



Board Agenda Item 29

DATE: February 1, 2022

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Fresno Metropolitan Flood Control District Schedule of Drainage Costs and Fees
and Storm Drainage and Flood Control Master Plan

RECOMMENDED ACTION(S):

Adopt Resolution amending the Schedule of Drainage Costs and Fees for local drainage areas and Storm Drainage and Flood Control Master Plan pursuant to Section 17.64.050 of the Fresno County Ordinance Code.

The amendment of the Schedule of Drainage Costs and Fees for the funding of planned drainage facilities of the Fresno Metropolitan Flood Control District (District) is required by the County's Ordinance Code to be reviewed and approved by your Board annually. This update of the fee schedule is an Implementation Policy of the Fresno County General Plan. This item is countywide as it pertains to all Supervisorial Districts within the Fresno/Clovis Metropolitan Area.

ALTERNATIVE ACTION(S):

Your Board could vote not to adopt the recommended resolution and determine that the 2021 Drainage Fee Schedule rates are sufficient and direct Department of Public Works and Planning staff to continue to collect fees based upon the existing rates. It should be noted that failure to amend the Schedule of Drainage Costs and Fees to reflect the District's recently adopted 2022 Drainage Fee Schedule may result in the District collecting insufficient revenue to implement the full build-out of the Storm Drainage and Flood Control Master Plan improvements.

FISCAL IMPACT:

There is no fiscal impact to the County. The schedule of drainage costs and per gross acre fees are calculated to raise the revenue necessary to pay the estimated costs of local drainage facilities in each local drainage area. Drainage fees paid, pursuant to Section 17.64.050 of the Fresno County Ordinance Code (Drainage Fee Ordinance) are deposited by the District into a separate trust fund. The monies are not commingled with District General Funds, nor used to fund any administration, operation, or maintenance costs, and must be expended within the drainage area in which they are paid. The Drainage Fee Schedule, as required by the Fresno County Ordinance Code, is updated annually to reflect increases, decreases, or no change in drainage system costs. According to the District, the fees will be used as follows:

1. To pay costs related to the design, administration, and construction of the public storm water facilities;
2. To reimburse the District for the development's fair share of those capital improvements constructed

by the District; or

3. To reimburse other developers who have constructed public facilities in each service area where those facilities were beyond that needed to mitigate impacts of other developer's project or projects or where reimbursement is provided under the Drainage Fee Ordinance.

DISCUSSION:

On December 15, 2021, the Fresno Metropolitan Flood Control District conducted a public hearing, in accordance with Government Code, Section 6062a, and subsequently approved and adopted the subject drainage costs. No objection to the drainage fee update was presented at the District's hearing.

The District used an automated Geographic Information System (GIS) drainage fee program for the 2022 cost study. The program provides a thorough analysis of the cost estimates, unit prices for drainage facilities and recent construction activity. The 2022 study used new unit prices for drainage facilities based on recent construction activity and other system modifications due to studies performed throughout the year. The results of the study determined that drainage fee amendments were necessary in the drainage areas indicated on Attachment A.

By way of background, in 1961, the Cities of Fresno and Clovis and the County of Fresno adopted as an element of the Fresno-Clovis Metropolitan Area General Plan, a Storm Drainage and Flood Control Master Plan prepared by the District for the metropolitan area. In 1969, these agencies adopted virtually identical Drainage Fee Ordinances to provide for the funding of planned drainage facilities concurrently with development activity that occasioned the need for such facilities.

The local Storm Drainage and Flood Control Master Plan shows the drainage area boundaries and both proposed and existing Master Plan facilities in each watershed area, see Attachment B. The District has not adopted any changes to the existing Drainage Fee Zone Boundaries, nor have any new drainage basin locations been adopted outside the Spheres of Influence of the cities of Fresno and Clovis, other than those previously authorized by the Board. The schedule of per gross acre fees associated with each Master Plan drainage area is based on the total costs of the urban drainage system including land, improvements, and engineering required to serve the subject area. The costs of the proposed facilities are estimated and will be replaced with actual costs as constructed. The total cost is distributed to total acreage of the drainage area using proportioning ratios among contributing land uses, with ratios based on storm runoff relationships.

The Drainage Fee Ordinance, enacted under the authority of Section 66483 of the Government Code, requires identification of the estimated or actual cost of the planned facilities through the adoption of a resolution by the legislative body of the County. Because fees are based on the cost of facilities, the recommended resolution also serves as the Schedule of Drainage Costs and Fees.

The Drainage Fee Ordinance allows annual adjustments in the schedule of costs and fees based upon changes in the National Engineering News Record (ENR) Construction Cost Index or based upon a complete re-study to determine locally experienced changes in system costs. The District used the GIS automated fee program for this year's cost study, as it calculates drainage fees immediately upon input of accounting data and GIS information. The program provides a thorough analysis of the cost of estimates, unit prices for drainage facilities (currently at 2021 rates), all recent construction activity, revised major development fees and other system modifications due to studies performed throughout the year. With this information, the automated program performed a complete re-computation to evaluate the 2022 year's fee schedule. The drainage areas where amendments are proposed and the reason for the adjustment is shown on Attachment A.

The Fresno Metropolitan Flood Control District has three distinct Zones for preparation of the Drainage Fee Schedule. Zone 1 is the drainage system around the perimeter of the original core area of the cities. Zone 2 is the original core area of the City of Fresno, and Zone 3 is the original core area of the City of Clovis. All

adjustments are incorporated in the update of the Storm Drainage and Flood Control Master Plan by your Board's approval of the recommended action. A more comprehensive report detailing these adjustments made by the District is on file with Department staff.

As previously indicated, should your Board decide not to amend the Schedule of Drainage Costs and Fees to reflect the 2022 Drainage Fee Schedule; the District may not collect sufficient revenue to implement the full build-out of the Storm Drainage and Flood Control Master Plan improvements and the County will continue to collect storm drainage fees based upon 2021 rates.

Legal Standard and Required Findings

Under section 66483 of the Government Code, the County can, in connection with the District, require fees for the construction of drainage and sewer facilities. The Drainage Fee Ordinance allows the updated fees for such facilities to become effective following passage of the proposed resolution by the Board of Supervisors.

Under the Mitigation Fee Act (Government Code section 66000, et seq.), for your Board to impose fees on development projects, it must make the following findings:

1. Identify the purpose of the fee. (Gov. Code section 66001, subd. (a)(1).)
2. Identify the use to which the fee will be put. (Gov. Code section 66001, subd. (a)(2).)
3. Determine that there is a reasonable relationship between the fee's use and the type of development on which the fee is to be imposed. (Gov. Code section 66001, subd. (a)(3).)
4. Determine that there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is to be imposed. (Gov. Code section 66001, subd. (a)(4).)

Your Board must also determine that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. (Gov. Code section 66001, subd. (b).)

Information sufficient to make the findings described above and to satisfy the requirements of section 66483 of the Government Code is included in the fee study documentation on file with the clerk. Staff has reviewed this documentation and agrees with the finding by the District that the standard for amending the Schedule of Drainage Costs and Fees has been met.

Mitigation Fee Act Procedural Compliance

California Government Code section 66017 allows the legislative body to impose a development fee 60 days after holding an open and public meeting. If your Board approves the recommended actions and adopts the proposed fee, the amended fees will become effective 60 days following that action.

Pursuant with the requirements of Sections 66016 no written request for mailed notice was filed with County of Fresno. The County published notice of the present hearing in the Fresno Business Journal on January 21, 2022.

OTHER REVIEWING AGENCIES:

The adjusted fee schedules were concurrently transmitted by the District to the Cities of Fresno and Clovis for adoption. The Building Industry Association was also forwarded the schedules.

REFERENCE MATERIAL:

BAI #34, February 9, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Transmittal Letter from District
Attachment B - District Boundary Map
On file with Clerk - Resolution
On file with Clerk - 2022 Drainage Fee Study Documentation

CAO ANALYST:

Ron Alexander