



000005



SPEAKER CARD

I would like to speak to the Council on Agenda Item No. 8I

I would like to speak to the Council under "Public Comments on Non-Agenda, Consent Calendar & Closed Session Items"

I do not wish to speak but want to submit the following comments to the Council

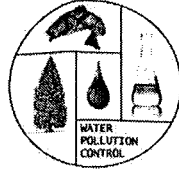
NAME: MENDOCINO ACTION COUNCIL FOR ACCOUNTABLE GOVERNMENT ORGANIZATIONS

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): PLEASE INCLUDE MACFAGO'S PUBLIC COMMENT FOR ITEM 7A ON TONIGHT'S AGENDA (I.E., THE COMMENT WHICH REFERENCED "CONSISTING OF 719 PAGES WITH THE FOLLOWING DOCUMENT TITLES") AS A PUBLIC COMMENT FOR ITEM 8I - BASICALLY INCORPORATE THAT COMMENT BY REFERENCE. MACFAGO OBJECTS TO THE CITY'S ADOPTION OF THE RESOLUTION CONCERNING THE FINDINGS REQUIRED BY G.C. §§ 66006(h) & 66001(d) FOR THE GENERAL PLAN MAINTENANCE FEE

This information is retained as a Public Record, and as such, may be shared with others upon request. Please do not provide any information that you do not wish to be disclosed to others.

Completion of this document is voluntary; all persons may attend the meeting regardless of whether a person completes this document (Government Code §54953.3)

→ BECAUSE FINDING #3 IS INACCURATE AS TO THE PURPOSE OF THIS FEE BASED ON THE ADOPTED RESOLUTION CREATING THE GENERAL PLAN MAINTENANCE FEE.



AGENCY:	City Council
MEETING DATE:	September 09, 2019
DEPARTMENT:	Finance
PRESENTED BY:	Victor Damiani
EMAIL ADDRESS:	vdamiani@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Accept Development Impact Fees Reports for Fiscal Year Ending June 30, 2016, Fiscal Year Ending June 30, 2017 and Fiscal Year Ending June 30, 2018 and Adopt City Council Resolutions Making Additional Required Findings

ISSUE:

In order to comply with the California Government Code Subsection 66006(b)(1), the City must report annually on amount of the Developer Impact Fees, the beginning and ending balances in the account and any interest earned. The reports are due within one hundred eighty days of the close of the fiscal year. Council must review the information at a regularly scheduled public meeting not less than 15 days after the information is made available.

The required reports were first made available to the Council and Public on Wednesday, August 7, 2019.

ANALYSIS:

The Mitigation Fee Act, California Government Code Section 66000 *et seq.* authorizes the City of Fort Bragg (City) to impose, collect and expend mitigation fees to offset the impacts of development within the City. The City currently collects four impact fees:

1. General Plan Maintenance Fees
2. Parking-In-Lieu Fees (currently subject to a moratorium through December 31, 2019)
3. Water Capacity Fees
4. Sewer Capacity Fees

There is no evidence that the reports have been prepared or that the reports and findings were completed in the recent past. To correct this oversight, the Finance Department staff has prepared the attached reports for the last three years.

Cities that levy and collect fees have certain annual reporting requirements and if unspent balances remain after five years, the City must make certain findings regarding the fees at five years and every five years, thereafter.

For each of the four impact fees listed above the Council is required to find the following:

1. Identify the purpose to which the fee is to be put.
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in (1) above.

4. Designate the approximate dates on which the funding referred to in (3) above is expected to be deposited into the appropriate account or fund.

RECOMMENDED ACTION:

Adopt resolutions accepting the Development Impact Fees Reports and making required findings.

ALTERNATIVE ACTION(S):

Direct staff to suspend one or more of the Development Impact Fees.

FISCAL IMPACT:

The reports provide the financial status of the Development Impact Fees levied by the City. The balances in those funds as of June 30, 2018 are set forth below:

Development Impact Fee	Balance 06/30/2018
General Plan Maintenance	\$ 229,173
Parking-In-Lieu	\$ 32,338
Water Capacity	\$ 164,300
Wastewater Capacity	\$ 319,572

CONSISTENCY:

The Reports are consistent with California Government Code Subsection 66006(b)(1).

IMPLEMENTATION/TIMEFRAMES:

Immediately upon adoption.

ATTACHMENTS:

1. RESO Development Fee Findings - General Plan
2. RESO Development Fee Findings - Parking In-Lieu
3. RESO Development Fee Findings - Wastewater Capacity
4. RESO Development Fee Findings - Water Capacity
5. General Plan Maintenance Fees 15-16
6. Attachment A 15-16
7. General Plan Maintenance Fees 16-17
8. Attachment A 16-17
9. General Plan Maintenance Fees 17-18
10. Attachment A 17-18
11. Parking In-Lieu Fees 15-16
12. Parking In-Lieu Fees 16-17
13. Parking In-Lieu Fees 17-18
14. Wastewater Capacity Fees 15-16
15. Wastewater Capacity Fees 16-17
16. Wastewater Capacity Fees 17-18
17. Water Capacity Fees 15-16
18. Water Capacity Fees 16-17
19. Water Capacity Fees 17-18

NOTIFICATION:

N/A

RESOLUTION NO. ____-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL TO RECEIVE AND FILE THE 2017/18 GENERAL PLAN MAINTENANCE FEE DEVELOPMENT IMPACT FEE REPORT AND MAKE CERTAIN FINDINGS, AS REQUIRED BY CALIFORNIA GOVERNMENT CODE SECTION 66006(b) AND CALIFORNIA GOVERNMENT CODE SECTION 66001(d)

WHEREAS, the Mitigation Fee Act, California Government Code Section 66000 *et seq.* authorizes the City of Fort Bragg (City) to impose, collect and expend mitigation fees to offset the impacts of development within the City; and

WHEREAS, the California Government Code Section 66006(b) requires that for each separate account or fund established for the collection and expenditure of Development Impact Fees, the City shall make available to the public within one hundred eighty (180) days after the last day of each fiscal year a report that includes the amount of the fee, the beginning and ending balance of the fee account or fund and the interest earned thereon; and

WHEREAS, the California Government Code Section 66001(d) provides that for the first fiscal year following the first deposit into the fund, and every five years thereafter, the City shall make findings with respect to the portion of the fund remaining unexpended, whether committed or uncommitted; and

WHEREAS, prior to the Fiscal Year ended June 30, 2016, the City complied with the requirements of California Government Code Section 66001(d) and Section 66006(b) through the annual submittal of the Comprehensive Annual Financial report, The Capital Improvement Program and Annual Operating Budgets; and

?
allowed

WHEREAS, California Government Code Section 66001(d) provides that such findings when required shall be made in connection with the public information required by California Government Code Section 66006(b); and

WHEREAS, California Government Code Section 66006(b)(2) requires that the City Council review the information made available to the public at a regularly scheduled public meeting not less than 15 days after the information is made available to the public; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. As of June 30, 2018, the General Plan Maintenance Fees fund contained Two Hundred Twenty-Nine Thousand One Hundred Seventy-Three Dollars (\$229,173).
2. The unexpended fees will be used to update the Coastal General Plan in conjunction with the Mill Site Reuse Plan Local Coastal Program Amendment, to update the Housing Element, and to update both the Inland General Plan and the Coast General Plan to comply with new State of California General Plan Guidance requirements.
3. There is a reasonable relationship between the use of the unexpended General Plan Maintenance Fees as described in paragraph 2 and the purpose of the General Plan Maintenance Fee, which is to fund the development of and environmental review for

comply

how? this is a mere assertion.

not accurate - purpose is only to support amendments to the CLUDU & ILUDC that implement the General Plan but not all amendments relate to implementing the General Plan -

amendments to the Coastal General Plan, the Coastal Land Use and Development Code, the Inland General Plan, and the Inland Land Use and Development Code.

- 4. The current estimated cost of the updates outlined in paragraph 2, is approximately Three Hundred Fifteen Thousand Dollars (\$315,000). The funding source will include the unexpended General Plan Maintenance Fees and future General Plan Maintenance Fees to be collected for these projects.
- 5. The General Plan Maintenance Fees have and will be deposited into the General Plan Maintenance Fees fund when immediately upon collection, which is the appropriate fund to finance the projects outlined in paragraph 2.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fort Bragg has reviewed and accepted the annual disclosure information made available to the public on August 12, 2019, which was presented to the City Council and attached to this Resolution as Exhibit A.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9th day of September, 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk