COUNTY OF HUMBOLDT

Legislation Details (With Text)

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On agenda:	10/15/2019			**Final action:**	10/15/2019
Title:	Annual Report for FY 2018/2019 Regarding Drainage Facility Improvements and Drainage Fees in the McKinleyville Drainage Area (Fund 3706)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Staff Report, 2. Attachment 1 -Resolution, 3. Attachment 1 (Exhibit A) - Annual Report, 4. Attachment 2 - County Code, 5. Resolution 19-100				

Date	Ver.	Action By	Action	Result
10/15/2019	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:
Annual Report for FY 2018/2019 Regarding Drainage Facility Improvements and Drainage Fees in the McKinleyville Drainage Area (Fund 3706)

RECOMMENDATION(S):
That the Board of Supervisors:

1. Adopt the resolution accepting the report and adopting findings related to Drainage Fees in the McKinleyville Drainage Area (Attachment 1).

SOURCE OF FUNDING:
General Fund

DISCUSSION:
On Nov. 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 *et seq*. (Attachment 2). 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.

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On May 23, 1989, Ordinance No. 1864 was adopted by the Board of Supervisors that clarified application of the fees and on Oct. 10, 1995, Ordinance No. 2092 removed North Bank Road drainage area from being subject to the fees since no improvements were proposed there.

Assembly Bill 1600 known as the Mitigation Fee Act, codified in Government Code Section 66000 *et seq*., requires that a report on the fees be prepared annually and made available to the public within one hundred and eighty (180) days after the last day of the fiscal year. The Board of Supervisors reviews the information made available to the public at the next regularly scheduled public meeting not less than fifteen (15) days after it is made available to the public. Notice of the time and place of the meeting, including the address where this information may be reviewed, has been publicly posted in accordance with the provisions of the Mitigation Fee Act.

The 2018/19 annual report is Exhibit A to Attachment 1 to this agenda item and includes the following information in accordance with Government Code Section 66006(b):

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

B. The amount of the fee.

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

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

E. 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.

F. 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.

G. 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.

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

Also, pursuant to Government Code Section 66001(d), every fifth year 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.

(2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

(3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code Section 66001(a)(2).

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(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.

The county has complied with the general requirements of the act that fees collected are necessary to fund the cost of improvements which benefit or will benefit subject developments. The funds collected have been segregated from other funds since the outset of collection in compliance with the act. The county does have unexpended funds that are to be used for constructing the remaining projects.

FINANCIAL IMPACT:
There is a minimal cost associated with preparing the necessary reporting documents. This will be covered in the Public Works Land Use budget (1100-166).

STRATEGIC FRAMEWORK:
This action supports your Board's Strategic Framework by providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:
N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:
Not adopt the resolution accepting the report and not adopt findings related to Drainage Fees in the McKinleyville Drainage Area. This action would not be in compliance with the Mitigation Fee Act.

ATTACHMENTS:
Attachment 1: Resolution of the Board of Supervisors of the County of Humboldt, making Government Code Section 66001 findings and accepting Annual Report (Exhibit A) with respect to drainage fees in the McKinleyville drainage area for the Fiscal Year 2018/19
Attachment 2: County Code Section 328.1 *et seq*.

PREVIOUS ACTION/REFERRAL:
Board Order No.: C-18
Meeting of: 10/16/2018
File No.: 18-1240