

## Jennifer Shankland

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**From:** Gordon Nichols <Gordon@biabuild.com>  
**Sent:** Monday, November 14, 2016 2:42 PM  
**To:** Ray Casey; Jennifer Shankland  
**Cc:** Carlos Rodriguez; Casey Dailey; Tina Leuer  
**Subject:** Annual Adjustment of Development Impact Fees- Item #16  
**Attachments:** BIA-Letter 11-14-16.pdf  
  
**Importance:** High

Hello Jennifer,

Attached is a letter from the Building Industry Association of Southern California, Baldy View Chapter (BIA) in reference to Agenda Item #16 for tonight's City Council meeting. The BIA is requesting a 14-day continuance on the Annual Adjustment of Development Impact Fees to allow for review by our members and to comply with CA Gov. Code Sec. 66016, which states that the proposed fees must be published at least 10 days in advance of an public hearing.

The BIA requested a copy of the proposed Development Impact Fee schedule on Nov. 4<sup>th</sup> once we received the initial notice. However the mandated "*Public data indicating the amount of cost, or estimated cost*" was not made public until Thursday Nov. 10<sup>th</sup>, falling far short of the required 10 days.

Please forward this letter to the members of the City Council, City Manager and Community Development Department.

Thank you,

*Gordon Lee Nichols*

Senior Director of Government Affairs  
 BIA of Southern California – Baldy View Chapter  
 "The Voice of the Home Building Industry"  
 Phone (909) 942-2072  
 Fax (909) 948-9631  
[www.biabuild.com](http://www.biabuild.com)  
 An Affiliate of N.A.H.B. Washington D.C. & C.B.I.A. Sacramento



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November 14, 2016

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*Baldy View Chapter*

8711 Monroe Court, Suite B  
Rancho Cucamonga,  
California 91730  
ph 909.945.1884  
fx 909.948.9631  
[www.biabuild.com](http://www.biabuild.com)

**RE: Annual Adjustment of Development Impact Fees- Item #16**

Dear Mayor Hoyt Musser and fellow City Council Members,

The BIA Baldy View Chapter (BIA) has reviewed the staff report published on November 10, 2016 outlining the "*Annual Adjustment of Development Impact Fees*" and respectfully request that a 14-day continuance be granted to review the proposed fees and implementation method. **We recommended that agenda item #16, "Annual Adjustment of Development Impact Fees" be tabled from the November 14<sup>th</sup> meeting to allow for an adequate public review process compliant with California Code.**

California Government Code section 66016 requires 14-day notice be given to any interested party who files a written request with the city and that support documents be published by the local agency 10-days prior to the meeting to allow for public review (see attached).

Per our previous email to staff, an agenda report and/or support documents outlining the changes to the DIF schedule were required to be published no later than November 4<sup>th</sup> to comply with California Code however the agenda report detailing the new fees was published only one business day in advance.

BIA encourages practices with greater transparency and broader public outreach, which allows businesses and community-members access to public information. For example, items of concern for the BIA include a Park Facilities Fee increase of \$1,241/dwelling unit and a Public Facilities Fee increase of \$1,091/dwelling unit. Also, the implementation of the new DIF schedule is another area of great concern for projects currently in the approval stages, which is not fully explained by the report.

We appreciate your time and attention to this matter and look forward to collaborating with the City, given the additional 14 days necessary to comply with CA Gov. Code 66016. Please feel free to contact me if you have any questions regarding this letter.

Respectfully,

Carlos Rodriguez, CEO

CC: Ray Casey, City Manager  
Paul Toomey, Director of Community Development

## California Government Code Section 66016

66016. (a) Prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data required by this section is available, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the local agency for mailed notice of the meeting on new or increased fees or service charges. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service. At least 10 days prior to the meeting, the local agency shall make available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including General Fund revenues. Unless there has been voter approval, as prescribed by Section 66013 or 66014, no local agency shall levy a new fee or service charge or increase an existing fee or service charge to an amount which exceeds the estimated amount required to provide the service for which the fee or service charge is levied. If, however, the fees or service charges create revenues in excess of actual cost, those revenues shall be used to reduce the fee or service charge creating the excess.

(b) Any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution. The legislative body of a local agency shall not delegate the authority to adopt a new fee or service charge, or to increase a fee or service charge.

(c) Any costs incurred by a local agency in conducting the meeting or meetings required pursuant to subdivision (a) may be recovered from fees charged for the services which were the subject of the meeting.

(d) This section shall apply only to fees and charges as described in Sections 51287, 56383, 65104, 65456, 65584.1, 65863.7, 65909.5, 66013, 66014, and 66451.2 of this code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code.

(e) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion levying a fee or service charge subject to this section shall be brought pursuant to Section 66022.