



Legislation Text

File #: 18-145, **Version:** 1

Report Prepared by: Steven C. Son, City Engineer, Engineering Division

SUBJECT: Adoption of a Resolution Setting a Public Hearing on December 17, 2018, for the Annual Compliance Report for Development Impact Fees as Required by Government Code Section 66000 et. seq. and City Resolution 88-72

REPORT IN BRIEF

Considers setting a public hearing for December 17, 2018, to accept public comment and consider approving the annual report regarding the collection and spending of Development Impact Fees.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-70**, a Resolution of the City Council of the City of Merced, California, setting a Public Hearing for December 17, 2018, to consider approval of the annual compliance report for Development Impact Fees.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Refer to staff for reconsideration of specific items as requested by Council; or,
4. Deny; or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Government Code Section 66000 et. seq. City Council Resolution No. 88-72.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The Mitigation Fee Act (Government Code section 66000 et. seq.) which became effective on January 1, 1989, requires that the City account for and make specific findings when it establishes, increases, or imposes development fees for specified public improvements (or services) that are collected from developers as a condition of approval for development projects. In addition, the law requires that local agencies review and make an annual report and a five-year report available to the public that accounts for the mitigation fees held by the agency. The City must segregate the fees, re-examine the unexpended fees every five years, and refund any unexpended portion not expected to be used. For purposes of the law, fees exclude taxes, assessments, processing fees, park fees, and monthly service charges.

On November 21, 1988, the City Council adopted Resolution #88-72, which also instituted a requirement that the City conduct an annual review of the estimated costs of identified public improvements and provide an analysis of the continued need for those improvements and an explanation of the reasonable relationship between the need and impacts for which the fees are charged.

An annual review of the fiscal year 2017/2018 development fees has been conducted and a determination has been made that the estimated costs and continued needs for previously identified public improvements and their related impacts remain as previously defined. Staff is requesting a Public Hearing be set for the regular meeting of the City Council on December 17, 2018, for the presentation of the annual report, acceptance of public comment and consideration of approving the annual report. The required nexus findings will be set forth in the Administrative Report for this item for the December 17, 2018, City Council meeting. The required financial reports will also be presented at that meeting. The annual report will be made available to the public on November 30, 2018.

IMPACT ON CITY RESOURCES

No funds required.

ATTACHMENTS

1. Resolution 2018-70