

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, MAKING FINDINGS AND REAFFIRMING THE NECESSITY OF CERTAIN DEVELOPMENT IMPACT FEES, AND ADOPTING THE AB 1600 REPORT

WHEREAS, the City of Desert Hot Springs is required to make certain findings every five years with respect to the unexpended fund balance of certain development impact fee funds pursuant to the Mitigation Fee Act, Government Code Sections 66000 et seq.; and

WHEREAS, the documents reflecting the balance in each development impact fee fund/account, accrued interest in said funds/accounts and the amount of expenditure by public facility for the fiscal year have been made available for public review in the annual AB 1600 Report as required by Government Code section 66006; and

WHEREAS, the City conducted a noticed public hearing on December 3, 2019 to hear all testimony on this Resolution and the attached AB 1600 report ("AB 1600 Report"), attached hereto and incorporated herein by this reference as Exhibit "A"; and

WHEREAS, the City wishes to reaffirm the necessity of continuing to collect and accumulate unexpended Fire Suppression and Response Vehicles Development Impact Fees and Storm Drain Facilities Impact Fees by making the findings in Government Code section 66001 (d).

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, AS FOLLOWS:

Section 1. Recitals

That the above recitals are true and correct and made a part of this Resolution.

Section 2. Adoption of the AB 1600 Report

That the City Council hereby approves and adopts the AB 1600 Report.

Section 3. Findings

That the following findings are made with respect to the unexpended balances of development impact fees in the Fire Suppression and Response Vehicles Fund and the Storm Drain Facilities Fund as required under Government Code section 66001:

1. The purpose of each development impact fee is identified in Chapter 17.144 of the Desert Hot Springs Municipal code and in the AB 1600 Report for the fiscal year ended June 30, 2019.
2. There is a continued need for the improvements and that there is a reasonable relationship between the fee and the impacts for development for which the fees are collected.
3. The sources and amounts of funding anticipated to complete the financing of the contemplated capital projects are described in the AB 1600 Report

and/or Master Facility Plan, have been projected and/or estimated, and will be deposited into the appropriate development impact fee account upon receipt thereof during the City's normal capital improvement program budget cycle.

4. The Fire Suppression and Response Vehicles impact fee continues to be accumulated beyond the five years for the purchase of land and for the development of a nine thousand square foot fire station in the easterly part of the City (in the general area of Desert View and Hacienda). There exists a reasonable relationship between the need for this additional fire station and future commercial and residential development because new developments in that part of the City will need fire suppression facilities in close proximity to adequately protect life and property.
5. The Storm Drain Facilities development impact fees are being accumulated beyond five years to design future storm drain projects and prioritize projects necessary for adequate storm drainage and flood protection as identified in the Master Facility Plan. A reasonable relationship exists between the need for the storm drain and flood protection projects because the storm drain facilities will prevent flooding and related impacts of increased impervious land surface areas in the City arising from new development. The fees are being accumulated to build large projects as triggered by new development, rather than in a piecemeal fashion.

Section 4. Bases for Findings

That the above-referenced findings are based on information provided in Chapter 17.144 of the Desert Hot Springs Municipal Code, the AB 1600 Report, the Master Facilities Plan and the City's adopted annual operating budget currently on file with the City Clerk.

Section 5. Severability

That should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court competent jurisdiction or because of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 6. Repeal of Conflicting Resolutions

That all the provisions of any existing resolution as heretofore adopted by the City Council that are against the provisions of this Resolution are hereby repealed.

Section 7. Certification

That the City Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

Section 8. Effective Date

That this Resolution shall take effect upon the date of its adoption.

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PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on this 3rd day of December 2019, by the following vote:

AYES:

NAYS:

ABSENT:

RECUSED:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney <http://ghsblaw.com/attorney/bonifacio-bonny-garcia/>