



## Legislation Text

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**File #:** 16-1222, **Version:** 1

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Community Development Agency, Administration and Finance Division, recommending the Board:

- 1) Receive and file the Annual Reports for Fiscal Year 2015/16 for the Ecological Preserve Fee and Oak Woodland Conservation Fee Programs in compliance with California Government Code Section 66006; and
- 2) Receive and file the Annual Report for Fiscal Year 2015/16 for the Community Benefit Fee associated with the Alto, LLC, Development Agreement in compliance with California Government Code Sections 65865(e) and 66006.

**FUNDING:** Ecological Preserve Fees, Oak Woodland Conservation Fees, and Developer Funding.

### **DEPARTMENT RECOMMENDATION**

Community Development Agency (CDA), Administration and Finance Division, recommending the Board:

- 1) Receive and file the Annual Reports for Fiscal Year (FY) 2015/16 for the Ecological Preserve Fee and Oak Woodland Conservation Fee Programs in compliance with California Government Code Section 66006; and
- 2) Receive and file the Annual Report for FY 2015/16 for the Community Benefit Fee associated with the Alto, LLC Development Agreement in compliance with California Government Code Sections 65865(e) and 66006.

### **DISCUSSION / BACKGROUND**

#### Ecological Preserve Fee and Oak Woodland Conservation Fee Programs

Pursuant to Section 66006 of the California Government Code, the County is required to make available to the public specific information related to the prior year's activity for the County's mitigation fee programs. Attachments A, B, and C provide the information required by Section 66006 for the County's Ecological Preserve Fee and Oak Woodland Mitigation Fee Programs:

Attachment A - A brief description of the Fee Programs (Section 66006(b)(1)(A))

Attachment B - Fee Schedules (Section 66006(b)(1)(B))

Attachment C - Cash Statement

- The beginning and ending balance of the accounts (Section 66006(b)(1)(C)),
- The total fees collected (Section 66006(b)(1)(D)),
- Total interest earned in the funds (Section 66006(b)(1)(D)),
- Identification of expenditures for the accounts (Section 66006(b)(1)(E)), and
- Total refunds and other adjustments (Section 66006(b)(1)(H)).

Section 66006(b)(1)(F) requires an identification of an approximate date by which the construction of the public improvement will commence. The Ecological Preserve Fee and Oak Woodland Conservation Fee Programs are designed to acquire land for mitigation and do not include construction of public improvements. Therefore, there is no approximate date by which construction of a public improvement would commence and no information to disclose in the Annual Report.

An analysis of the Ecological Preserve funds conducted last year found that some of the past expenditures for the Ecological Preserve Fee Program were paid out of the incorrect fund and that revenues were being distributed amongst the funds at incorrect percentages. Corrections were made to the funds during FY 2015/16 and are reflected in the Annual Reports for FY 2015/16.

#### Alto, LLC Development Agreement Community Benefit Fee

The Alto Development is a Tentative Subdivision for twenty-three (23) residential lots on an eighty-one (81) acre site identified as Assessor's Parcel Number 126-100-19 approved on May 5, 2009 (Item 39). On June 24, 2014 (Item 12), the Board adopted Ordinance 5009 approving Development Agreement (DA) 13-0001 with Alto, LLC. Section 4.01 of the DA required Alto, LLC, to contribute \$30,000 for the County to use in its discretion toward a public benefit for the community. The County received \$30,000 on July 25, 2014, which was subsequently deposited into Special Revenue Fund 7730304-Road Construction Improvement In Lieu Fee, to be used for potential road improvements in the Green Valley Road area. Pursuant to Section 65865(e) of the California Government Code, the County is required to comply with Section 66006 of the California Government Code with respect to any fee it receives through terms of a DA. Attachments A through C listed above includes all required information for this Community Benefit Fee.

CDA has posted the Annual Report information contained in Attachments A through C to the Development Services Division's website to comply with the 15-day public notice requirement of Section 66006(b)(2).

#### **ALTERNATIVES**

N/A

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

#### **CAO RECOMMENDATION**

Approve the Department's recommendation.

#### **FINANCIAL IMPACT**

The Annual Reports are informational and have no associated fiscal impact or change to Net County Cost.

#### **CLERK OF THE BOARD FOLLOW UP ACTION**

N/A

#### **STRATEGIC PLAN COMPONENT**

Good Governance

#### **CONTACT**

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