



### Staff Report

**Date:** April 9, 2015  
**To:** Mayor Elizabeth Brekhus and Councilmembers  
**From:** Dianne Thompson, Interim Town Manager  
**Prepared by:** Rob Braulik, Town Manager  
**Subject:** Council approval of Resolution No. 1894 Closing Building Permit Excess Fund Account

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#### **Recommendation**

Council approval of Resolution No. 1894 closing out the Building Permit Excess Fund Account.

#### **Background and discussion**

The Finance Committee (FC) met March 9<sup>th</sup> and discussed the preliminary Fiscal Year 2016 budget. As part of the budget deliberations, staff recommended closure of the above account. Staff communicated to the FC the account was no longer needed and furthermore legal counsel had communicated to staff the account could be closed. After discussion by the FC, the FC supported closure of this account.

#### **Fiscal, resource and timeline impacts**

Closing out the account will enable the Town to access the account funds and will continue the financial practice over the past three years of closing funds no longer necessary (e.g., Legal Defense Fund) for continued financial operations.

#### **Alternative actions**

None recommended.

#### **Environmental review (if applicable)**

N/A

#### **Attachments**

- Resolution No. 1894
- Resolution No. 1459 creating the Building Permit Excess Fund
- Minutes from April 12, 2001

## **TOWN OF ROSS**

### **RESOLUTION NO. 1894**

#### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROSS TRANSFERRING BUILDING PERMIT REVENUES TO THE GENERAL FUND TO REPAY ADVANCES FOR BUILDING DEPARTMENT SERVICES AND TO CLOSE THE FUND IN WHICH THE TOWN HOLDS SUCH BUILDING PERMIT REVENUES KNOWN AS THE BUILDING PERMIT EXCESS RESERVE FUND**

**WHEREAS**, the Town of Ross collects building permit fees to implement the Uniform Building Codes to provide minimum standards for buildings to safeguard the life and health of the community, property within the Town of Ross and the public welfare; and

**WHEREAS**, on April 12, 2001, the Town Council adopted Resolution No. 1459 to establish a restricted fund (the "Fund") to hold building permit fee revenues, which exceed the Building Department expenses for the respective fiscal year; and

**WHEREAS**, the Fund has a current balance of [\$227,037]; and

**WHEREAS**, in fiscal years ending June 30 of 2011, 2012, and 2013, the Town of Ross Building Department provided services for which the costs exceeded building permit fee revenues by approximately \$948,688 (the "Building Department Deficit"); and

**WHEREAS**, the Town of Ross general fund provided advances for the Building Department Deficit; and

**WHEREAS**, the Town Council desires to transfer the current balance in the Fund to the Town general Fund to repay the Town general fund for such advances; and

**WHEREAS**, upon such transfer the Fund balance will be zero and the Town Council desires to close the Fund.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF ROSS DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:**

SECTION 1: The Town Manager is hereby directed to transfer all moneys in the Fund to the Town general fund (specifically to the Facilities and Equipment Fund which is a component of the general fund) and to close the Fund.

SECTION 2. The Town Manager is hereby authorized to execute and deliver any and all necessary documents and to do all things which the Town Manager may deem necessary or proper to effectuate the purposes of this resolution.

SECTION 3: The Town Clerk shall certify to the adoption of this Resolution.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 9<sup>th</sup> day of April 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elizabeth Brekhus, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk

**RESOLUTION NO.1459**

**RESOLUTION ESTABLISHING A RESTRICTED FUND FOR EXCESS BUILDING PERMIT FEES.**

**WHEREAS**, the Town of Ross collects building permit fees to implement the Uniform Building codes to provide minimum standards to safeguard life or limb, health, property and Public Welfare and;

**WHEREAS**, the amount collected varies depending on the construction activities for the corresponding fiscal year and;

**WHEREAS**, excess amounts beyond the building department expenses may result and;

**WHEREAS**, this amount may be needed for the years where expenses exceed revenues and;

**WHEREAS**, major capital expenditures are needed to establish new building department offices to replace present non-functional and inaccessible offices.

**BE IT RESOLVED** that the Town Council of the Town of Ross does hereby establish a restricted fund to act as a trust account to allow carry-over excess revenues to subsequent fiscal years for expenditures on capital improvements, legitimate building inspection services and related activities.

**I HEREBY CERTIFY** that the foregoing resolution was introduced and passed at the regular meeting of the Town Council of Ross held on the 12<sup>th</sup> day of April, 2001, by the following vote:

**AYES:** Council Members Hart, Gray, Delanty Brown, Curtiss and Zorensky

**NOES:** None

**ABSENT:** None

  
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**BRUCE W. HART, MAYOR**

**ATTEST:**

  
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**LAURA THOMAS, TOWN CLERK**

April 12, 2001

13. **Report from Public Works Department**

Mr. Elias reported that the tree planting was completed and he notified the residents that the trees were planted and have to be watered. His department will oversee that this is done. The Upper Road overlay will start when the work at the Wiener home is completed and repaving will be done around Ross Common after the Fourth of July festivities.



14. **Resolution No. 1459 - Establishing a Restricted Fund for Excess Building Permit Fees.**

Mr. Elias said that the Grand Jury requested information on the building permit fees and expenditures over the past three years. He said that these past three years have generated the most funds and do not represent a true picture. However, in order to comply, the Town would establish a restricted fund to be used in the leaner years. The Department needs to redo their offices and these funds will be released as needed for that purpose. He said that the Department is starting to see a slow down for building permits.

Councilmember Gray moved approval of Resolution No. 1459. This was seconded by Councilmember Zorensky who recommended that they consider a percentage. Mr. Elias said that he would send a letter in reply to the Grand Jury. The resolution was approved unanimously.

15. **Resolution No. 1460 - Providing the Director of Public Works with the Authority to Execute Right-of-Way Certification.**

Mr. Elias explained that this is routine paper work for the government and has to be completed in order to obtain the \$85,000 grant.

Councilmember Gray moved approval, seconded by Councilmember Zorensky and passed unanimously.

16. **Discussion and Authorization to Implement Recommendations of the Traffic Signal Timing Report Prepared by Consultant TJKM Regarding the Traffic Signals Operation on Sir Francis Drake Blvd. at Lagunitas Road and Laurel Grove Ave.**

Mr. Elias said that the Council directed him to do a study on the traffic signal in front of Town Hall so he retained Don Costa to do the work. It was found that 30,000 cars per day travel on Sir Francis Drake. Mr. Costa said that the report includes a lot of technical data but changing the sequence of the lights works out better - he felt that the peak hours in the morning would show a slight improvement but the greatest improvement would be shown in the afternoon. Mr. Costa said that the computer controller outside Town Hall has a great capability and further modifications could be done to the whole system. Councilmember Gray asked

about cost and Mr. Elias said that it would come in two phases, the immediate cost would be \$5000 but Phase Two would be expensive. He recommended that the Council go with the immediate recommendation to adjust the timing at a cost of \$5000 and see how it works.

Councilmember Curtiss said that people are discouraged from coming down Shady Lane but they are coming down Sir Francis Drake Boulevard and then going through Ross. Mayor Hart asked for public input but no one commented.

Councilwoman Delanty Brown noted the \$200 paid for maintenance each month and wondered if the Town was getting proper service. Mr. Elias said that that cost is just for maintenance.

Mayor Hart asked that staff do the timing and report back when the system is working.

17. **Resolution No. 1461 - Approving the Town of Ross Disadvantaged Business Enterprises (DBE) Program for United States Department of Transportation Aided Contracts.**

Mr. Elias said that the Council should adopt this resolution and DBE program concerning disadvantaged minority and women owned businesses to accommodate them in the bidding/contracting process. This has been adopted by every city/town. The matter was published in the newspaper according to law.