

RESOLUTION NO. 23-____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING THE ANNUAL & FIVE-YEAR MITIGATION FEE REPORT
FOR FISCAL YEAR ENDING JUNE 30, 2023 AND MAKING REQUIRED
FINDINGS**

WHEREAS, the Mitigation Fee Act (Government Code Section 66000 et seq.) requires that an annual report regarding mitigation fees be submitted to the City Council at a regularly scheduled public meeting pursuant to Section 66006; and

WHEREAS, Government Code Section 66001(d) further provides that the City must, on a five-year basis, make certain findings with respect to unexpended mitigation fees; and

WHEREAS, the City of Cupertino - AB 1600 - Mitigation Fee Act Annual & Five-Year Report for the fiscal year that ending June 30, 2023 (the "Annual and Five-Year Report"), comprises the annual report required under Government Code Section 66006(b) and five-year report required under Government Code Section 66001(d) of the Mitigation Fee Act. Said report is included as Attachment A and incorporated into this Resolution by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby:

1. Acknowledges the foregoing recitals are true and correct and incorporated into this resolution by this reference.
2. Approves the Annual and Five-Year Report for FY ending June 30, 2023 in accordance with the Mitigation Fee Act and incorporates by reference said Report (Attachment A).
3. Adopts the findings required by Government Code 66001(d) as stated in the Five-Year Reporting and Findings Requirement section of the Annual and Five-Year Report (Attachment A), which demonstrate that, for each account or fund:

- a. The purpose of each fund is described in the Annual and Five-Year Report.
- b. A reasonable relationship exists between the fee charged to development projects and the purpose for which it is charged, based on the substantial evidence contained in the Annual and Five-Year Report.
- c. For each fund, the Annual and Five-Year Report identifies all sources and amounts of funding anticipated to complete the financing of incomplete improvements.
- d. For each fund, the Annual and Five-Year Report designates the approximate date on which the funding needed is expected to be deposited into the fund.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of November, 2023, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Hung Wei, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date