

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1084

Introduced by Assembly Member Adams

February 27, 2009

An act to amend Sections ~~66000, 66001, 66002~~ 66001, 66006, 66016, and 66018 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1084, as amended, Adams. Local planning: development projects: fees.

~~(1) The Mitigation Fee Act authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined. A "fee" is defined to mean a monetary exaction other than a tax or special assessment, as specified, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project. "Public facilities" is defined to include public improvements, public services, and community amenities.~~

~~This bill would revise the definition of "fee" to mean a charge or other exaction, including a dedication, reservation, set-aside, or contribution of real or personal property or services, including a monetary exaction other than a tax or special assessment, as specified, that is charged by a local agency, including a local agency that does not itself approve the development project, to the applicant in connection with the development project or as a condition of approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project. "Public~~

facilities” would be defined to include public improvements, public services, community amenities, and measures intended to mitigate or alleviate the effects of the development project, whether or not owned or controlled by a public agency.

(2)

(1) The Mitigation Fee Act provides that in any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency is required to determine how there is reasonable relationship between the amount of the fee and the cost of public facility or portion of the public facility attributable to the development project on which the fee is imposed.

This bill would provide that in any action – whether ministerial, discretionary, adjudicatory, or legislative – establishing, ~~extending, amending,~~ increasing, or imposing a fee, *as a condition of approval of a development project by a local agency*, the local agency would be required to determine, prior to imposing the fee, how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. Fees would be authorized to be simultaneously adopted, imposed, or collected *by a city, county, or city and county* to finance more than one of the categories of facilities or improvements, as specified, provided that each category of facilities or improvements separately complies with specified conditions, and those fees would be prohibited ~~to be from being~~ commingled. If a request is made to revise or update fees, as specified, a local agency would be required to revise or update the fees in writing and provide substantial evidence in the record demonstrating that the new fees comply with specified provisions. A local agency would not be required to update the fees more frequently than every 12 months. ~~Any costs incurred by a local agency~~ *The city, county, or city and county would not be required to revise or update the fees unless the person or entity requesting the revision or update pays, prior to commencement, the costs that will be incurred by the city, county, or city and county to revise or update the fee would be allowed to be recovered as part of the fees.* By adding to the duties of local officials, this bill would impose a state-mandated local program.

(3) ~~The Mitigation Fee Act provides that a local agency that levies a fee subject to the act may adopt a capital improvement plan that indicates the approximate location, size, time of availability, and~~

estimates of cost for all facilities or improvements to be financed with the fees.

This bill would require a local agency that levies a fee subject to the act to first adopt a capital improvement plan that would be required to identify the purpose or function of any public facilities for any fees that are to be imposed and that already is required to indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees. The fees charged pursuant to the act would be authorized to include the costs reasonably necessary to prepare and revise the capital improvement plan. By adding to the duties of local officials, this bill would impose a state-mandated local program.

(4)

(2) The Mitigation Fee Act requires that, at the time the local agency imposes a fee for public improvements on a specific development project, the local agency is required to identify the public improvement that the fee will be used to finance.

This bill instead would require that, at the time the local agency imposes a fee for public improvements on or in connection with a specific development project, the local agency identify the public improvement that the fee will be used to finance. A party against whom a fee is to be imposed *by a city, county, or city and county* would be required to have the opportunity for a hearing to appeal the fee, as specified. *The party requesting the appeal would be required to pay the cost to the city, county, or city and county to conduct the appeal.* By adding to the duties of local officials, this bill would impose a state-mandated local program.

(5)

(3) The Mitigation Fee Act requires a local agency, prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, to hold at least one open and public meeting, as specified. At least 14 days prior to the meeting, the local agency is required to mail notice of the time and place of the meeting, as specified, to any interested party who files a written request with the local agency for mailed notice. At least 10 days prior to the meeting, the local agency is required to make available public data indicating the amount of cost, or estimated costs, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service.

This bill instead would require that at least 45 days prior to the first meeting, the local agency is required to mail notice of the time and place of the meeting, as specified, to any interested party who files a written request with the local agency for mailed notice. The local agency would be required to make available, at least 45 days prior to the first meeting, public data indicating the amount of cost, or estimated costs, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service.

(6)

(4) The Mitigation Fee Act requires a local agency, prior to adopting an ordinance, resolution, or other legislative enactment adopting a new fee or approving an increase in an existing fee subject to the act, to hold a public hearing, as specified.

This bill would require notice of the time and place of the meeting, as specified, and a statement that specified data is available to be mailed at least 45 days prior to the first meeting to any interested party who files a written request with the ~~local agency~~ *city, county, or city and county* for mailed notice of the meeting on new ~~extended, amended, or~~ increased fees *enacted by the city, county, or city and county*. Any written request for mailed notices would be required to be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices would be required to be filed on or before April 1 of each year. The legislative body would be authorized to establish a reasonable annual charge for sending notices based on the estimated cost of providing the service. At least 45 days prior to the first meeting, the ~~local agency~~ *city, county, or city and county* would be required to make available to the public the ~~capital improvement plan and nexus study, or similar written report, and all documentation relating to the findings required by this act, as well as~~ data indicating the amount of cost, or estimated cost, required to provide the public facilities, as defined, for which the fee is proposed to be enacted; ~~extended, amended, or~~ increased and the revenue sources anticipated to fund those public facilities, including General Fund revenues. The new or increased fee would be required to be effective no sooner than 60 days following the final action on the adoption or increase of the fee. By adding to the duties of local officials, this bill would impose a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 66000 of the Government Code is~~
2 ~~amended to read:~~
3 ~~66000. As used in this chapter, the following terms have the~~
4 ~~following meanings:~~
5 ~~(a) "Development project" means any project undertaken for~~
6 ~~the purpose of development. "Development project" includes a~~
7 ~~project involving the issuance of a permit for construction or~~
8 ~~reconstruction, but not a permit to operate.~~
9 ~~(b) "Fee" means a charge or other exaction, including a~~
10 ~~dedication, reservation, set-aside, or contribution of real or personal~~
11 ~~property or services, including a monetary exaction other than a~~
12 ~~tax or special assessment, whether established for a broad class of~~
13 ~~projects by legislation of general applicability or imposed on a~~
14 ~~specific project on an ad hoc basis or pursuant to a schedule or~~
15 ~~formula of general application, that is charged by a local agency,~~
16 ~~including a local agency that does not itself approve the~~
17 ~~development project, to the applicant in connection with the~~
18 ~~development project or as a condition of approval of a development~~
19 ~~project for the purpose of defraying all or a portion of the cost of~~
20 ~~public facilities or for any other purpose related to the development~~
21 ~~project, but does not include fees specified in Section 66477, fees~~
22 ~~for processing applications for governmental regulatory actions~~
23 ~~or approvals, fees collected under development agreements adopted~~
24 ~~pursuant to Article 2.5 (commencing with Section 65864) of~~
25 ~~Chapter 4, or fees collected pursuant to agreements with~~
26 ~~redevelopment agencies that provide for the redevelopment of~~
27 ~~property in furtherance or for the benefit of a redevelopment project~~
28 ~~for which a redevelopment plan has been adopted pursuant to the~~
29 ~~Community Redevelopment Law (Part 1 (commencing with~~
30 ~~Section 33000) of Division 24 of the Health and Safety Code).~~
31 ~~(c) "Local agency" means a county, city, whether general law~~
32 ~~or chartered, city and county, school district, special district,~~

1 authority, agency, any other municipal public corporation or
2 district, or other political subdivision of the state.

3 (d) ~~“Public facilities” includes public improvements, public~~
4 ~~services, community amenities, and measures intended to mitigate~~
5 ~~or alleviate the effects of the development project, whether or not~~
6 ~~owned or controlled by a public agency.~~

7 SEC. 2.

8 SECTION 1. Section 66001 of the Government Code is
9 amended to read:

10 66001. (a) In any action establishing, ~~extending, amending,~~
11 increasing, or imposing a fee *as a condition of approval of a*
12 *development project by a local agency*, the local agency shall do
13 all of the following:

14 (1) Identify the purpose of the fee.

15 (2) Identify the use to which the fee is to be put. If the use is
16 financing public facilities, the facilities shall be identified. That
17 identification may, but need not, be made by reference to a capital
18 improvement plan as specified in Section 65403 or 66002, may
19 be made in applicable general or specific plan requirements, or
20 may be made in other public documents that identify the public
21 facilities for which the fee is charged.

22 (3) Determine how there is a reasonable relationship between
23 the fee’s use and the type of development project on which the fee
24 is imposed.

25 (4) Determine how there is a reasonable relationship between
26 the need for the public facility and the type of development project
27 on which the fee is imposed.

28 (b) In any action, whether ministerial, discretionary,
29 adjudicatory, or legislative, imposing a fee as a condition of
30 approval of a development project by a local agency, prior to
31 imposing the fee, the local agency shall determine how there is a
32 reasonable relationship between the amount of the fee and the cost
33 of the public facility or portion of the public facility attributable
34 to the development on which the fee is imposed.

35 (c) Upon receipt of a fee subject to this section, the local agency
36 shall deposit, invest, account for, and expend the fees pursuant to
37 Section 66006. Fees may be simultaneously adopted, imposed, or
38 collected *by a city, county, or city and county* to finance more than
39 one of the categories of facilities or improvements identified in
40 subdivision (c) of Section 66002, provided that each category of

1 facilities or improvements separately complies with this section
2 and those fees shall not be commingled.

3 (d) (1) For the fifth fiscal year following the first deposit into
4 the account or fund, and every five years thereafter, the local
5 agency shall make all of the following findings with respect to that
6 portion of the account or fund remaining unexpended, whether
7 committed or uncommitted:

8 (A) Identify the purpose to which the fee is to be put.

9 (B) Demonstrate a reasonable relationship between the fee and
10 the purpose for which it is charged.

11 (C) Identify all sources and amounts of funding anticipated to
12 complete financing in incomplete improvements identified in
13 paragraph (2) of subdivision (a).

14 (D) Designate the approximate dates on which the funding
15 referred to in subparagraph (C) is expected to be deposited into
16 the appropriate account or fund.

17 (2) When findings are required by this subdivision, they shall
18 be made in connection with the public information required by
19 subdivision (b) of Section 66006. The findings required by this
20 subdivision need only be made for moneys in possession of the
21 local agency, and need not be made with respect to letters of credit,
22 bonds, or other instruments taken to secure payment of the fee at
23 a future date. If the findings are not made as required by this
24 subdivision, the local agency shall refund the moneys in the
25 account or fund as provided in subdivision (e).

26 (e) Except as provided in subdivision (f), when sufficient funds
27 have been collected, as determined pursuant to subparagraph (F)
28 of paragraph (1) of subdivision (b) of Section 66006, to complete
29 financing on incomplete public improvements identified in
30 paragraph (2) of subdivision (a), and the public improvements
31 remain incomplete, the local agency shall identify, within 180 days
32 of the determination that sufficient funds have been collected, an
33 approximate date by which the construction of the public
34 improvement will be commenced, or shall refund to the then
35 current record owner or owners of the lots or units, as identified
36 on the last equalized assessment roll, of the development project
37 or projects on a prorated basis, the unexpended portion of the fee,
38 and any interest accrued thereon. By means consistent with the
39 intent of this section, a local agency may refund the unexpended
40 revenues by direct payment, by providing a temporary suspension

1 of fees, or by any other reasonable means. The determination by
2 the governing body of the local agency of the means by which
3 those revenues are to be refunded is a legislative act.

4 (f) If the administrative costs of refunding unexpended revenues
5 pursuant to subdivision (e) exceed the amount to be refunded, the
6 local agency, after a public hearing, notice of which has been
7 published pursuant to Section 6061 and posted in three prominent
8 places within the area of the development project, may determine
9 that the revenues shall be allocated for some other purpose for
10 which fees are collected subject to this chapter and which serves
11 the project on which the fee was originally imposed.

12 (g) A fee shall not include the costs attributable to existing
13 deficiencies in public facilities, but may include the costs
14 attributable to the increased demand for public facilities reasonably
15 related to the development project in order to (1) refurbish existing
16 facilities to maintain the existing level of service or (2) achieve an
17 adopted level of service that is consistent with the general plan.

18 (h) Any person or entity that is or may be subject to payment
19 of a fee *established, increased, or imposed by a city, county, or*
20 *city and county* in the future, including an organization representing
21 those people or entities, may request revisions or updates to *those*
22 fees adopted pursuant to this section. If a request is made, ~~a local~~
23 ~~agency~~ *the city, county, or city and county* shall revise or update
24 the fees in writing and provide substantial evidence in the record
25 demonstrating that the new fees comply with subdivisions (a) and
26 (b). The fees shall not be required to be updated more frequently
27 than every 12 months. ~~Any costs incurred by a local agency to~~
28 ~~revise or update the fee may be recovered as part of the fees. The~~
29 ~~city, county, or city and county is not required to revise or update~~
30 ~~the fees unless the person or entity requesting the revision or~~
31 ~~update pays, prior to commencement of the costs that will be~~
32 ~~incurred by the city, county, or city and county, to revise or update~~
33 ~~the fees.~~

34 ~~SEC. 3. Section 66002 of the Government Code is amended~~
35 ~~to read:~~

36 ~~66002. (a) Any local agency that levies a fee subject to Section~~
37 ~~66001 first shall adopt a capital improvement plan, which shall~~
38 ~~identify the purpose or function of any public facilities for any~~
39 ~~fees that are to be imposed. The capital improvement plan also~~
40 ~~shall indicate the approximate location, size, time of availability,~~

1 ~~and estimates of cost for all facilities or improvements to be~~
2 ~~financed with the fees.~~

3 ~~(b) The capital improvement plan shall be adopted by, and shall~~
4 ~~be annually updated by, a resolution of the governing body of the~~
5 ~~local agency adopted at a noticed public hearing. Notice of the~~
6 ~~hearing shall be given pursuant to Section 65090. In addition,~~
7 ~~mailed notice shall be given to any city or county that may be~~
8 ~~significantly affected by the capital improvement plan. This notice~~
9 ~~shall be given no later than the date the local agency notices the~~
10 ~~public hearing pursuant to Section 65090. The information in the~~
11 ~~notice shall be not less than the information contained in the notice~~
12 ~~of public hearing and shall be given by first-class mail or personal~~
13 ~~delivery.~~

14 ~~(c) "Facility" or "improvement," as used in this section, means~~
15 ~~any of the following:~~

16 ~~(1) Public buildings, including schools and related facilities;~~
17 ~~provided that school facilities shall not be included if Senate Bill~~
18 ~~97 of the 1987-88 Regular Session is enacted and becomes~~
19 ~~effective on or before January 1, 1988.~~

20 ~~(2) Facilities for the storage, treatment, and distribution of~~
21 ~~nonagricultural water.~~

22 ~~(3) Facilities for the collection, treatment, reclamation, and~~
23 ~~disposal of sewage.~~

24 ~~(4) Facilities for the collection and disposal of storm waters and~~
25 ~~for flood control purposes.~~

26 ~~(5) Facilities for the generation of electricity and the distribution~~
27 ~~of gas and electricity.~~

28 ~~(6) Transportation and transit facilities, including but not limited~~
29 ~~to streets and supporting improvements, roads, overpasses, bridges,~~
30 ~~harbors, ports, airports, and related facilities.~~

31 ~~(7) Parks and recreation facilities.~~

32 ~~(8) Any other capital project identified in the capital facilities~~
33 ~~plan adopted pursuant to Section 66002.~~

34 ~~(d) The fees charged pursuant to Section 66001 may include~~
35 ~~the costs reasonably necessary to prepare and revise the capital~~
36 ~~improvement plan.~~

37 ~~SEC. 4.~~

38 ~~SEC. 2. Section 66006 of the Government Code is amended~~
39 ~~to read:~~

1 66006. (a) If a local agency requires the payment of a fee
2 specified in subdivision (c) in connection with the approval of a
3 development project, the local agency receiving the fee shall
4 deposit it with the other fees for the improvement in a separate
5 capital facilities account or fund in a manner to avoid any
6 commingling of the fees with other revenues and funds of the local
7 agency, except for temporary investments, and expend those fees
8 solely for the purpose for which the fee was collected. Any interest
9 income earned by moneys in the capital facilities account or fund
10 shall also be deposited in that account or fund and shall be
11 expended only for the purpose for which the fee was originally
12 collected.

13 (b) (1) For each separate account or fund established pursuant
14 to subdivision (a), the local agency shall, within 180 days after the
15 last day of each fiscal year, make available to the public the
16 following information for the fiscal year:

17 (A) A brief description of the type of fee in the account or fund.

18 (B) The amount of the fee.

19 (C) The beginning and ending balance of the account or fund.

20 (D) The amount of the fees collected and the interest earned.

21 (E) An identification of each public improvement on which fees
22 were expended and the amount of the expenditures on each
23 improvement, including the total percentage of the cost of the
24 public improvement that was funded with fees.

25 (F) An identification of an approximate date by which the
26 construction of the public improvement will commence if the local
27 agency determines that sufficient funds have been collected to
28 complete financing on an incomplete public improvement, as
29 identified in paragraph (2) of subdivision (a) of Section 66001,
30 and the public improvement remains incomplete.

31 (G) A description of each interfund transfer or loan made from
32 the account or fund, including the public improvement on which
33 the transferred or loaned fees will be expended, and, in the case
34 of an interfund loan, the date on which the loan will be repaid, and
35 the rate of interest that the account or fund will receive on the loan.

36 (H) The amount of refunds made pursuant to subdivision (e) of
37 Section 66001 and any allocations pursuant to subdivision (f) of
38 Section 66001.

39 (2) The local agency shall review the information made available
40 to the public pursuant to paragraph (1) at the next regularly

1 scheduled public meeting not less than 15 days after this
2 information is made available to the public, as required by this
3 subdivision. Notice of the time and place of the meeting, including
4 the address where this information may be reviewed, shall be
5 mailed, at least 15 days prior to the meeting, to any interested party
6 who files a written request with the local agency for mailed notice
7 of the meeting. Any written request for mailed notices shall be
8 valid for one year from the date on which it is filed unless a renewal
9 request is filed. Renewal requests for mailed notices shall be filed
10 on or before April 1 of each year. The legislative body may
11 establish a reasonable annual charge for sending notices based on
12 the estimated cost of providing the service.

13 (c) For purposes of this section, “fee” means any fee imposed
14 to provide for an improvement to be constructed to serve a
15 development project, or which is a fee for public improvements
16 within the meaning of subdivision (b) of Section 66000, and that
17 is imposed by the local agency as a condition of approving the
18 development project.

19 (d) Any person may request an audit of any local agency fee or
20 charge that is subject to Section 66023, including fees or charges
21 of school districts, in accordance with that section.

22 (e) The Legislature finds and declares that untimely or improper
23 allocation of development fees hinders economic growth and is,
24 therefore, a matter of statewide interest and concern. It is, therefore,
25 the intent of the Legislature that this chapter shall supersede all
26 conflicting local laws and shall apply in charter cities.

27 (f) At the time the local agency imposes a fee for public
28 improvements on or in connection with a specific development
29 project, it shall identify the public improvement that the fee will
30 be used to finance. A party against whom a fee is to be imposed
31 *by a city, county, or city and county* shall have the opportunity for
32 a hearing to appeal the fee. The request shall state the grounds for
33 the appeal. The appeal shall be heard by the legislative body no
34 sooner than ~~30~~ *five working* days following the request. *The party*
35 *requesting the appeal shall pay the cost to the city, county, or city*
36 *and county to conduct the appeal.*

37 ~~SEC. 5.~~

38 SEC. 3. Section 66016 of the Government Code is amended
39 to read:

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 45 days prior to the first 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 45 days prior to the first 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 that 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.

~~SEC. 6.~~

SEC. 4. Section 66018 of the Government Code is amended to read:

66018. (a) Prior to adopting an ordinance, resolution, or other legislative enactment adopting a new fee or ~~extending, amending,~~ or increasing an existing fee to which this section applies, a local agency shall hold a public hearing, 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, shall be published in accordance with Section 6062a. 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 45 days prior to the first meeting to any interested party who files a written request with the ~~local agency~~ city, county, or city and county for mailed notice of the meeting on new, ~~extended, amended, or increased~~ fees or increased fees enacted by the city, county, or city and county. 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 of the city, county, or city and county may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service. At least 45 days prior to the first meeting, the ~~local agency~~ city, county, or city and county shall make available to the public the ~~capital improvement plan and nexus study, or similar written report, and all documentation relating to the findings required pursuant to Section 66001, as well as~~ data indicating the amount of cost, or estimated cost, required to provide the public facilities, as defined in Section 66000, for which the fee is proposed to be enacted; ~~extended, amended,~~ or increased and the revenue sources

1 anticipated to fund those public facilities, including general fund
2 revenues. The new or increased fee shall be effective no sooner
3 than 60 days following the final action on the adoption or increase
4 of the fee.

5 (b) Any costs incurred by a local agency in conducting the
6 hearing required pursuant to subdivision (a) may be recovered as
7 part of the fees that were the subject of the hearing.

8 (c) This section applies only to the adopting or increasing of
9 fees to which a specific statutory notice requirement, other than
10 Section 54954.2, does not apply.

11 (d) As used in this section, “fees” do not include rates or charges
12 for water, sewer, or electrical service.

13 SEC. 7. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 a local agency or school district has the authority to levy service
16 charges, fees, or assessments sufficient to pay for the program or
17 level of service mandated by this act, within the meaning of Section
18 17556 of the Government Code.