

SAN JOAQUIN AREA FLOOD CONTROL AGENCY

RESOLUTION NO. 2018-___

**ADOPTING THE
MOSSDALE TRACT AREA REGIONAL URBAN LEVEL
OF FLOOD PROTECTION DEVELOPMENT IMPACT FEE
AND
AUTHORIZING THE EXECUTIVE DIRECTOR TO
EXECUTE A COLLECTION AGREEMENT**

WHEREAS, in January of 2018 the City of Stockton (Stockton), the County of San Joaquin (County), the San Joaquin County Flood Control and Water Conservation District ("SJCFWCWD"), the City of Lathrop (Lathrop), and the City of Manteca (Manteca) executed an Amended and Restated Joint Exercise of Powers Agreement ("JEPA") to reform the San Joaquin Area Flood Control Agency ("Agency") with a common goal of expanding the Agency to allow a coordinated effort to reduce flood risk in the Mossdale Tract Area (the "Program").

WHEREAS, SJAFCA, through certain state legislation and through the execution of the Amended and Restated Joint Exercise of Powers Agreement, has legal authority to prescribe, revise and collect fees as a condition of development of land (JEPA Section 7.m) for the purpose of assisting in the financing of flood control facilities, including the authority to make such fees applicable to development of land within the County, Stockton, Lathrop, and Manteca (collectively, "the Land Use Agencies").

WHEREAS, after giving notice pursuant to California Government Code Section 6062a, a public hearing was held pursuant to California Government Code Section 66018 on November 8, 2018 at the regularly scheduled meeting of the Board of Directors of the Agency (the "Board");

WHEREAS, at such hearing, Agency staff presented the Mossdale Tract Area Regional Urban Level of Flood Protection Development Impact Fee Nexus Study ("Nexus Study") regarding the imposition of a Development Impact Fee pursuant to the Mitigation Fee Act on new development within certain boundaries. The Nexus Study (attached hereto as Exhibit 1) was prepared and the Development Impact Fee is proposed to be imposed for the purpose of assisting in the financing of levee improvements and related flood risk reduction measures necessary to provide at least a 200-year level of flood protection to lands within the 200-year floodplain along the San Joaquin River in the Mossdale Tract Area ("Program Area") and to thereby offset the increase in damageable property that is placed in the levee protected floodplain as new development occurs in this area; and

WHEREAS, at such public hearing, written and oral presentations from interested members of the public regarding such Nexus Study and adoption of such a Development Impact Fee were accepted and considered by the Board of Directors.

WHEREAS, SJAFCA has requested that the Land Use Agencies, as a condition of issuance of a building permit for new development in the Program Area that is within each of the Land Use Agency's land use authority, collect and transmit to SJAFCA the applicable Development

Impact Fee for the development project for which such building permit is to be issued, and the Land Use Agencies have expressed a willingness to do so.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board adopts the Nexus Study and the Development Impact Fee as described therein. Such Nexus Study is hereby made a part of this Resolution.

2. The Board hereby finds that there is a reasonable relationship between use of the Development Impact Fee, as described in the Nexus Study, and the types of development projects described therein.

3. The Board finds that there is a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed as described in the Nexus Study.

4. The Board finds that there is a reasonable relationship between the amount of the Development Fee and the cost of the public facilities or portions thereof attributable to the development on which such fee is exposed, all as described in the Nexus Study.

5. The Development Fee will be collected by the Land Use Agencies in accordance with an Agreement for Collection of San Joaquin Area Flood Control Agency Mossdale Tract Area Regional Urban Level of Flood Protection Development Impact Fee. The Board authorizes the Executive Director, after consultation with Agency Counsel, to execute a collection agreement substantially in the form presented to the Board at the November 8, 2018 meeting.

6. Agency will create a special interest bearing fund entitled "Development Impact Fee Fund" into which all Development Impact Fees (DIF) will be deposited and held until disbursed in accordance with the provisions of the Mitigation Fee Act.

7. Revenues within the Development Impact Fee Fund established by Section 6 hereof may be used, at the discretion of the Board of Trustees and to the extent permitted by law to:

- Fund construction of the DIF Projects identified in the Nexus Study;
- Repay any loans or advances of funds for construction of the DIF Projects;
- Fund principal and interest payments of any capital improvement bonds or the retirement of any such bonds issued in connection with the DIF Projects;
- Fund costs related to the establishment and administration of the DIF; and
- Such other purposes as may be permitted by law.

8. The Board shall periodically review actual DIF Project costs and DIF collections to determine if any modifications to the development fee program are warranted based on the following conditions:

- Changes to the DIF Projects;

- Changes in the cost of administering the DIF;
- Changes in annual financing costs;
- Changes in assumed land uses; and
- Changes in other funding sources.

These periodic reviews shall occur no less than every five years. Any modifications to the fee program shall be approved by the Board.

9. Adoption of the DIF is not a “project” under the California Environmental Quality Act because it is a funding mechanism having no physical effect on the environment.

Passed on the following vote:

Ayes:_____

Nayes:_____

Abstain:_____

CERTIFICATION