

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION ACCEPTING THE REPORT AND ADOPTING FINDINGS  
RELATED TO FEES COLLECTED FOR THE DEVELOPMENT PROJECTS  
SUBJECT TO THE REQUIREMENTS OF THE MITIGATION FEE ACT

WHEREAS, Government Code section 66006, part of the Mitigation Fee Act, which is sometimes referred to as Assembly Bill 1600, requires the City to make findings each fiscal year describing the continuing need to retain fees collected from developers, but which remain unexpended and/or uncommitted after a period of five years; and

WHEREAS, the funds maintained for such period of time must be refunded if the requisite findings cannot be made; and

WHEREAS, the City has unexpended fees that it needs to retain for future expenditures; and

WHEREAS, the Mitigation Fee Act, at Government Code section 66001(d), requires specific findings to be made with respect to unspent impact fees five years after the initial deposit into the fund and every five years thereafter, otherwise the unspent fees must be refunded, with the exception of water or sewer connection fees or capacity charges, which are specifically exempted from refunds by the Act; and

WHEREAS, no findings are required to be made for unspent Park Impact Fees or Traffic Impact Fees at this time. Park Impact fees were first deposited with the City in FY 2022. The City has not collected any Traffic Impact Fees during the relevant reporting period.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby accepts the report of the Director of Finance dated December 12, 2023, and adopts the findings contained therein, copy of which is attached hereto as Attachment III.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward