



## Legislation Text

**File #:** 18-1880, **Version:** 1

Chief Administrative Office and County Counsel recommending the Board:

1) Adopt and authorize the Chair to sign Resolution **255-2018** making certain findings as required under the Mitigation Fee Act (Cal. Gov. Code §66000 et seq.) related to the development impact mitigation fee collected by the County on behalf of the Georgetown Divide Recreation District; and  
2) Review, receive, and file the annual financial report required under the Mitigation Fee Act for the period of July 1, 2017 through June 30, 2018. (Est. Time: 5 Min.)

**FUNDING:** There is no fiscal impact to the County related to this action.

### **DISCUSSION / BACKGROUND**

At the request of several Special Districts, the Board of Supervisors has established development impact mitigation fees. The fees are collected, held, and distributed by the County, for the benefit of the individual Districts. The Board voluntarily adopted the fees because the Districts do not have authority to impose such fees independently. As a result, as the agency establishing the fees, the Board of Supervisors is required to meet all of the subsequent reporting requirements in the Mitigation Fee Act ("Act"). The Act requires reports annually and specific findings every five years following the first deposit of the fee.

The annual report includes a brief description of the fee, the amount of the fee, and specific financial information, including revenue received and expenditures made. In accordance with the Act, the annual report was made available to the public on November 29, 2018 and is attached for the Board's review. The first deposit of the fee was made to the District's account in FY 2012-13, making the five-year findings due no later than 180 days following the end of FY 2017-18. The District board has adopted a resolution making the findings required by the Act; however, the Board of Supervisors, as the entity that established the fees on behalf of the district, must also make the findings. The attached resolution makes the findings that are required by the Act (66001(d)) to be made every five years. The findings are supported by a report that has been produced by the District and reviewed by County staff and County Counsel.

### **ALTERNATIVES**

These actions are required in order to remain compliant with state law. The five-year findings on behalf of the Georgetown Divide Recreation District must be made by December 27, 2018, or fees held in the account may be subject to refund.

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

Georgetown Divide Recreation District; County Counsel

### **CAO RECOMMENDATION**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no direct fiscal impact to the County related to this action.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Provide a copy of the executed resolution to the Chief Administrative Office.

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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