

## RESOLUTION NO. 4204-2019

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL TO RECEIVE AND FILE THE 2017/18 WATER 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 Water Capacity Fees fund contained One Hundred Sixty-four Thousand Three Hundred Dollars (\$164,300).
2. The unexpended fees will be used to replace and upsize a water transmission pipe from the Water Treatment Plant to Cedar Street. The project is scheduled for FY2020/2021.
3. There is a reasonable relationship between the use of the unexpended Water Capacity Fees as described in paragraph 2 and the purpose of the Water 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 Two Hundred Six Thousand Dollars (\$206,000). The funding source will include the unexpended Water Capacity Fees and future Water Capacity Fees to be collected for these projects. Any additional financing required will be provided by the Water Enterprise Capital Reserve.
5. The Water Capacity Fees have and will be deposited into the Water Capacity Fees fund immediately upon collection, which is the appropriate fund to finance the projects outlined in paragraph 2. Water Enterprise Capital Reserve funding will be deposited into the project fund upon commencement of the project. The project is currently scheduled for FY 2020/2021.

**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 Norvell, 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 9<sup>th</sup> 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.**

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**WILLIAM V. LEE**  
**Mayor**

**ATTEST:**

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**June Lemos, CMC**  
**City Clerk**