

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS FOR UNEXPENDED DEVELOPMENT FEES IN ACCORDANCE WITH GOVERNMENT CODE SECTION 66001, AND REVIEWING AND ACCEPTING ANNUAL DEVELOPMENT FEE DISCLOSURE INFORMATION**

**WHEREAS**, the Mitigation Fee Act, Government Code Section 66000 *et seq.*, authorizes the City to impose, collect, and expend mitigation fees to offset the impacts of development within the City; and

**WHEREAS**, among the procedural requirements mandated by the Mitigation Fee Act is a requirement that, beginning with the fifth fiscal year following deposit of development fees into a designated account, and each fifth fiscal year thereafter, the City make specified findings regarding any portion of the fees that remain unexpended; and

**WHEREAS**, a portion of the fees currently deposited in the City’s Traffic Impact Fee Fund were collected over five years ago, and therefore the City wishes to make the findings required by Government Code Section 66001(d); and

**WHEREAS**, the City also wishes to memorialize that it has made public certain information, pursuant to the annual information disclosure requirements of Government Code Section 66006(b), including but not limited to the amount of the fee, the beginning and ending balance of the fee account or fund, and the interest earned thereon.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council finds that the Traffic Impact Fee Fund currently contains \$877 in unexpended traffic fees that were collected over five years ago from a developer (“Unexpended Fee”).
3. In accordance with Government Code section 66001(d)(1), the City Council finds as follows:
  - (A) The Unexpended Fee will be used to provide for widening Calaveras Boulevard and replacing the existing roadway bridges between Milpitas Boulevard and Abel Street.
  - (B) There exists a reasonable relationship between the Fee and the purpose for which it was charged because the widening of Calaveras Boulevard will mitigate the traffic caused by the development and provide additional access.
  - (C) Additional sources of funding for the project will include cost sharing with the State of California. The City’s share is 20% of total cost, approximately \$11 Million. The City’s funding source will include the Unexpended Fee of \$877 and other traffic mitigation fees previously appropriated into this project.
4. In accordance with Government Code Section 66006(b), the City Council has reviewed and accepted the annual disclosure information made available to the public regarding City mitigation fees which was presented to the City Council and also placed on file with the City Clerk.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

City Of Milpitas  
Storm Drain Development Fund  
Statement of Revenue, Expenditures, and Changes in Fund Balances  
Fiscal Year 2003-04 through Fiscal Year 2010-11

	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
<b>Revenues:</b>								
Storm Drain Fees	\$38,600	\$0	\$381,616	\$726,261	\$159,868	\$156,407	\$256,189	\$0
Interest	182	1,205	2,781	17,490	41,393	30,905	21,998	13,840
<b>Total Revenues</b>	<b>38,782</b>	<b>1,205</b>	<b>384,397</b>	<b>743,751</b>	<b>201,261</b>	<b>187,312</b>	<b>278,187</b>	<b>13,840</b>
<b>Expenditures</b>								
Administrative costs							(8,368)	(19,404)
Capital Outlay			(400,000)	0	0	(1,000,000)	(125,000)	(50,000)
Funding of Capital Projects	0	0	(400,000)	0	0	(1,000,000)	(133,368)	(69,404)
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>(400,000)</b>	<b>0</b>	<b>0</b>	<b>(1,000,000)</b>	<b>(258,368)</b>	<b>(118,808)</b>
<b>Excess (deficiency) of revenues over (under) expenditures</b>	<b>38,782</b>	<b>1,205</b>	<b>(15,603)</b>	<b>743,751</b>	<b>201,261</b>	<b>(812,688)</b>	<b>144,819</b>	<b>(55,564)</b>
Fund Balance, beginning of year	0	38,782	39,987	24,384	768,135	969,395	156,707	301,526
<b>Fund Balance, end of year</b>	<b>\$38,782</b>	<b>\$39,987</b>	<b>\$24,384</b>	<b>\$768,135</b>	<b>\$969,395</b>	<b>\$156,707</b>	<b>\$301,526</b>	<b>\$245,962</b>
<b>Recap of Capital Project Funding and % funded by development fees:</b>			\$400,000					
8153 - N Main St. Utility Improvements						\$150,000	(\$150,000)	
8106 - Storm Water Pump Station						100,000	100,000	
8188 - Storm Pump Station Improvement						300,000		
3700 - Storm Drain System Deficiency						350,000		
3701 - Storm Drain Master Plan Update						100,000	75,000	
3702 - Minor Storm Drain Projects 2009						100,000	100,000	
3703 - Emergency Pump Station								40,000
3704 - Fuel Tank Improvement								10,000
3705 - Minor Storm Drain 2011								
<b>Total Capital Project Funding</b>	<b>\$0</b>	<b>\$0</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$125,000</b>	<b>\$50,000</b>

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