

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of October 15, 2019

RESOLUTION NO. 19-100

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, MAKING GOVERNMENT CODE SECTION 66001 FINDINGS AND ACCEPTING ANNUAL REPORT WITH RESPECT TO DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE AREA FOR THE FISCAL YEAR 2017/18

WHEREAS, the County has undertaken studies and produced a report analyzing the storm water conveyance infrastructure in the unincorporated area of the County known as McKinleyville; and

WHEREAS, on 11/12/1986, the Board of Supervisors adopted Ordinance No. 1758 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area "Drainage Fee"; and

WHEREAS, Ordinance No. 1758 sets forth the purposes of the fee and demonstrates a reasonable relationship between the fee and the purpose for which it is charged; and

WHEREAS, the County has adopted the McKinleyville Drainage Plan that indicates the approximate location, size, and estimates of costs for new facilities; and

WHEREAS, Government Code Section 66006 requires that the Board of Supervisors make available certain information to the public and hold a public meeting within 180 days of the close of the fiscal year detailing the fiscal year collection and expenditures of the Drainage Fee; and

WHEREAS, the Annual Report has been available to the public for at least 15 days as required; and

WHEREAS, the Board has received and reviewed the information required by Government Code Section 66006 with respect to fiscal year 2018/2019 as pertains to the Drainage Fee; and

WHEREAS, pursuant to Government Code Section 66001(d) the use of all existing fee balances are identified in the McKinleyville Drainage Plan and there are no balances in the funds five years or more that are unexpended or uncommitted; and

WHEREAS, there are improvements identified in the McKinleyville Drainage Plan that have not been constructed; and

WHEREAS, no improvements are scheduled for construction at this time; and

WHEREAS, the fees collected are necessary in order to fund the construction of the remaining improvements.

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NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That all of the recitations contained herein above are true and correct.
2. The County of Humboldt hereby accepts the Annual Report for FY 2018/2019 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area (attached hereto as Exhibit A and incorporated herein by reference) as being in accordance with applicable State Law.
3. Regarding five year reporting, the County of Humboldt adopts the findings proposed in Section I of the Annual Report.
4. The County of Humboldt finds that no improvements are scheduled for construction at this time.
5. The County of Humboldt finds that fees collected are necessary in order to fund the construction of the remaining improvements.

Dated: October 15, 2019



Rex Bohn, Chair
Humboldt County Board of Supervisors

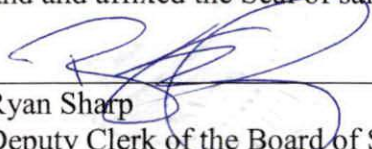
Adopted on motion by Supervisor Wilson, seconded by Supervisor Fennell, and the following vote:

AYES:	Supervisors	Bohn, Fennell, Wilson, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	Madrone
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California

A. A brief description of the type of fee in the account or fund.

On 11/12/1986, the Board of Supervisors adopted Ordinance No. 1758 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area. This Ordinance was codified in County Code Section 328.1-1 et seq. This Ordinance set forth the collection of drainage fees related to development on existing and future parcels within the McKinleyville Drainage Area. The purpose of the fee is to correct deficiencies in the storm water conveyance system in the McKinleyville area.

On 05/23/1989 Ordinance No. 1864 was adopted by the Board of Supervisors that clarified application of the fees.

On 10/10/1995 Ordinance No. 2092 was adopted by the Board of Supervisors that removed North Bank Road drainage area from being subject to the fees since no improvements were proposed in that drainage area.

The Planned Facilities that are identified in the McKinleyville Drainage Plan refer to that certain document, including the plans and maps contained therein, prepared by the firm of Winzler & Kelly, Consulting Engineers, entitled "McKinleyville Drainage Study, Prepared for the County of Humboldt and McKinleyville Community Services District," dated August 1982, copies of which are on file in the Office of the Clerk of the Board of Supervisors.

B. The amount of the fee.

The amount of the fee is codified in County Code Section 328.1-14, which is shown below.

328.1-14. AMOUNT OF FEES.

(a) New Parcels. For each new parcel created pursuant to the Subdivision Map Act and local subdivision ordinance there shall be imposed the following fees: (Ord. 1864, § 1, 05/23/89)

1. An initial fee of \$250.00 per parcel; and (Ord. 1758, § 1, 11/12/86)
2. If application is made for a building permit, an additional fee calculated in the same manner as the fee for an existing parcel pursuant to subdivision (b) of this section, less the sum paid pursuant to subdivision (a)(1) of this section. (Ord. 1864, § 1, 05/23/89)

(b) Existing Parcels. For each existing parcel, there shall be imposed the following fees: (Ord. 1864, § 1, 05/23/89)

1. For the construction of any new dwelling (single or multiple unit), the fee shall be \$250.00 per dwelling unit, up to a maximum of \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)
2. For the construction of all other new structures subject to the permit requirements of Title 3, Division 3 of this Code, the fee shall be \$0.16 per square foot of

Exhibit A: Annual Report for Fiscal Year 2018/2019 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area

impervious area created, up to a maximum of \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)

3. For additions to existing structures which will result in additional ground coverage in excess of 100 square feet or, in the case of upper-story additions, an additional floor area in excess of 100 square feet, the fee shall be \$0.16 per square foot. The total fee or cumulative fees paid pursuant to this paragraph shall not exceed \$250.00 per dwelling unit, or \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)

(c) The fee provided for in subsection (a)(1) of § 328.1-14 shall be collected at the time and in the manner specified in § 328.1-16; and the fees provided for in subsections (a)(2) and (b) of § 328.1-14 shall be collected at the time and in the manner specified in § 328.1-15. However, in no event shall the total fee or cumulative fees imposed pursuant to this chapter exceed, in the case of dwellings, \$250.00 per dwelling unit, and in all other cases, \$2,000.00 per acre. For purposes of computing the acreage in a subdivision, the area included in a designated remainder shall be excluded. (Ord. 1864, § 1, 05/23/89).

C. The beginning and ending balance of the account or fund.

The fund name is: Planned Local Drain Facilities

The beginning balance of fund 3706 as of 2018 was \$459,205.36.

The ending balance of fund 3706 as of 2019 was \$491,919.60.

D. The amount of the fees collected, and the interest earned.

The total amount collected for 2018/2019 is \$25,126.87.

Interest earned for 2018/2019 is \$7,587.37.

An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

No fees were expended in 2018/2019.

E. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Government Code Section 66001(a)(2), and the public improvement remains incomplete.

The projects which the fee is to fund are set forth in the report prepared by Winzler & Kelly, titled "McKinleyville Drainage Study, Prepared for the County of Humboldt and McKinleyville Community Services District," dated August 1982.

There are improvements identified in the McKinleyville Drainage Plan that have not been constructed. No improvements are scheduled for construction at this time. The fees collected are necessary in order to fund the construction of the remaining improvements.

Exhibit A: Annual Report for Fiscal Year 2018/2019 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area

The Department is currently in the process of reviewing all of the projects identified in the McKinleyville Drainage Plan. Once the review is complete, the Department will report back to the Board of Supervisors with the status of each project identified in the Plan; provide updated construction cost estimates for the uncompleted projects; and provide an approximate schedule for completion for the uncompleted projects.

- F. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.**

There have been no interfund transfers or loans from these funds.

- G. The amount of refunds made pursuant to Government Code Section 66001(e) and any allocations pursuant to Government Code Section 66001(f).**

There were no refunds made pursuant to Section 66001 during FY 2018/19.

- H. Fifth Year Special Reporting: The local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:**

- (1) Identify the purpose to which the fee is to be put.** The purpose for the fee is discussed in Section A above.
- (2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.** County Code Section 328.1-3 sets forth the following findings that establish a relationship between the fee and the purpose of the fee:
 - (a) Subdivision and development of the property within the McKinleyville Drainage Area will require construction of the Planned Facilities;
 - (b) The estimated costs of constructing the Planned Facilities are based on the findings set forth in subsections (a) and (c) of Section 328.1-3;
 - (c) The fees established by this chapter are fairly apportioned within the McKinleyville Drainage Area on the basis of benefits conferred on property proposed for subdivision and development of other property within the McKinleyville Drainage Area.
 - (d) The fee established by this chapter as to any property proposed for subdivision within the McKinleyville Drainage Area does not exceed the pro rata share of the amount of the total, actual, or estimated cost of all the Planned Facilities within the McKinleyville Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis;
 - (e) The Planned Facilities are in addition to existing facilities serving the area at the time of adoption of the McKinleyville Drainage Plan.

Exhibit A: Annual Report for Fiscal Year 2018/2019 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area

- (3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code Section 66001(a)(2).** At this time, projects are anticipated to be constructed utilizing any combination of Drainage Fees, Road Fund, State grants, and Federal grants. The specific amount of each funding type has not been established.
- (4) Designate the approximate dates on which the funding referred to in (3) above is expected to be deposited into the appropriate account or fund.** At this time, funding dates have not been established. The dates are unknown due to unknown availability of State and Federal grants.

Prepared by:

**Department of Public Works
1106 Second Street
Eureka, CA 95501**