

RESOLUTION NO. 2013-07

**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, 2012**

**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 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 2011/12 in accordance with AB1600, “AB1600 Report on Development Impact Fees for the fiscal year ended June 30, 2012” 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 2011/12 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 March 12, 2013; 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 \$19,028 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, 2012 (“Report”) on March 26, 2013, 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, 2012 report totals \$19,028. The City plans to use the entire fund balance for the projects identified in the related June 12, 2012 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 (5) years, and is projecting additional fees and interest each year.

**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 26<sup>th</sup> day of March 2013, by the following vote:

AYES: BRUINS, CARPENTER, PEPPER, SATTERLEE, FISHPAW  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

  
Garrett Fishpaw, MAYOR

Attest:

  
Jon Maginot, CITY CLERK