

From: [Jacob Patterson](#)
To: [City Clerk](#)
Cc: [Whippy, Isaac](#)
Subject: Re: Public Comment -- 2/12/24 CC Mtg., Item No. 7A, Nexus Study & Fees
Date: Monday, February 12, 2024 12:34:09 PM
Attachments: [Wastewater Capacity Fees 5-Year Findings 2.pdf](#)

I didn't attach the correct resolution for the Wastewater Capacity Fees Five-Year Findings resolution, please disregard the prior attachment and review this one instead.

In addition, please note the omission of "not" from the following sentence in my prior comment

"That is a good thing but the community is [NOT] fully benefiting from our funding success because we are still having these unnecessary fees imposed on us."

RESOLUTION NO. 4202-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL TO RECEIVE AND FILE THE 2017/18 WASTEWATER CAPACITY FEE DEVELOPMENT IMPACT FEE REPORTS 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

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 Wastewater Capacity Fees fund contained Three Hundred Nineteen Thousand Five Hundred Seventy-two Dollars (\$319,572).
2. The unexpended fees will be used for a Sewer Collection System Condition Assessment. The project is scheduled for FY2020/2021.
3. There is a reasonable relationship between the use of the unexpended Wastewater Capacity Fees as described in paragraph 2 and the purpose of the Wastewater Capacity Fee, which is for the planning, design, construction or support activities of facilities in existence at the time the charge is imposed or for new facilities to be constructed in the future that are of reasonable benefit to the person(s) being charged.

4. The current estimated cost of the updates outlined in paragraph 2, is approximately Three Hundred Thousand Dollars (\$300,000). The funding source will include the unexpended Wastewater Capacity Fees.
5. The Wastewater Capacity Fees have and will be deposited into the Wastewater Capacity Fees fund 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 7, 2019, which was presented to the City Council and attached to this Resolution as Exhibit A.

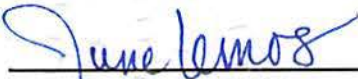
The above and foregoing Resolution was introduced by Councilmember Albin-Smith, seconded by Councilmember Morsell-Haye, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9th day of September, 2019, by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Norvell and Mayor Lee.
NOES: None.
ABSENT: Councilmember Peters.
ABSTAIN: None.
RECUSED: None.



WILLIAM V. LEE
Mayor

ATTEST:



June Lemos, CMC
City Clerk

City of Fort Bragg, California

Development Impact Fees Report
Wastewater Capacity Fees
Fiscal Year Ended June 30, 2018



Prepared by City of Fort Bragg Finance Director
Victor Damiani

EXHIBIT A

**City of Fort Bragg, California
 Development Impact Fees Report
 Wastewater Capacity Fees
 Fiscal Year Ended June 30, 2018**

For purpose of compliance with California Government Code Subsection 66006(b)(1), the following information regarding AB 1600 fees is presented in connection with the City's General Plan Maintenance fund:

(A) A brief description of the type of fee in the account or fund.

Capacity Fees - Capacity charges collected are used for the planning, design, construction or support activities of facilities in existence at the time the charge is imposed or for new facilities to be constructed in the future that are of reasonable benefit to the person(s) being charged.

(B) The amount of the fee.

SEWER CAPACITY CHARGE	\$ 3,523.60
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(C) The beginning and ending balance of the account or fund. See statement below.

(D) The amount of the fees collected and the interest earned. See statement below.

Statement of Revenues, Expenditures, and Changes in Fund Balance

	<u>FY 17-18</u>
Revenues	
Capacity Fees	\$ 19,569
Interest Income	4,340
Total Revenues	\$ 23,909
Expenses	-
Total Expenses	\$ -
Other Financing Sources (Uses)	
Transfers in	
Transfers out	-
Total Other Financing Sources & Uses	\$ -
Revenues Over (Under) Expenses	\$ 23,909
Beginning Fund Balance as of 07/01/2017	\$ 295,663
Ending Fund Balance as of 06/30/2018	\$ 319,572

City of Fort Bragg, California
Development Impact Fees Report
Wastewater Capacity Fees
Fiscal Year Ended June 30, 2018

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

No fees were expended in the fiscal year ended June 30, 2018.

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

Sewer Collection System Condition Assessment (in current CIP)

- This is a planning document that assesses future sewer improvements system-wide.
- Estimated cost is \$300,000 and scheduled to be undertaken in FY 20/21.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the fiscal year utilizing these funds.

(H) The amount of the refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.