



Board Agenda Item 51

DATE: December 13, 2016

TO: Board of Supervisors

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

SUBJECT: Transportation Mitigation Fee Annual Report

RECOMMENDED ACTION(S):

Review and accept the Annual Report of Transportation Mitigation Fee Activity for FY 2015-16, and make the following Findings:

- A. That the purpose of the Fee is to mitigate impacts caused by new development in the County in order to implement the Goals and Policies of the County General Plan; and**
- B. That there is a reasonable relationship between the Fee and the purpose for which it is charged as specified in each Resolution or Agreement establishing a particular fund account; and**
- C. That the County shall utilize these Public Facilities Fees in conjunction with other sources and amounts of funding from Federal, State, and local grant programs, local road funds, and private developer funds to complete the financing of necessary improvements; and**
- D. That the date on which the funds will be deposited/utilized into the appropriate fund or account is expected to be as noted in the summary of accounts outlined in the Agenda Item.**

Section 66000 et seq. of the Government Code (Code) requires that a description of all Public Facility Fees, the amount of the Fee, the beginning and ending balances of the Fee account, including interest earned, expenditures and refunds, and an approximate date by which the construction of the public improvement will commence for each fund shall be made public within 180 days after the close of the fiscal year. The Code also requires that this information be reviewed by the local agency at the next regularly scheduled public meeting not less than 15 days after the information is made available to the public. For purposes of this Annual Report, the term "Public Facility Fees" refers to transportation mitigation fees associated with private development projects.

ALTERNATIVE ACTION(S):

Review the Annual Report of Transportation Mitigation Fee Activity for FY 2015-16, and determine that funding for transportation improvements associated with specific development projects are no longer needed for the construction of the improvements and direct staff to refund the unexpended funds.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Funds collected through the Public Facilities Fee from new development projects are deposited into Special Revenue Funds and are available to

help finance the cost of future off-site road improvements necessary to mitigate impacts from the development when they are needed. The funds collected also include a three percent charge for administration of the Public Facilities Fee program.

DISCUSSION:

In accordance with Sections 66006 and 66008 of the Government Code, the local agency receiving the Public Facility Fees shall deposit them with other fees for road improvements in a separate Public Facilities account or fund in a manner to avoid any commingling of fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely and exclusively for the purposes for which the fee was collected. The fee shall not be levied, collected, or imposed for general revenue purposes. Construction of road improvements and traffic signals will provide for jobs and procurement of construction material in the local area.

Any interest income earned by moneys in the Public Facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purposes for which the fee was originally collected.

Transportation Mitigation Fees have been collected from various developments to mitigate transportation and circulation impacts under the provisions of Section 66000 of the Government Code and Chapter 17.88 of the Fresno County Ordinance Code. Developments that have paid or will pay fees include the Brighton Crest Subdivision (Tract No. 4048 et al), Copper River Ranch Golf Course, Carmalee Estates (Tract No. 4708), Unocal at State Route 198 and Interstate 5, Hunt-Wesson Tomato Plant on Kamm Avenue, Quail Lake Estates (Tract No. 4679 et al), Pitchwood Downs (Tract No. 4761), Tract No. 4613, Tract No. 4771, Tract No. 4669, Tract No. 4351, Mansionnette Country Estates (Tract No. 4835), Mira Bella (Tract No. 4321 et al), Jefferson Acres (Tract No. 5027 et al), Ventana Hills (Tract No. 5100), Bella Sera (Tract No. 5256), Bella Vista (Tract No. 4870), SF Pacific Properties, U.S. Swap Meet Sellers Association, Clovis Hills Community Church, Jayne Avenue Travel Center, Three Crowns Industrial Park, CMI Surface Mine, and Sunrock (Tract No. 5990). A full list of the improvement projects and locations with the dates of deposit/utilization are listed in Exhibit A.

In Fresno County, the Transportation Mitigation Fees have been deposited in 65 separate subclasses established for the individual projects in Fund 0088. These individual projects are listed in Exhibit A. These fees have been collected for the developments' pro-rated share of the cost for construction of the identified improvements to mitigate transportation and circulation impacts generated by the developments.

The total amount of money in these funds at the beginning of the fiscal year was \$4,027,882.52. Fees in the amount of \$176,507.51 and interest in the amount of \$56,796.66 were received into the funds during the fiscal year for a total amount of \$4,261,186.69. No expenditures from the fund were made during the fiscal year. A summary of the activity in each of the funds is attached as Exhibit B.

In addition to the income listed above, \$5,295.23 was collected for administration of the funds. The Administration Fee is not included in the activity summary. Every fifth year following the first deposit into an account or fund, the Board shall make the Findings as noted in the Recommended Action with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted.

The Transportation Mitigation Fee Activity Report for FY 2015-16 was made available to the public and published in the Business Journal on November 25, 2016.

ATTACHMENTS INCLUDED AND/OR ON FILE

Exhibit A
Exhibit B

CAO ANALYST:

John Hays