

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS  
APPROVING THE LIBRARY FACILITIES IMPACT FEE STUDY  
AND IMPOSING LIBRARY FACILITIES DEVELOPMENT IMPACT FEES WITHIN  
THE UNINCORPORATED AREA OF SAN BENITO COUNTY**

**WHEREAS**, the Public Facilities and Services Element of the San Benito County (the "COUNTY") General Plan includes goals to provide for new libraries, commensurate with population growth, that are accessible and provide opportunities for life-long learning, enabling residents to obtain skills to meet the needs of evolving business sectors; and

**WHEREAS**, the General Plan also includes a requirement of new development to pay its fair share of public facility and service costs; and

**WHEREAS**, Willdan Financial Services, the consultant retained by the COUNTY, has prepared the "Library Facilities Impact Fee Study" (the "STUDY"), dated DATE, which is by this reference incorporated herein; and

**WHEREAS**, the STUDY identified the approximately \$168.55 per capita cost resulting in a \$544 fee for single family residential units and \$495 for multi-family residential units for the library facilities required to serve the future UNINCORPORATED population within unincorporated area of the COUNTY; and

**WHEREAS**, the STUDY provides the technical documentation to support the establishment of a library facilities development impact fee (the "LIBRARY FEE") on new development within the UNINCORPORATED area of the COUNTY; and

**WHEREAS**, Government Code Sections 66000 and following, (the "LAW"), requires that a local agency hold a noticed public hearing, at which oral or written presentations can be made, prior to the adoption of a resolution approving a new fee or increasing an existing fee; and

**WHEREAS**, on April 12, 2016 at approximately 11:34 a.m., the BOARD commenced a Public Hearing on the STUDY which then was opened and continued to April 26, 2016, at 10:00 a.m.; and

**WHEREAS**, notice of said public hearing as required pursuant to the provisions of the LAW has been duly and properly given; and

**WHEREAS**, all written and oral presentations have been duly considered by the BOARD.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of San Benito, State of California that this Board finds as follows:

1. The above recitals are true and correct.
2. The BOARD finds and determines that:
  - a) The purpose of the LIBRARY FEE is to implement the COUNTY General Plan policy by providing an equitable funding source from new development for the library facilities needed to serve new development.
  - b) The use of the LIBRARY FEE is to fund new and expanded library facilities to accommodate new development that are preliminarily identified in the STUDY
  - c) There is a reasonable relationship between the use of LIBRARY FEE and the type of development projects on which the fees are imposed as set forth in the STUDY. The fee revenue will be kept in a separate account. Facilities funded by the fee will serve new development based on the recommendations of library professionals, including but not limited to, the San Benito County Librarian, and Friends of the Library, and approved by the County Board of Supervisors.
  - d) There is a reasonable relationship between the need for the identified library facilities and the type of development projects on which the fees are imposed as set forth in the STUDY. The need for the fee is based on the new development's fair share of the planned library facilities, supporting the projected new residential service population by 2035, as identified in the STUDY.
  - e) There is a reasonable relationship between the amount of the LIBRARY FEE and the cost of the library facilities attributable to the development on which the fees are imposed as set forth in the STUDY. The fee is based on the estimated size of the service population that the project will accommodate. The LIBRARY FEE will be applied based on the type and number of dwelling units in a development project, which results in a total fee that reflects the estimated service population of the project.
  - f) The LIBRARY FEE is critical and necessary for the new development in the COUNTY to fund the library facilities requirements of new development.
3. The STUDY is hereby adopted and the LIBRARY FEE is hereby imposed effective sixty days after adoption of this resolution, in the amount of \$544 per dwelling unit for single family residential and \$495 per dwelling unit for multi-family residential; and,

4. If however the Library Impact Fee Ordinance is not adopted on May 10, 2016, this resolution shall not become effective until thirty days after adoption of the Library Impact Fee Ordinance.

**BE IT FURTHER RESOLVED AND ORDERED** that the Chair of the Board of Supervisors be and is hereby authorized and directed to do and perform everything necessary to carry out the purpose of this Resolution.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 26<sup>th</sup> DAY OF APRIL, 2016 BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):  
Noes: Supervisor(s):  
Absent: Supervisor(s):  
Abstain: Supervisor(s)

By: \_\_\_\_\_  
Robert Rivas, Chair

**ATTEST:**  
Louie Valdez, Clerk of the Board

**APPROVED AS TO LEGAL FORM:**  
San Benito County Counsel's Office

By: \_\_\_\_\_

By: \_\_\_\_\_  
Barbara Thompson, Assistant County Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_