



# Building Industry Association of the Greater Valley

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## OFFICERS

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Woodside Homes

**David Best**

Shea Homes

**Jeremy Goulart**

Meritage Homes

**Keith Jones**

George Reed, Inc.

December 5, 2023

Mayor and Council

City of Tracy

333 Civic Center Plaza

Tracy, CA 95376

Re: Agenda Item 1.N.

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Mayor Young,

We would like item 1N to be continued or bifurcated with the issue of transferring/adjusting \$1,364,770 from the Developer Impact Fund to the Wastewater Capital Fund removed from the resolution.

Staff is attempting to move funds from a restricted account. The Mitigation Fee Act requires funds in development impact fee accounts to only be spend on the identified items in the Nexus Study or documented in a loan with repayment terms back to the fund. A declaration that funds need to be reallocated is not sufficient to move funds from a restricted account. The justification for imposing development fees have to follow a very distinct process, and spending money from these accounts also has to follow a very distinct process.

The Nexus Study justifying these fees cannot be amended via an ad hoc staff report, it must be agendized as a public hearing and go through the proper process of a public hearing to adopt or amend the Nexus Study.

This action by staff is another sign of the anti-housing stance recently adopted by the City of Tracy. If the city continues to flaunt Housing Element Law and the Mitigation Fee Act we will request the Attorney General intercede with their housing accountability task force to enforce housing law.

The BIA and the City of Tracy have historically had a good working relationship. We have rarely had to engage the city in a confrontational manner. I look forward to us going back to this good relationship with open communication. Please continue agenda item 1.N. so we can resolve this issue and go back to working well together.

Respectfully,

John R. Beckman  
Chief Executive Officer

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