



Legislation Details (With Board Report)

**File #:** RES 19-179      **Name:** Report on Status of Development Impact Fees (FY Ending 6-30-18)  
**Type:** BoS Resolution      **Status:** Passed - RMA Public Works and Facilities  
**File created:** 1/14/2019      **In control:** Board of Supervisors  
**On agenda:** 2/5/2019      **Final action:** 2/5/2019

**Title:** Adopt a Resolution to:  
a. Approve a report on the status of development traffic impact fees for fiscal year ending June 30, 2018; and  
b. Adopt findings for retaining uncommitted funds in accordance with Government Code Section 66000 et. seq.

**Sponsors:** Public Works / RMA

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Resolution, 3. Item No. 17 Board Order & Resolution

Date	Ver.	Action By	Action	Result
2/5/2019	1	Board of Supervisors	adopted- rma public works and facilities	Pass

Adopt a Resolution to:

- a. Approve a report on the status of development traffic impact fees for fiscal year ending June 30, 2018; and
- b. Adopt findings for retaining uncommitted funds in accordance with Government Code Section 66000 et. seq.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:

- a. Approve a report on the status of development traffic impact fees for fiscal year ending June 30, 2018; and
- b. Adopt findings for retaining uncommitted funds in accordance with Government Code Section 66000 et. seq.

SUMMARY:

Monterey County collects traffic impact fees from development that represents their fair share towards identified projects. CVTMF is specific to Carmel Valley where 10 projects have been identified. The ending balance as of June 30, 2018 for CVTMF is \$2,374,975.99 (Exhibit 1). BSA 2652 (Fund 002-3000-2652) accounts for 34 projects and BSA 2655 (Fund 002-3000-2655) is for East Garrison. As of June 30, 2018, the ending balance for BSA 2652 is \$3,015,985.61 and the ending balance for BSA 2655 is \$258,954.28 (Exhibit 2).

Six projects were identified in 2017 as part of the FY 2015-16 report that were to be refunded due to project(s) completion. The County is still in the process of issuing refunds totaling \$106,857.39, which would reduce that fund balance to \$2,909,128.22 in BSA 2652 (Fund 002-3000-2652) for the remaining 28 projects.

DISCUSSION:

Government Code Section 66000 et.seq. (AB1600) delineates certain accounting and reporting requirements with respect to development impact fees collected by the County. The fees, for accounting purposes, must be segregated from the general funds of the County and from other funds or accounts containing fees collected for other improvements. Interest on each development fee fund must be credited to that fund or account and used only for the purposes for which the fees were collected. The agency that collected the fees must make available to the public the following information regarding each fund or account:

1. Brief description of the type of fee in the fund;
2. Amount of the fee;
3. Beginning and ending balance for the fiscal year;
4. Amount of fees collected, and interest earned;
5. Identification of each public improvement on which fees were expended and the amount of the expenditure on each improvement, including the total percentage of the cost of the public improvement that was funded with fees;

6. Identification of an approximate date by which the construction of a public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement fund;
7. Description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the loaned funds will be expended, and in the case of an inter-fund 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; and
8. Amount of any refunds made due to inability to expend fees within the required time frame.

For projects for which fees have been collected for more than five (5) years, the law also prescribes findings that the local agency must make with respect to any portion of the fee remaining unexpended, whether committed or uncommitted. The findings, as stated in the Resolution, (Attachment A) must:

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 was originally charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and
4. Designate the approximate dates on which the anticipated funding is expected to be deposited into the fund.

Exhibits 1 and 2 to the resolution are the reports for County wide fees and Ad Hoc fees collected by the County. Several projects were identified in 2017 as part of the FY 2015-16 report that were to be refunded due to project(s) completion:

- Blackie Road at Prunedale South Road (\$2,662.00)
- Country Meadows Road Extension (\$6,764.48)
- Harrison Road Traffic Impacts (\$8,242.99)
- Highway 101 (\$13,144.74)
- Highway 101 at Airport Blvd/Sanborn Rd Interchange (\$71,862.48)
- San Miguel Canyon Rd/Highway 101 (\$4,180.70)

The County will complete the refund process once the 2018 interest is recorded. The applicable sub accounts have been noted in Table 3 of Exhibit 2. These refunds would reduce the ending balance of BSA 2652 by \$106,857.39 plus pending interest allocation, leaving a balance of \$2,909,128.22. Based on how these fees are established, we are not able to reallocate these funds to other projects in the area. Staff is working on a fee program that would allow allocating existing funds to a group or zone of projects in an area rather than one specific project, to coincide with the TAMC regional traffic fee. However, based on how these fees are established, we are not able to reallocate these funds to other projects in the area.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has reviewed the proposed resolution as to form and legality.

FINANCING:

The Resource Management Agency has collected pro-rata fair share development fees under Government Code Section 66000 et. seq. Exhibit 1 summarizes the traffic impact fees received for county wide fee plans and Exhibit 2 summarizes the Ad Hoc traffic impact fees by project location for the Fiscal Year ending June 30, 2018. For the county wide fee plans, the fund balance is approximately \$2.37 million that may be used on projects identified in the Carmel Valley Traffic Improvements Program (10 projects). For the Ad Hoc fees, the fund balance is approximately \$2.91 million for 28 locations.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This report is required by State law and submitting this report assures the County has complied with State law. These fees are collected to address fair share costs associated with impacts to infrastructure resulting from development. The fees collected are designated to be used for improvements identified by traffic studies conducted in conjunction with development projects or by regional studies that establish the basis for a fee plan.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Randell Ishii, M.S., P.E., RMA Chief of Public Works  
Approved by: Neville Pereira, P.E., CBO, Interim Deputy Director of Public Works,  
Parks, and Facilities  
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Resolution

Exhibit 1 - County Transportation Development Mitigation Plans Annual Report and Five-Year Findings

Exhibit 2 - Ad Hoc Transportation Development Impact Fees Annual Report and Five Year Findings

cc: Building Industry Association of the Bay Area (Lisa Vorderbrueggen)