

#102  
2-28-06  
ORIA.

(R-2006-583)  
(COR.COPY)

RESOLUTION NUMBER R- 301259

DATE OF FINAL PASSAGE MAR 14 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ACCEPTING THE DEVELOPER FEES FISCAL YEAR 2005 ANNUAL REPORT AND MAKING FINDINGS RELATED TO UNEXPENDED BALANCES AS REQUIRED BY CALIFORNIA GOVERNMENT CODE SECTION 66001.

WHEREAS, the City of San Diego imposes fees in connection with approval of development projects pursuant to California Government Code section 66000 et. seq.; and

WHEREAS, the California Government Code [Code] requires local agencies to make certain information available to the public on an annual basis with respect to imposition of development impact fees [Developer Fees]; and

WHEREAS, a Manager's Report has been prepared to address the required public disclosures, including: 1) a brief description of the type of fee in the fund; 2) the amount of the fee; 3) the beginning and ending balance of the fund; 4) the amount of fees collected and the interest earned; 5) an identification of each public improvement on which fees were expended and the amount of expenditures on each improvement; 6) an approximate date by which the construction of the public improvement will commence if the public agency determines that sufficient funds have been collected to complete financing of an incomplete public improvement; 7) a description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan; and 8) the amount of refunds made pursuant to

subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of section 66001; and

WHEREAS, Code section 66001(d) further provides that the local agency shall make certain findings with respect to development impact fees deposited into an account or fund, remaining unexpended, whether committed or uncommitted, in the fifth fiscal year following the first deposit into an account or fund; and

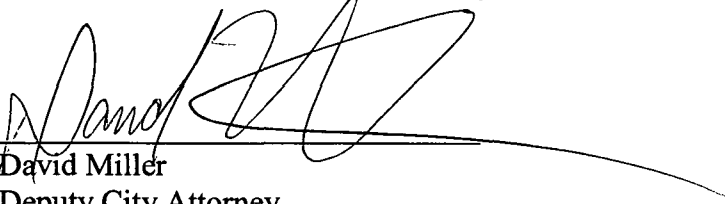
WHEREAS, the Council of the City of San Diego has read and considered the Developer Fees report for the City's Fiscal Year 2005, and all accompanying records; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it has reviewed and accepts the Developer Fees FY 2005 Annual Report, with attachments, as set forth in City Manager's Report No. 06-021, a copy of which is on file in the office of the City Clerk as Document No. RR- 301259.

BE IT FURTHER RESOLVED, that the Council finds, with respect to funds reflected in the Developer Fees FY 2005 Annual Report as having been collected over five years before June 30, 2005, and as stated in Attachment 6 of the Developer Fees FY 2005 Annual Report, that the documentation: (1) Identifies the purpose to which the fee is to be put; (2) Demonstrates a reasonable relationship between the fee and the purpose for which it is charges; (3) Identifies sources and amounts of funding anticipated to complete financing of incomplete improvements; and (4) designate the approximate dates on which the funding anticipated to complete financing of incomplete improvements is expected to be deposited into the appropriate account or fund.


BE IT FURTHER RESOLVED, that this activity is not a "project" as defined by CEQA Guidelines section 15378; therefore, it is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

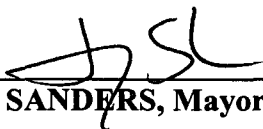
By   
David Miller  
Deputy City Attorney

DM:cfq  
12/21/05  
01/11/06 **COR.COPY**  
Or.Dept:Planning  
R-2006-583  
MMS#2904


I hereby certify that the foregoing Resolution was passed by The City Council of San Diego, at its meeting of February 28, 2006.

ELIZABETH S. MALAND,  
City Clerk  
By  Deputy City Clerk

APPROVED:        VETOED:        (*written objections attached*)

  
JERRY SANDERS, Mayor

Date: 3-14-06

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