

## RESOLUTION NO. 2023-\_\_\_\_\_

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, REVIEWING AND ACCEPTING THE ANNUAL DEVELOPMENT IMPACT FEE DISCLOSURE REPORT FOR THE CITY'S VARIOUS DEVELOPMENT IMPACT FEES AND MAKING FIVE-YEAR FINDINGS REGARDING THE CONTINUING NEED FOR UNEXPENDED BALANCES OF IMPACT FEES AS OF JUNE 30, 2023, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 66001**

**WHEREAS**, Government Code Sections 66000 through 66008 (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 Palm Desert ("City") has established, adopted, and imposed Housing Mitigation Fees, Child Care Facility Fees, New Construction Fees, Drainage Facility Fees, Park & Recreation Fees, Traffic Signalization Fees, and Fire Facility Fees (collectively the "Fees"); and

**WHEREAS**, in accordance with the provisions of AB1600, the City has set up separate special revenue funds for each type of Fee the City imposes (each a "Fund" and collectively the "Funds"), crediting earned interest to those Funds, and spending the accumulated Fees and related interest on appropriate expenditures; and

**WHEREAS**, the City has made available to the public within one hundred eighty (180) days following the last day of the fiscal year the annual development impact fee disclosure report ("Annual Report") required by AB1600 related to each of the Fees which also includes the Five-Year Reports with respect to each of the Fees; and

**WHEREAS**, the City has mailed notice at least fifteen (15) days prior to this meeting to all interested parties who have requested notice of any meeting relative to the City's imposition of the Fees and has held a duly noticed, regularly scheduled public meeting at which oral and written testimony was received regarding the Annual Report and the Five-Year Reports at least fifteen (15) days after the City made this information publicly available; and

**WHEREAS**, the City Council desires to accept the Annual Report, including the Five-Year Reports and to make the necessary findings required by law, with respect to the unexpended Fees.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM DESERT RESOLVES, FINDS, DECLARES AND DETERMINES AS FOLLOWS:

Section 1. The City finds that all of the foregoing recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

**Resolution No. 2023-\_\_\_\_\_**

Section 2. In accordance with Government Code Section 66006(b), the City Council has reviewed and approves the Annual Report regarding each of the Fees, which is attached to this Resolution and is incorporated herein by this reference, and is also placed on file with the City Clerk. The City Council, based upon the information contained in the Annual Report and the remaining need for the unexpended Fees, finds as follows:

a. The Annual Report describes the types of Fees contained in each Fund, including the amount of the Fees, the beginning and ending balances of each Fund that has been established for each Fee, as well as the amount of Fees collected, and the interest earned thereon; and

b. The Annual Report identifies each public improvement on which the Fees were expended, the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the Fees; and

c. Sufficient Fees have not been collected to complete the financing of the various incomplete public improvements; and

d. There have been no interfund transfers or loans made from any of the Funds; and

e. There have been no refunds made from the Funds.

Section 3. The City has identified Fees collected from developers that are subject to AB1600's requirements. Those funds are:

- Housing Mitigation Fee (Fund 214)
- Child Care Facility Fee (Fund 228)
- New Construction Fee (Fund 231)
- Drainage Facility Fee (Fund 232)
- Park & Recreation Fee (Fund 233)
- Traffic Signalization Fee (Fund 234)
- Fire Facility Fee (Fund 235)

Section 4. In accordance with Government Code Section 66001(d), the City Council has reviewed the Five-Year Report sections included in the Annual Report for each of the Funds. The City Council finds, based on the information in the Five-Year Report sections, as follows:

a. Pursuant to Government Code Subsection 66001(d)(1)(A), the Five-Year Report identifies the purpose to which all unexpended Fees, whether committed or uncommitted, will be put; and

b. Pursuant to Government Code Subsection 66001(d)(1)(B), the Five-Year Report demonstrates, for each Fee, a reasonable relationship between the unexpended fees contained in each Fund and the purposes to which such Fees will be put; and

c. Pursuant to Government Code Subsection 66001(d)(1)(C), the Five-Year Report identifies all sources and amounts of funding anticipated to complete financing of incomplete improvements or projects for each Fund; and

**Resolution No. 2023-\_\_\_\_\_**

d. Pursuant to Government Code Subsection 66001(d)(1)(D), the Five-Year Report identifies the approximate dates upon which the funding for such incomplete improvements or projects will be deposited in to each Fund; and

e. There remains unexpended Fees in each Fund which are still necessary to complete the purposes for which the Fees were collected.

Section 5. These findings are based on the information provided in the City's Annual Report, the City's annual operating budget, and the Capital Improvement Program for Fiscal Year 2023-2024 to 2027-2028, which each are incorporated herein by this reference.

Section 6. Pursuant to these findings, and at this time, there shall not be a refund of any unexpended Fees.

Section 7. If any section, subsection, subdivision, sentence, clause, or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Section 8. This Resolution shall be effective immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the Palm Desert City Council held on this 14th day of December 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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KATHLEEN KELLY  
MAYOR

ATTEST:

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ANTHONY J. MEJIA, MMC, CITY CLERK  
CITY OF PALM DESERT, CALIFORNIA