



City Council Staff Report

Agenda Item:	<u>F.5</u>
Date:	<u>December 14, 2021</u>
Department:	<u>Finance</u>

AGENDA TITLE: 2021 Annual Report of Development Impact Fee Funds Per AB1600 (Government Code Sections 66000 and Following)

RECOMMENDATION:

Staff recommends that the City Council: (1) Receive and file the City of Orinda Annual Report of Development Impact Fee Funds for the year ended June 30, 2021.

BACKGROUND:

The City of Orinda, like many other local agencies, levies fees (“development fees”) on new development within the City in order to fund public capital improvements necessitated by such development. The California Mitigation Fee Act, commonly known as AB1600 (Government Code Sections 66000 and following), imposes certain accounting and reporting requirements on local agencies that collect development fees. The State Law establishes required elements to include in the annual report and also requires that the information be included on an agenda at a public meeting.

DISCUSSION:

The Administrative Services Director has reviewed the fees enacted by the City of Orinda that qualify as Impact Fees under the provisions of the State Code. The following development fees were determined to be covered by the Mitigation Fee Act:

- Transportation Impact Fees
- Drainage Impact Fees
- Park Dedication Fees

In addition to this report the financial activity associated with all development impact fee funds are treated as individual Special Revenue Funds, and reported discretely as part of the Annual Comprehensive Financial Report and Audit.

The Mitigation Fee Act mandates that for accounting purposes, development fees must be segregated from the general funds of the City and from other funds containing fees collected for other improvements. Interest on each development fee fund must be credited to that fund and used only for the purposes for which the fees were collected.

The Mitigation Fee Act also requires that, within 180 days after the close of the fiscal year, the City must make available to the public the following information regarding each of its development fee funds:

- A brief description of the type of development fee.
- The amount of the development fee.
- The beginning and ending fund balance for the fiscal year.

- The amount of development fees collected and interest earned.
- An identification of each public improvement on which development fees were expended together with the amount of such expenditures, including the total percentage of the cost of the public improvement that was funded with fees.
- Information regarding the schedule for commencement of certain public improvements to be funded with development fees.
- A description of any inter-fund transfers or loans made from the fund.
- The amount of any refunds made.

High Level Summary Of Impact Fee Fund Activities Fiscal Year 2020 - 2021

Details of activity for each of the fees are displayed in the Annual Report (Attachment A). The following is a high level summary of the activity for the year including the beginning and ending balances:

ANNUAL REPORT OF DEVELOPER FEES BY CATEGORY (7/1/2020 - 6/30/2021)

Development Impact Fee	Beginning Balance (7/1/2020)	Additions: Fees, Interest, Other Revenue	Expenses: Project Costs	Ending Balance (6/30/2021)
Transportation	\$ 945,487	\$ 144,346	\$(112,901)	\$ 976,932
Drainage	1,423,444	363,204	(8,851)	\$ 1,777,797
Park Dedication	1,257,029	46,196	(315,666)	\$ 987,559
TOTAL	\$ 3,625,961	\$ 553,746	\$(437,418)	\$ 3,742,289

Funds Remaining Unexpended More Than 5 Years

One of the provisions in the State law regulating development fees is to regularly review funds collected and held for more than five years without being expended. At the City Council meeting of December 19, 2017 the City Council adopted Resolution No. 90-17. The resolution made findings regarding the continued retention of funds held for more than five years, in order to complete planned projects. The next action and analysis based on the need for a review each five years, will be completed with the Fiscal Year 2021-2022 Report.

Noticing Requirements

Government Code Section 66006(b)(2) requires the report to be included on the City Council meeting agenda at a public meeting not less than 15 days after the information was made available. Staff posted a Notice on November 23, 2021, indicating that the Draft report would be available on November 29, 2021. The Notice of Availability of the Report was posted in the established City notice posting locations. In addition the Government Code Section requires that the notice of the meeting shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting. The City provided the notice to the Building Industry Association.

NEXT STEPS:

The City Clerk is to retain this report in the official records of the City.

FISCAL IMPACT:

The adopted 2021-2025 Capital Improvement Plan (CIP) includes combined estimated expenditures in the three Impact Fee funds of approximately \$4.5 million over the next four years (See Attachment B). The CIP is a short range plan and actual appropriations are made as part of the Annual Budget for projects in the upcoming year. The Annual Update to the CIP to be presented in 2022 and will take into account updated balances.

ATTACHMENTS:

- A. 2021 Orinda Annual Impact Fee Report
- B. Impact Fee Projects Next 4 Years 2022-2025

Respectfully Submitted by:
Paul Rankin
Administrative Services Director

Prepared By: Nancy Zhang,

Approved by:



David Biggs, City Manager

12/1/2021

CITY OF ORINDA
ANNUAL REPORT OF DEVELOPMENT IMPACT FEES
FOR THE FISCAL YEAR ENDED JUNE 30, 2021
 (Report Available to Public November 29, 2021 and
 Included on City Council Public Meeting Agenda December 14, 2021)

A. DESCRIPTION OF THE CITY'S IMPACT FEES - Section 66006(b)(1)(A) CGC

The City of Orinda has established the following Development Impact Fee Funds which are subject to annual reporting as part of the Mitigation Fee Act provisions in California Government Code (CGC) Section 66000 et seq.:

- Transportation Improvement Program Fee (Local Portion) as described in Chapter 3.20 of the Orinda Municipal Code.

This fund accounts for the Transportation Impact fee imposed on new development to help fund and pay for the construction of needed expansion or offsite capital improvements for roads, bikeways, sidewalks and traffic signals.

- Drainage Impact Fees as described in Chapter 3.24 of the Orinda Municipal Code.

This fund accounts for the Drainage Impact fee imposed on new development to help pay for a drainage master plan and the construction of improvements recommended in the plan.

- Park Dedications and Improvement Fees as described in Chapter 3.28 of the Orinda Municipal Code.

This fund accounts for the Park Dedication fee imposed on development to provide funding for acquiring new parklands, building new recreational facilities, and rehabilitating or replacing existing parks and recreation facilities to enable those facilities to provide services to new residents and to offset the loss of private residential recreational and visual open space.

B. AMOUNTS CHARGED BY THE CITY FOR IMPACT FEES - Section 66006(b)(1)(B) CGC

The amounts charged for the impact fees noted above are dependent upon the type and size of a particular development and were based upon related studies, as adjusted over the years by the CPI. The City Council has adopted and imposed the subject fees and the rates applied as of June 30, 2021 are shown in the table on the following page.

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ANNUAL REPORT OF DEVELOPMENT IMPACT FEES
FOR THE FISCAL YEAR ENDED JUNE 30, 2021
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AMOUNT OF INDIVIDUAL DEVELOPMENT FEES
(Resolution # 26-21 Effective June 15, 2021 – Drainage and Park Dedication Fee;
Resolution # 62-20 Effective January 1, 2021 – Transportation Impact Fee)

FEE	CALCULATION METHOD	\$ AMOUNT
Transportation (Local Portion) Regional Portion is a pass-through administered by JPA.	Residential – Per Unit	Single Family \$4,236.04 Multi-Family / 2 nd Unit \$2,965.05
	Transit Oriented MF – Per Unit	Multi-Family / Transit \$1,571.68 Non-Residential \$4.53 / sq. ft.
	Non-Residential – Per Sq. Ft.	Other \$466.21 per trip
	Other – Per Trip Generated	
Drainage Fee	Impervious surface added by new development	\$1.50 per square foot in excess of 100 feet.
Park Dedication Fee	Per Residential Unit	Single Family (SF) Detached \$19,098 SF Attached or Townhouse \$12,976 Multi-Family Duplex or Condominium \$13,327 per unit

C. ACCOUNTING FOR IMPACT FEE REVENUE - Section 66006(b)(1)(C-D) CGC

As provided for under State Law the City must account in each of the Impact Fee Funds for: Beginning Balance; Fees Collected, Interest and other Revenue; Expenditures; and the Ending Balance. If there were any inter-fund loans or transfers those must also be disclosed. The City did not have any loans or inter-fund transfer transactions in the Fiscal Year ending June 30, 2021. The following table displays the accounting information required.

Fiscal Year 2020-2021 Impact Fee Beginning and Ending Balances
(Including Revenue by type and Total Expenditures)

	Transportation	Drainage	Park Dedication
Beginning Balance (7/1/2020)	\$ 945,487.37	\$ 1,423,444.27	\$ 1,257,029.06
Fees Collected (7/1/2020 - 6/30/2021)	132,765.26	346,326.43	35,019.48
Interest Revenue	11,580.79	16,877.68	11,176.27
(Less: 2020-2021 Expenditures)	(112,901.06)	(8,851.25)	(315,665.52)
Ending Balance (6/30/2021)	\$ 976,932.36	\$ 1,777,797.13	\$ 987,559.29

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D. Fund Expenditures By Project - Section 66006(b)(1)(E) CGC

The Mitigation Fee Act requires the City to disclose additional information related to the project expenditures from each of the Impact Fee Funds. Specifically, the report must identify:

- each public improvement on which fees were expended;
- the amount of the expenditures on each improvement; and
- the total percentage of the cost of the public improvement that was funded with impact fees.

The tables below provide the additional detail for each of the funds.

FISCAL YEAR 2020-2021 (July 1, 2020 - June 30, 2021)

Impact Fee Expenditures By Project

Fund #205 Transportation Impact Fees:

Project Name	Proj #	Impact Fees	Other Funds	Total Expense	% Paid By Fees
Miner Road Bridge Rehab	0044	12,426.46	106,040.70	118,467.16	10%
Ped Path Martha Rd-Catherine	4140	7,522.10	-	7,522.10	100%
2020 Annual Pavement Rehab	4150	44,225.00	5,875,921.93	5,920,146.93	0.75%
Ped Xing ImpGlorietta/Virginia	4172	48,727.50	-	48,727.50	100%
Total Transportation Fee Projects		112,901.06	5,981,962.63	6,094,863.69	2%

Fund #210 Drainage Impact Fees:

Project Name	Proj #	Impact Fees	Other Funds	Total Expense	% Paid By Fees
Master Drainage Study	4092	4,425.00	-	4,425.00	100%
Storm Drain Liner Ivy Dr (48in)	4094	4,426.25	-	4,426.25	100%
Total Drainage Fee Projects		8,851.25	-	8,851.25	100%

Fund #240 Park Dedication Fees:

Project Name	Proj #	Impact Fees	Other Funds	Total Expense	% Paid By Fees
Resurface Community Park Tennis Courts	4052	173,992.84	-	173,992.84	100%
Wilder Development Amenities	4061	107,000.00	149,328.00	256,328.00	42%
Community Center Accessibility	4086	6,325.00	-	6,325.00	100%
Orinda Mini Park	4103	28,347.68	-	28,347.68	100%
Total Park Dedication Project Expenses		315,665.52	149,328.00	464,993.52	68%

E. IMPACT FEE LOANS / TRANSFERS AND REFUNDS Section 66006(b)(1)(G-H) CGC

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As provided for in Government Code Sections 66006(b)(1)(G and H) the City is also required to disclose:

- Any inter-fund transfers or loans made from the Impact Fee Fund.
 - Including how transferred or loaned fees were expended; and
 - If the transaction is a loan when it will be repaid and the rate of interest.
- Any refunds of fees granted.

There were no inter-fund transfers or loans involving the listed Impact Fees. Likewise the City did not issue any refunds for the year ending June 30, 2021.

F. ANALYSIS OF FUNDS HELD FOR 5 OR MORE YEARS - Section 66001(d) CGC

The Mitigation Fee Act also contains a separate requirement to evaluate every five years balances held and make certain additional disclosures. The purpose of the review is to identify monies that have been collected and held for a period of more than five years and to make appropriate disclosures.

At the City Council meeting of December 19, 2017 the City Council adopted Resolution No. 90-17. The resolution made findings regarding the continued retention of funds held for more than five years, in order to complete planned projects. The next action and analysis based on the need for a review each five years, will be completed with the Fiscal Year 2021-2022 Report.

**PLANNED IMPACT FEE EXPENDITURES NEXT 4 YEARS
PER CITY OF ORINDA CIP 2021-2025
ADOPTED JUNE 29, 2021**

	2021-2022	2022-2023	2023-2024	2024-2025	CIP 4 YEAR TOTAL
205 TRANSPORTATION IMPACT FEES					
Miner Road Bridge Seismic Retrofit Project	\$ 5,000	\$ -	\$ -	\$ -	
Camino Pablo Path-Orinda Way to Monte Vista	10,000	116,000	6,000	-	
Traffic Signal Operation Improvements	85,000	715,000	-	-	
Camino Pablo Pathway Rehabilitation	-	-	30,000	-	
Annual Bicycle, Trails, and Walkways Program	17,500	17,500	17,500	17,500	
Martha Rd-Catherine Ct-Ped Path	38,000	-	-	-	
Ped Path Moraga Wy El Camino Moraga To Altamount	89,200	75,000	-	-	
Total Traffic Impact Fees	\$244,700	\$923,500	\$53,500	\$17,500	\$1,239,200

210 DRAINAGE IMPACT FEES					
Glorietta-Rheem SD Repair PL-492	\$ 175,000	\$ 25,000	\$ -	\$ -	
Orchard SD Repair PL-409 & PL-513	50,000	200,000	-	-	
Ivy Dr. SD Repair PD-958/959 & PL864	-	200,000	100,000	-	
Storm Drain Plan & Inventory	15,000	15,000	15,000	15,000	
Storm Drain Liner Ivy Dr (48 in)	130,000	-	-	-	
Lavenida Culvert Repair	-	508,500	-	-	
Moraga Wy and Coral	93,000	100,000	573,900	-	
Total Drainage	\$463,000	\$1,048,500	\$688,900	\$15,000	\$2,215,400

240 PARK DEDICATION FEES					
Community Center Window Replacement	\$ 120,000	\$ -	\$ -	\$ -	
Community Center HVAC	50,000	-	-	-	
Community Center Exterior Painting	75,000	-	-	-	
Community Center Accessibility Improvements	15,000	15,000	15,000	15,000	
Mini Park (Crossroads Park)	93,000	-	-	-	
Community Park Renovation Plan & Improvements	140,000	275,000	-	-	
Art and Garden Center Sound Absorption	15,000	-	-	-	
Community Center Roof Replacement	75,000	-	-	-	
Community Center Vinyl Flooring Replacement	40,000	-	-	-	
Art & Garden Ctr Audio Visual	-	20,000	-	-	
Wilder Ranch House Roof Replacement	35,000	-	-	-	
Total Park Dedication	\$658,000	\$310,000	\$15,000	\$15,000	\$998,000

GRAND TOTAL PLANNED EXPENDITURES **\$4,452,600**