



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Auditor-Controller
Department No.: 061
For Agenda Of: 10/07/2008
Placement: Departmental
Estimated Tme: 15 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Robert W. Geis, Auditor-Controller
Director(s)
Contact Info: Mark Paul, Division Chief, 568-2141

SUBJECT: Set Hearing for Development Impact Fees: Annual Reports and Automatic Fee Adjustment

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions: That the Board of Supervisors considers the following:

1. Receive the 2007-2008 annual reports for the Countywide, Orcutt and Goleta development impact fee programs (Attachment B); and
2. Receive the automatic annual fee adjustment of 2.8%, which is based on the increase in the Engineering Construction Cost Index.

Summary Text:

The Auditor-Controller's Advanced Accounting division has coordinated with the various departments and prepared the required annual reports for the AB1600 program. Development Impact Fees ("Fees") are fees imposed on new development to pay for their "fair share" of the construction costs associated with new public infrastructure (e.g., roads, parks, library, etc.) necessary to serve the new development. Under the authority of Government Code 66000 et seq. (AB 1600), which allows local jurisdictions to establish development impact fees, the County of Santa Barbara has adopted several fee programs to fund needed public infrastructure. Some of the established fee programs are imposed countywide, while others apply to specific geographical areas (e.g., community planning area) within the County. The existing County fee programs are listed below in Table 1. Although automatic annual fee adjustments are not required under AB 1600, they are mandated by the adopted County ordinances.

Where applicable, Table 1 indicates whether an annual report, and/or an annual fee adjustment is included as part of this report for each fee program. Table 1 also indicates when a Five Year Report is due.

Table 1
Existing County Fee Programs

<u>Fee Program</u>	<u>Annual Report</u>	<u>Annual Adjustment</u>	<u>5 Year Report Due</u>
<u>Countywide</u>			
Quimby Fee ¹ (Ord. No. 4317; adopted June 16, 1998)	N/A	N/A	N/A
Park Development Mitigation Fee (Ord. No. 4348; adopted June 16, 1998)	Yes	Yes	July, 2009
Transportation Mitigation Fee (Ord. No. 4270; adopted June 16, 1998)	Yes	Yes	July, 2009
Fire Mitigation Fee (Ord. No. 4236; adopted July 30, 1996)	N/A	N/A	July, 2009
<u>Orcutt Planning Area</u>			
Comm./Ind. Park Facility Fee (Ord. No. 4316; adopted June 16, 1998)	Yes	Yes	July, 2009
Fire Facility Fee (Ord. No. 4311; adopted June 16, 1998)	Yes	Yes	July, 2009
Library Facility Fee (Ord. No. 4314; adopted June 16, 1998)	Yes	Yes	July, 2009
Public Administration Facility Fee (Ord. No. 4315; adopted June 16, 1998)	Yes	Yes	July, 2009
Regional Drainage Facility Fee (Ord. No. 4313; adopted June 16, 1998)	Yes	Yes	July, 2009
Sheriff Facility Fee (Ord. No. 4312; adopted June 16, 1998)	Yes	Yes	July, 2009
<u>Goleta Planning Area</u>			
Comm./Ind. Park Facility Fee (Ord. No. 4341; adopted November 3, 1998)	Yes	Yes	July, 2009
Fire Facility Fee (Ord. No. 4353; adopted March 23, 1999)	Yes	Yes	July, 2009
Library Facility Fee (Ord. No. 4354; adopted March 23, 1999)	Yes	Yes	July, 2009
Public Administration Facility Fee (Ord.No.4355;adopted March 23, 1999)	Yes	Yes	July, 2009
Sheriff Facility Fee (Ord. No. 4360; adopted May 25, 1999)	Yes	Yes	July, 2009

¹ Quimby Fees are not subject to the AB 1600 Fee reporting requirements. Prior to expending of Quimby Fees, projects are brought before the Board on an individual basis to receive approval.

The following discussion addresses the reporting requirements for the annual reports, and the automatic annual fee adjustments for each of the fee programs as indicated in Table 1. Attachment A contain the required reporting information for each of the applicable fee programs.

Discussion: 1. Annual Reports

Section 66006(b) (1) of the Government Code requires that for each separate account or fund established pursuant to AB 1600, the local agency shall prepare an annual report, which includes the following information:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of the fees collected and the interest earned.

- 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 were funded with fees.
- 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 improvement and the public improvement remains incomplete.
- 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 of fund will receive on the loan.

Attachment A provides a summary of the fee program accounts for the last fiscal year. Total estimated costs for construction of projects and fees expended to date for the identified public improvements are shown in the table for each fee program. For detailed information on the specific public improvements please refer to Attachment B.

All affected line departments prepared reports that provide the required information for each fee account for the last fiscal year (Attachment B). The projects identified in the reports are consistent with those found in the County's 5-Year Capital Improvement Program (CIP), Goleta Transportation Improvement Program (GTIP), Orcutt Transportation Improvement Program (OTIP), and Fee Justification studies. The reports contain an accounting of the monies and the projects for which the fees have been collected during the last fiscal year.

2. Automatic Annual Fee Adjustments

Each year staff reviews the adopted fees for each fee program to determine if the cost estimates for the future public facilities are adequate and whether the fees should be increased to reflect increased construction costs or newly identified infrastructure needs. The current review by departments indicates that the public improvements identified in the County's 5-Year CIP, Transportation Improvement Plans, and Fee Studies are still adequate to reflect the long term needs for these public facilities. Therefore, the only increase in fees results from the automatic adjustment that reflects the 2.8% increase in the Engineering Construction Cost Index for the past year ending June 30, 2008. This adjustment will allow the fees to keep pace with the increasing costs of providing the needed public facilities as identified in the capital improvement programs.

Attachment B shows the amount of the fee for each fee program prior to the annual fee adjustment and the corresponding revised fee reflecting the increase in the Engineering Construction Cost Index.

Mandates and Service Levels: Government Code Section 66000 et seq. mandates that any fees imposed by a local agency as a condition of approving a development project must be reviewed annually and every five years by the local agency at a noticed public meeting. Government Code requires that a report shall be submitted to the Board within 180 days following the end of the fiscal year.

Ordinances adopted by the County to implement the development impact mitigation fee programs require that a report shall be submitted to the Board within 60 days following the end of the fiscal year.

County fee ordinances mandate automatic annual fee adjustments to keep pace with the cost of constructing public facilities.

Performance Measure: The recommendation(s) are primarily aligned with Goal No. 1 An Efficient Government Able to Respond Effectively to the Needs of the Community, Goal No. 2 A Safe and Healthy Community in Which to Live, Work, and Visit, Goal No. 5. A High Quality of Life for All Residents, and are aligned with actions required by law or by routine business necessity.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Annual Report provides information on the amount of fees collected historically including total cost projects, fees collected the past fiscal year, and amount expended to date. No fiscal or facility impacts are anticipated with the annual fee report and adjustments. The annual fee adjustment allows the fees to increase to reflect the annual increase in construction costs to build the identified public facilities based on the Engineering Construction Cost Index for the preceding twelve (12) months.

Special Instructions: Please forward one copy of the minute order to the County Administrator's Office, Planning & Development, Public Works, Fire, Sheriff, General Services, Park, Auditor-Controller's Office, and County Counsel Departments.

Attachments: Attachment A – Annual Fund Account Activity For Fiscal Year 2007-2008
Attachment B – Departmental Annual Fee Adjustment

Authored by: Mark Paul, Division Chief - Advanced Accounting