

RESOLUTION NO. 2015-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS,
CALIFORNIA, MAKING FINDINGS REGARDING THE CONTINUING NEED
FOR UNEXPENDED BALANCES OF IMPACT FEES AS OF JUNE 30, 2014**

WHEREAS, Government Code Sections 66000 (commonly known as and referenced to herein as “AB1600”) regulate the imposition, collections, maintenance, expenditure and reporting of impact fees imposed on developers for the purpose of defraying costs of public facilities; and

WHEREAS, the City of Los Altos (“City”) has identified two (2) impact fees collected from developers that are subject to AB1600’s requirements. Those funds are the Traffic Impact Fee (Fund 26) and the Park-In-Lieu Fees (Fund 27); and

WHEREAS, in accordance with the provisions of AB1600, the City has set up separate special revenue funds for each type of fee, crediting earned interest to those funds, and spending the accumulated fees and related interest on appropriate expenditures; and

WHEREAS, the City has prepared an annual report for FY 2012/13 and FY 2013/14 in accordance with AB1600, “AB1600 Report on Development Impact Fees for the fiscal year ended June 30, 2013 and June 30, 2014” reflecting the beginning and ending balances of each separate fund containing impact fees, the amount of fees collected and the interest earned for the year, the amount of expenditures and refunds made in the year and a description of the type of fees. The amount of each of these development impact fees for FY 2012/13 and FY 2013/14 is reflected in the City’s Municipal Fee Schedule, previously adopted by the Council; and

WHEREAS, a copy of the annual report has been on file and available for review in the City Clerk’s Office at Los Altos City Hall and the Los Altos Main Library since February 4, 2015 as noticed in the Los Altos Town Crier; and

WHEREAS, AB1600 requires the City to make specific findings every five (5) years with respect to any portion of the fees remaining unexpended or uncommitted after a period of five (5) years to: 1) identify the purpose to which the fee is to be put; 2) demonstrate a relationship between the fee and the purpose for which it was charged; 3) identify all sources and amounts of funding anticipated to complete financing of the improvement; and 4) designate the approximate date on which such funding will be available; and

WHEREAS, the Traffic Impact Fee, which was established for the purpose of providing a source of funding for traffic improvements, contains some fee revenues which were received five (5) years ago. The sum of \$230,270, representing fees and accrued interest collected for traffic impact, remains unexpended five (5) or more years after deposit of the fees; and

WHEREAS, the City desires to make the findings required by law, with respect to, these unexpended fees.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos accepted the attached AB1600 Report on Development Impact Fees for Fiscal Year ended June 30, 2013 and 2014 ("Report") on February 24, 2015, and makes the following findings:

1. The Traffic Impact Fee revenues are to be used to construct traffic improvements needed by new development. The amount of the fee for different land use types is proportionate to the need for traffic improvements generated by such land use types.

2. The portions of the fund balance in the Traffic Impact Fund that are approaching five (5) years in the June 30, 2014 report totals \$230,270. The City plans to use the entire fund balance for the projects identified in the related staff report which are programmed in the adopted five-year Capital Improvement Program CIP). The Traffic Impact Fund has projects scheduled in the CIP for the next five years, and is projecting additional fees and interest each year.

3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or work of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolutions. The City of Los Altos hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 24th day of February 2015, by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

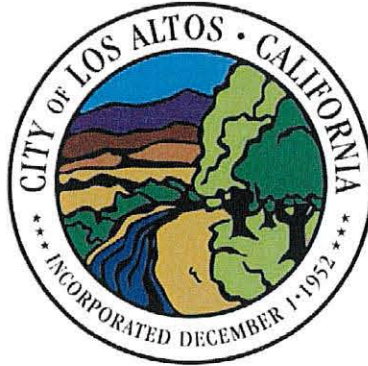


Janis C. Pepper, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK



City of Los Altos

Annual Report
on
Development Impact Fees

for
Fiscal Year Ended
June 30, 2013

**City of Los Altos
Development Impact Fee (DIF) Compliance
For Year Ended June 30, 2013**

Schedule of Park-In-Lieu Fees

Pursuant to City of Los Altos Municipal Code Chapter 13.24
Per City Council Adopted Resolution No. 2010-24

New Single-family Residential Home	\$ 30,000 per Home
New Multiple-family Unit	\$ 18,000 per Unit

Schedule of Traffic Impact Fees
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Pursuant to City of Los Altos Municipal Code Chapter 3.48
Per City Council Adopted Resolution No. 2010-24

Single-family Housing	\$ 5,142 per Residential Unit
Multiple-family Housing	\$ 3,156 per Residential Unit
Senior Housing	\$ 1,323 per Residential Unit
Commercial	\$ 9,418 per One Thousand Gross Square Feet
Office	\$ 7,585 per One Thousand Gross Square Feet

City of Los Altos
Development Impact Fee (DIF) Compliance
For Year Ended June 30, 2013

Park-In-Lieu Fee

Fiscal Year	Beg Bal	DIF Fees	Interest Income	Transfers In	AB1600 Expenses	Transfers Out	End Bal
2005	\$ 0	\$ 30,000	\$ 670		\$ 6,500		\$ 24,170
2006	24,170	60,000	2,757		-		86,927
2007	86,927	243,000	7,705		-		337,632
2008	337,632	867,000	23,890		211,780		1,016,742
2009	1,016,742	-	19,684		73,046		963,380
2010	963,380	468,000	7,868		154,257		1,284,991
2011	1,284,991	132,000	7,784		1,136,867		287,908
2012	287,908	756,000	6,027		100,185		949,750
2013	949,750	3,636,000.00	4,640.00				4,590,390

Aging of Funds Held

Fiscal Year	Current Year Funds	1 Yr Old Funds	2 Yr Old Funds	3 Yr Old Funds	4 Yr Old Funds	5 Yr Old Funds	Total Funds Held
2013	\$ 3,640,640	\$ 762,027	\$ 139,784	47,939			\$ 4,590,390

City of Los Altos
Development Impact Fee (DIF) Compliance
For Year Ended June 30, 2013

Traffic Impact Fee

Fiscal Year	Beg Bal	DIF Fees	Interest Income	Transfers In	AB1600 Expenses	Transfers Out	End Bal
2006	\$0	\$ 84,796	\$ 960				\$ 85,756
2007	85,756	-	4,467				90,223
2008	90,223	285,018	7,785				383,026
2009	383,026	24,842	8,974				416,842
2010	416,842	154,644	3,372				574,858
2011	574,858	185,795	5,935		47,793		718,795
2012	718,795	59,964	5,108		23,402		760,465
2013	760,465	651,705	1,758		18,336		1,395,592

Aging of Funds Held

Fiscal Year	Current Year Funds	1 Yr Old Funds	2 Yr Old Funds	3 Yr Old Funds	4 Yr Old Funds	5 Yr Plus Old Funds	Total Funds Held
2013	\$ 653,463	\$ 65,072	\$ 191,730	\$ 158,016	\$ 33,816	\$ 293,495	\$ 1,395,592

City of Los Altos
Development Impact Fee (DIF) Compliance
Funds Expended
For Year Ended June 30, 2013

Project	Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
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No Spending on Projects this Year

Total	\$ -	\$ -
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As June 30, 2013, there we no loans made by the Fund

For fiscal year ending June 30, 2013, there were no fee refunds issued by the Fund

City of Los Altos
Development Impact Fee (DIF) Compliance
Funds Expended
For Year Ended June 30, 2013

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
Collector Street Calming	Traffic Impact	\$ 10,115	\$ 81,310	12%
Homestead Safety Improvement	Traffic Impact	<u>\$ 8,221</u>	<u>1,423,058</u>	1%
	Total	<u><u>\$ 18,336</u></u>	<u><u>\$ 1,504,368</u></u>	1%

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City of Los Altos

Annual Report
on
Development Impact Fees

for
Fiscal Year Ended
June 30, 2014

**City of Los Altos
Development Impact Fee (DIF) Compliance
For Year Ended June 30, 2014**

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City of Los Altos
Development Impact Fee (DIF) Compliance
For Year Ended June 30, 2014

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2009	1,016,742	-	19,684		73,046		963,380
2010	963,380	468,000	7,868		154,257		1,284,991
2011	1,284,991	132,000	7,784		1,136,867		287,908
2012	287,908	756,000	6,027		100,185		949,750
2013	949,750	3,636,000.00	4,640.00				4,590,390
2014	4,590,390	1,260,000	21,574				5,871,964

Aging of Funds Held

Fiscal Year	Current Year Funds	1 Yr Old Funds	2 Yr Old Funds	3 Yr Old Funds	4 Yr Old Funds	5 Yr Old Funds	Total Funds Held
2013	\$ 1,281,574	\$ 3,640,640	\$ 762,027	139,784	47,939		\$ 5,871,964

City of Los Altos
Development Impact Fee (DIF) Compliance
For Year Ended June 30, 2014

Traffic Impact Fee

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2011	574,858	185,795	5,935		47,793		718,795
2012	718,795	59,964	5,108		23,402		760,465
2013	760,465	651,705	1,758		18,336		1,395,592
2014	1,395,592	692,408	8,083		1,684	95,357	1,999,042

Aging of Funds Held

Fiscal Year	Current Year Funds	1 Yr Old Funds	2 Yr Old Funds	3 Yr Old Funds	4 Yr Old Funds	5 Yr Plus Old Funds	Total Funds Held
2013	\$ 700,491	\$ 653,463	\$ 65,072	\$ 191,730	\$ 158,016	\$ 230,270	\$ 1,999,042

City of Los Altos
Development Impact Fee (DIF) Compliance
Park-in-Lieu Funds Expended
For Year Ended June 30, 2014

Project	Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
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City of Los Altos
Development Impact Fee (DIF) Compliance
Traffic Impact Fee Funds Expended
For Year Ended June 30, 2014

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
Collector Street Calming	Traffic Impact	\$ 1,684	\$ 82,994	2%
Demolition of 400 Main	Traffic Impact	<u>\$ 95,357</u>	<u>95,357</u>	100%
	Total	<u><u>\$ 97,041</u></u>	<u><u>\$ 178,351</u></u>	54%

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