them for free through state subsidies.
- Second Harvest – Monthly food distributions provide free food to needy families and so contribute a broad community benefit. The coordination and operation of the program is through the Onetta Harris Center staff with volunteers assisting with the distribution of food, to keep costs as low as possible.
- Events/Celebrations – Community Services events provide opportunities for neighborhoods to come together as a community and integrate people of various ages, economic and cultural backgrounds. Events also foster pride in the community and provide opportunities for volunteers to give back. As such, the benefits are community-wide. In addition, collection of fees isn't always cost effective.
- Facility Usage – Safe and secure facilities for neighborhood problem-solving and provision of other general services support an engaged community and should be encouraged with low or no fees.
- Fee Assisted Recreation Programs – Activities with fee assistance or sliding scales make the programs affordable to all economic levels in the community. Organized activities, classes, and drop-in programs are designed to encourage active living, teach essential life and safety skills and promote life-long learning for broad community benefit.

Medium recovery expectations

Recovery of most program costs incurred in the delivery of the service, but without recovery of any of the costs which would have been incurred by the department without the service. Both community and individuals benefit from these services. Non-resident fees if allowed may provide high cost recovery.

- Belle Haven School Age – Title 22 - Licensed Child Care Program – Services to participants in this program are not readily available elsewhere in the community at low cost. The program provides broad community benefit in the form of a safety net for children in the community. Organized activities and programs teach basic skills, constructive use of time, boundaries and expectations, commitment to learning and social competency. Resident fees charged based on San Mateo County Pilot program for full day care that sets fees at no more than 10% of the family's gross income.
- Preschool Title 5 – The Preschool Program is supported primarily by reimbursement of federal and state grants for low income children. Tuition and reimbursement rates are regulatory.

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- Senior Lunches – Congregate Nutrition is classified as a medium cost recovery fee as it asks a donation coupled with a per meal reimbursement from OAA & State funds.
- Belle Haven School Community School – The Community School partners with various non-profit and community based agencies to provide much needed services to the community – high quality instruction, youth enrichment services, after-school programs, early learning and a family center. Services are open to Belle Haven students, their families and residents of the surrounding neighborhood.
- Field Rentals and Tennis Courts – Costs should be kept low for local non-profit organizations providing sports leagues open to residents and children in the Menlo Park Schools that encourage healthy lifestyles and lifelong fitness. Opportunities exist to collect a reasonable fee for use to defray citywide expenses for tennis facilities and fields.
- Programs – Drop-in programs can be accessed by the widest cross section of the population and therefore have the potential for broad-base participation. Recreation drop-in programs have minimal supervision while providing healthy outlets for youth, teens and adults.

High recovery expectations

Present when user fees charged are sufficient to support direct program costs plus up to 100% of department administration and city overhead associated with the activity. Individual benefit foremost and minimal community benefit exists. Activities promote the full utilization of parks and recreation facilities.

- Menlo Children's Center School Age and Pre-school – Title 22 – Participation benefits the individual user.
- Picnic Areas – Picnic rental reservations benefit the individual but help defray the cost of maintaining parks benefiting the entire community.
- Facility Usage – Facility use is set at a higher rate for the private use of the public facility for meetings, parties, and programs charging fees for services and celebrations.
- Programs – Activities in this area benefit the individual user. Programs, classes, and sports leagues are often offered to keep pace with current recreational trends and provide the opportunity to learn new skills, improve health, and develop social competency. The services are made available to maximize the use of the facilities, increase the variety of offerings to the community as a whole and spread department administration and city-wide overhead costs to many activities. In some instances, offering these activities helps defray expenses of services with no viable means of collecting revenue e.g. parks, playgrounds, etc.
- Contracted Venues – (for profit) – Long term arrangements where a facility is rented or contracted out to reduce general funding expense in order to provide specialized services to residents.

Development review services

1. Planning (planned development permits, tentative tract and parcel maps, re-zonings, general plan amendments, variances, use permits)
2. Building and safety (building permits, structural plan checks, inspections)

Master fee schedule page #'s	General categorization of programs, Services, activity, and facilities	Low cost recovery (0-30%)	Mid cost recovery (30-70%)	High cost recovery (70-100%)
Planning				
Page 24	Appeals of Staff Decisions	X		
Page 24	Appeals of Planning Commission Decisions by Residents	X		
	Subsequent Appeals			X
Page 24	Temporary Sign Permits	X		

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Page 23	Use Permits – Non-Profits	X		
Page 24	Administrative Reviews – Fences		X	
	Appeals of Planning Commission Decisions by Non-Residents			X
Page 23	Administrative Reviews – Other			X
Page 23	Architectural Control			X
Page 23	Development Permits			X
Page 23	Environmental Reviews			X
Page 23	General Plan Amendments			X
Page 24	Tentative Maps			X
Page 24	Miscellaneous – not listed elsewhere			X
	Reviews by Community Development Director of Planning Commission			X
Page 23	Special Events Permitting			X
Page 23	Study Sessions			X
Page 24	Zoning Compliance Letters			X
Page 23	Signs and Awnings			X
Page 23	Use Permits – other			X
Page 23	Variances			X
Page 23	Zoning Map Ordinance Amendments			X
Building and safety				
Page 28-48	Solar Installations		X	
	Existing Building Electrification	X		
	Building Permits			X
	Mechanical Permits			X

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	Electrical Permits			X
	Plumbing Permits			X
	Consultant Review			X

Low recovery expectations

Low to zero recovery is expected for services in this category to maintain open and accessible government processes for the public, encourage environmental sustainability and encourage compliance with regulatory requirements. Example of Low Recovery items:

- Planning – The fees for applicants who wish to appeal a Staff Decision or for a Menlo Park resident or neighbor from an immediately adjacent jurisdiction who wishes to appeal a decision of the Planning Commission is purposefully low to allow for accessibility to government processes.
- Planning – Temporary sign permit fees are low so as to encourage compliance.
- Building – The elimination or reduction of building permits for solar array installations is consistent with California Government Code Section 65850.5, which calls on local agencies to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.
- Building- The elimination or reduction of building permit fees for projects that involve electrification of existing buildings to support the 2030 Climate Action Plan goal to electrify 95 percent of existing buildings by 2030.

Medium recovery expectations

Recovery in the range of 30% to 70% of the costs incurred in the delivery of the service reflects the private benefit that is received while not discouraging compliance with the regulation requirements.

- Planning – Administrative permits for fences that exceed the height requirements along Santa Cruz Avenue are set at mid-level to encourage compliance.

High recovery expectations

Cost recovery for most development review services should generally be high. In most instances, the City's cost recovery goal should be 100%.

- Planning – Subsequent Appeals - The fees for applicants who are dissatisfied with the results of a previous appeal of an administrative permit or a decision of the Planning Commission should be at 100% cost recovery.
- Planning – Most of the Planning fees charged are based on a "time and materials" basis, with the applicant/customer being billed for staff time (at a rate that includes overhead cost allocations) and the cost of actual materials or external services utilized in the delivery of the service.
- Building – Building fees use a cost-basis, not a valuation basis, and are flat fees based on the size and quantities of the project.

Public Works – engineering transportation, and maintenance

1. Engineering and Transportation (public improvement plan checks, inspections, subdivision requirements, encroachments)
2. Transportation (red curb installation, truck route permits, traffic signal repairs from accidents)
3. Maintenance (street barricades, banners, trees, special event set-up, damaged city property)

Master fee schedule page #'s	General categorization of programs, services, activity, and facilities	Low cost recovery (0-30%)	Mid cost recovery (30-70%)	High cost recovery (70-100%)
Engineering				
Page 25	Heritage Tree	X		
Page 25	Appeals to Environmental	X		
	Appeals to Environmental	X		

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	Quality Commission and City Council			
	Bid Packages	X		
Page 19	Plotter Prints		X	
Page 19	Encroachment Permits for City-mandated repair work (non-temporary)		X	
Page 25	Heritage Tree Removal Permits 1-3 trees		X	
Page 19	City Standard Details		X	
Page 20	Improvement Plan			X
Page 20	Plan Revisions			
Page 21	Construction Inspections			X
Page 20	Maps/ Subdivisions			X
	Real Property			X
Page 19	Abandonments			X
Page 19	Annexations			X
Page 21	Certificates of Compliance			X
Page 20	Easement Dedications			X
Page 20	Lot Line Adjust/Merger			X
Page 19	Encroachment Permits			X
Page 19	Completion Bond			X
	Processing Fee			X
Page 25	Heritage Tree Permits after first 3 trees			X
Page 16	Downtown Parking Permits			X
Transportation				
Page 22	Red Curb Installation	X		
Page 22	Truck Route Permits	X		
Page 22	Traffic Signal Accident			X
Page 22	Aerial Photos			X
Maintenance				
Page 22	Tree Planting	X		

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Page 22	Banners – Santa Cruz Avenue			X
Page 22	Barricade replacement			X
Page 22	Weed Abatement			X
Page 22	Special Event set-up – for-profit use			X
Page 22	Special Event set-up – for non-profits use		X	
Page 22	Damaged City property			X

Low recovery expectations

Low to zero recovery is expected for services in this category as the community benefits from the service. In general, low cost services in this group provide a community-wide benefit. These services generally are intended to enhance or maintain the livability of the community and therefore require the removal of a cost barrier to encourage use. However, in some instances the maximum fee that can be charged is regulated at the State or Federal level and therefore the City fee is not determined by City costs (truck route permits, copies of documents). Examples of Low Recovery items:

- Maintenance – Tree Plantings is classified as a low cost recovery fee to replacement of trees removed due to poor health and to encourage new tree plantings.
- Transportation – Red Curb Installation is classified as a low cost recovery fee for support traffic/parking mitigation requests to address safety concerns of residents and businesses.
- Transportation – Truck Route Permits Fees – maximum fee set by State Law.
- Engineering – Heritage Tree Appeals is classified as a low cost recovery fee to insure that legitimate grievances are not suppressed by high fees.
- Engineering – Bid Packages are provided at a low cost to encourage bid submissions thereby insuring that the City receives sufficient bids to obtain the best value for the project to be undertaken.

Medium recovery expectations

Recovery in the range of 30% to 70% of the costs incurred in the delivery of the service. Typically, both the community and individuals benefit from these services.

- Engineering – Encroachment Permits for City-mandated repairs are classified as a medium cost recovery. Since the property owner is paying for the cost of construction but is required by ordinance to perform it promptly, a discounted fee for the permit is appropriate.

High recovery expectations

Recovery in the range of 70% to 100% when user fees charged are sufficient to fully recover costs of providing the service. Individual benefit is foremost and minimal community benefit exists. Most services provided by the Public Works Department fall in this area.

- Engineering – Encroachment Permits where the public right of way is used or impacted on a temporary or permanent basis for the benefit of the permittee. Debris Boxes are such an example
- Transportation – Traffic Signal Accident repair cost is the responsibility of the driver/insurer.
- Maintenance – Weed Abatement performed by Public Works staff to address ongoing code violation.
- Maintenance – Banners on Santa Cruz Avenue and El Camino Real.

Public safety – police services

(Case Copies, False Alarms, Parking Permits, Abatements, Emergency Response, Background Investigations, Tow Contract)

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Master fee schedule page #'s	General categorization of programs, services, activity, and facilities	Low cost recovery (0-30%)	Mid cost recovery (30-70%)	High cost recovery (70-100%)
Page 14	Case Copies	X		
Page 15	Citation Sign Off - Residents	X		
Page 1,15	Document Copies	X		
Page 14	Bicycle Licenses	X		
Page 16	Overnight Parking Permits			X
Page 16	Residential Parking Permits	X		
Page 15	Property Inspection – Code Enforcement	X		
Page 15	Real Estate Sign Retrieval	X		
Page 14	False Alarm – Low Risk		X	
Page 15	Rotation Tow Service Contract		X	
Page 15	Repossession Fee		X	
Page 14	False Alarm – High Risk			X
Page 14	Good Conduct Letter			X
Page 14	Preparation Fees			X
Page 14	Research Fee			X
Page 14	Civil Subpoena Appearance			X
Page 14	Finger Printing Documents			X
Page 15	Background Investigations			X
Page 14	Notary Services			X
Page 14	Vehicle Releases			X
Page 14	DUI – Emergency Response			X
Page 15	Intoximeter Rental			X
Page 15	Street Closure			X
Page 15	Unruly Gatherings			X
Page 18	Abatement			X

Low recovery expectations

Low to zero recovery is expected for services in this category as the community generally benefits from the regulation of the activity. The regulation of these activities is intended to enhance or maintain the livability of the

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community. However, in some instances the maximum fee that can be charged is regulated at the State or Federal level and therefore the City fee is not determined by City costs (copies of documents).

Medium recovery expectations

Recovery in the range of 30% to 70% of the costs of providing the service. Both community and individuals benefit from these services.

- False Alarm – primarily residential and low cash volume retail. Alarm response provide a disincentive to crime activity. However excessive false alarms negatively impact the ability of prompt police response to legitimate alarms.

High recovery expectations

Recovery in the range of 70% to 100% when user fees charged are sufficient to recover costs of the service provided. Individual benefit is foremost and minimal community benefit exists. Items such as False Alarm, DUI Emergency Response, Vehicle Releases, Unruly Gathering, and Abatements are punitive in nature and the costs should not be funded by the community. Items such as Good Conduct Letter, Preparation Fees, Research Fee, Finger Printing, Background Investigations, and Notary Service primarily benefit the individual. 100% of the cost for services in these areas is typical.

- Overnight Parking Permits – the fee charged for One Night Parking Permits fall into Low Cost Recovery, however when combined with the fees collected from the issuance of Annual Permits the result is the program should achieve High Cost Recovery.
- Street Closure – primarily residential for activities within a defined area. This service is provided for public safety and therefore is provided at a rate below 100% cost recovery.

Library services

(Library Cards, etc.) – fees are aligned with the fees established by the Peninsula Library System. No overdue fines will be charged.

Administrative services

(Copying Charges, Postage, etc.) – fees are primarily set by regulations and are generally high cost recovery of pass-thru charges.

Procedure history

Action	Date	Notes
Procedure adoption	March 9, 2010	
Procedure updated	April 13, 2021	
Procedure updated	August 23, 2022	Addition of building permit fee reductions for existing building electrification projects.