

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ACCEPTING THE FISCAL YEAR 2022-2023
ANNUAL DEVELOPMENT IN-LIEU FEE REPORT
REGARDING IN-LIEU FEES COLLECTED BY THE CITY
FROM DEVELOPERS IN LIEU OF CONSTRUCTION OF
PUBLIC IMPROVEMENTS AND MAKING CERTAIN
FINDINGS AS REQUIRED BY GOVERNMENT CODE
SECTION 66001(d)(1)**

WHEREAS, the Mitigation Fee Act (Government Code Section 66000 *et seq.*) requires public agencies such as the City of San José (“City”) to annually review and make available to the public a report accounting for the development fees held by the agency; and

WHEREAS, a draft of the City’s Annual Development In-Lieu Fee Report was posted to the City’s Department of Public Works website on January 12, 2024; and

WHEREAS, on February 20, 2024, the Director of the Department of Public Works submitted to the City Council a memorandum setting forth its findings and recommendation for Council acceptance of the Fiscal Year 2022-2023 Annual Development In-Lieu Fee Report (“Report”); and

WHEREAS, Government Code section 66001(d) requires public agencies to make certain findings with regard to unfinished improvements for which fees were collected as a condition of development approval for a period of at least five years; and

WHEREAS, the City desires to accept the Report and make the required findings pursuant to Government Code section 66001(d);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Fiscal Year 2022–2023 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements is hereby accepted.
2. Based on the entirety of the administrative record including the Report and all other evidence submitted, the City Council makes the following findings:
 - A. The Report identifies the purpose to which the fees are to be put.
 - B. The Report demonstrates a reasonable relationship between the fees and the purposes for which they are charged.
 - C. The Report identifies all sources and amounts of funding anticipated to complete financing of incomplete improvements identified in the Report.
 - D. The Report designates the approximate dates on which the funding referred to in Section 2(C) above is expected to be deposited into the appropriate account or fund.

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ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk