



## RESOLUTION NO.

### OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**WHEREAS**, AB 1600 was passed and codified in California Government Code Section 66000 (“Mitigation Fee Act”) allowing the establishment of a development impact fee as a condition of approval where the purpose and use of the fee are identified and a reasonable relationship to the development project can be demonstrated; and

**WHEREAS**, the County of El Dorado has adopted Ordinance No. 4404, codified in Chapter 13, Section 30 of the El Dorado County Code authorizing the imposition of parks and recreation development impact mitigation fees on new development within the unincorporated area of the County in order to fund capital facilities improvements and equipment acquisition for the provision of park and recreation services necessitated by new development within a community services district, a recreation and park district or other public entity authorized by law to provide public recreation by means of parks; and

**WHEREAS**, the County of El Dorado, at the District’s request, has established fees within the boundaries of the El Dorado Hills Community Services District (“District”) starting with Resolution 112-97; and

**WHEREAS**, the Mitigation Fee Act requires a local agency that has adopted fees in accordance with the Act to make certain findings with respect to the unexpended portion of the account or fund, whether committed or uncommitted, for the fifth fiscal year following the first deposit into the account or fund and every five years thereafter (Cal. Gov. Code 66001(d)); and

**WHEREAS**, District has prepared and provided the attached resolutions and reports (Exhibit A and Exhibit B (together the “District Reports”) which District’s Board has determined provides the required information to support the findings required by the Mitigation Fee Act (Cal. Gov. Code 66001(d)).

**WHEREAS**, the first deposit of fee revenue into the District account was made in Fiscal Year 1997-98, and based upon the periodic review cycle, these findings pertain to Fiscal Year 2012-13.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby accepts the District Reports provided by District and incorporates them by reference herein, finds that the reports provide sufficient information with regard to the unexpended balance in its Development Impact Mitigation fund or account to support the following findings as required by the Mitigation Fee Act and based on such report, and as more specifically set forth in the report, the Board of Supervisors makes the following findings:

- A. The adoption of this resolution is not a “project” for the purposes of the California Environmental Quality Act, because the resolution relates to a financial reporting requirement, and does not authorize or commit the County to particular project, and is exempt as an ongoing administrative activity or funding activity (Guidelines 15378(b)(2) and (b)(4) or is otherwise exempt under the golden rule.
- B. The purpose to which the fee is to be put has been adequately identified as set forth in the District Reports, and is functionally equivalent to the use(s) identified at the time the fee was established;
- C. As reflected in the District Reports and in particular, the report by Economic & Planning Systems, Inc., a reasonable relationship exists between the fee and the purpose for which it is charged;

- D. As of the end of FY 2012-2013, the impact fee fund held \$2,404,348.00 and as reflected in the District Reports, all sources and amounts of funding anticipated to complete financing in incomplete improvements (estimated as of end of FY 2012-2013 at \$49,608,512) have been identified;
- E. As reflected in the District Reports, the approximate dates on which the funding necessary to fund incomplete projects will be deposited into the appropriate account or fund have been identified.
- F. These findings supplement the findings accepted by the Board of Supervisors on June 23, 2013.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote of said Board:

Attest:  
 James S. Mitrisin  
 Clerk of the Board of Supervisors

Ayes:  
 Noes:  
 Absent:

By: \_\_\_\_\_  
 Deputy Clerk

\_\_\_\_\_ Chair, Board of Supervisors