

AGENDA ITEM 1 F  
Consent Item

**MEMORANDUM**

**DATE:** December 7, 2017  
**TO:** El Dorado County Transit Authority  
**FROM:** Mindy Jackson, Executive Director  
**SUBJECT:** Findings Related to In-Lieu Fee Under Government Code 66001

**REQUESTED ACTION:**  
**BY MOTION,**

**Adopt Resolution No. 17-25 that formalizes findings under Government Code 66001 regarding the accounting of in-lieu fees**

**BACKGROUND**

The County of El Dorado conditioned the Rite-Aid at Cameron Ranch (DR-06-008) project in August 2006 as follows:

*“Prior to issuance of the building permit, the applicant shall post an in-lieu deposit in the amount of \$50,000 to EDC Transit or El Dorado County Department of Transportation (DOT) for the construction of future curbside bus turnout on the adjacent parcel along Green Valley Road or an alternative locations designated by DOT and EDC Transit. The application shall provide documentation, authorized by all affected parties, of the completed transaction to the El Dorado County Development Services- Building Department.”*

The El Dorado County Transit Authority (El Dorado Transit) received an in-lieu payment of \$50,000 on June 17, 2008 from Celtic Properties to meet the Condition of Approval for the Rite-Aid project.

El Dorado Transit subsequently integrated State Proposition 1B grant funds with the in-lieu funds to advance the bus turnout project. In cooperation with the County of El Dorado, El Dorado Transit staff identified the best location for a two-bay bus turnout at the southwest corner of Cameron Park Drive.

El Dorado Transit built the new two-bay bus turnout that included curb, gutter, sidewalk, trash can and solar- powered bus shelters. A Notice of Completion and Acceptance of a Public Works Project was recorded on October 23, 2017.

## **DISCUSSION**

Resolution No. 17-25 completes the final accounting of the Rite-Aid at Cameron Ranch (DR-06-008) project in-lieu funds and allows transit staff to move forward with the County of El Dorado transit-related condition of approval on the pending Cameron Ranch Attached Unit Project.

For reference the project-to-date summary of revenue expended on the project is shown below:

### **Revenue**

Proposition 1B	\$124,854.00
Proposition 1B Interest Earned	\$ 637.44
In-Lieu Fees (Rite-Aid)	\$ 50,000.00
In-Lieu Interest Earned	\$ 3,074.79
State Transit Assistance Funds	\$ 6,793.33 (approximate, may change after project closeout)

**EL DORADO COUNTY TRANSIT AUTHORITY  
RESOLUTION NO. 17-25**

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY  
TRANSIT AUTHORITY MAKING FINDINGS UNDER GOVERNMENT CODE  
SECTION 66001 REGARDING ACCOUNTING OF FEES

**WHEREAS**, as described in Resolution No. 12-10, the County of El Dorado imposed a condition of approval for projects located in and around the intersection of Green Valley Road and Cameron Park Drive, in order to mitigate the effects of future increased demand for transit services resulting from said projects; and

**WHEREAS**, as a condition of approval for the Cameron Park Rite-Aid project, located on the corner of Green Valley Road and Starbuck Drive, the County of El Dorado imposed a requirement that the project pay its fair share toward the construction of new transit infrastructure; and

**WHEREAS**, the fair share of the Rite-Aid project towards the construction of new transit infrastructure was determined to be \$50,000; and

**WHEREAS**, on June 17, 2008, the amount of \$50,000 from Celtic Properties was deposited with the El Dorado County Transit Authority (“Transit”) to be applied towards the construction of the transit facilities that will benefit the Rite-Aid project; and

**WHEREAS**, Resolution No. 12-10 further determined that based on the total cost of a two-bay bus turnout in the amount of \$150,000, said cost would be equitably divided between the Rite-Aid project (1/3<sup>rd</sup>) and the two phases of the Casa Bella Senior Apartments project (2/3<sup>rd</sup>); and

**WHEREAS**, the Casa Bella Senior Apartment project has since been redesigned and is now named Cameron Ranch Attached Units, and Transit has notified the County of El Dorado that the original condition of approval for the Casa Bella Apartments Project is still applicable to the Cameron Ranch Attached Units Project; and

**WHEREAS**, in 2016, and in cooperation with the County of El Dorado, it was determined that the best location for the two-bay bus turnout was on the southwest corner of Cameron Park Drive, and Transit proceeded with the plans and specifications for construction of the transit facility; and

**WHEREAS**, Transit publicly bid and constructed the two-bay bus turnout and a Notice of Completion and Acceptance of a Public Works Project was recorded on October 23, 2017 as Document No. 2017-0047179-00;

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY TRANSIT AUTHORITY HEREBY FINDS AND RESOLVES AS FOLLOWS:**

1. Pursuant to Government Code Section 66001, a total of \$53,074.79, which includes an original amount of \$50,000 and \$3,074.79 of earned interest, has been expended for the purpose of construction of transit facilities consisting of a two-bay bus turnout.
2. The amount expended as described herein is reasonably related to the need for and use of suitable transit facilities in an area of growth within El Dorado County.
3. Transit staff will continue to work with the Cameron Ranch Attached Unit Project developers to ensure that their fair share of costs for the construction of the two-bay bus turnout on Cameron Park Drive are paid to Transit, and that said funds will be credited to the local funds spent by Transit to enable the construction of the transit facilities on Cameron Park Drive (CIP Project No. 17-04).

**PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE EL DORADO COUNTY TRANSIT AUTHORITY** at a regular meeting of the Board held on the 7<sup>th</sup> day of December 2017, by the following vote of said Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Patty Borelli, Chairperson

ATTEST:

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Megan Wilcher, Secretary to the Board

APPROVED AS TO FORM:

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Michael Tucker, Legal Counsel