



## Legislation Details (With Text)

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**Type:** Agenda Item      **Status:** Approved

**File created:** 12/12/2017      **In control:** Board of Supervisors

**On agenda:** 1/9/2018      **Final action:** 1/9/2018

**Title:** Community Development Services, Planning and Building Department, requesting the Board approve:  
 1) The clarification that the County will collect and pass-through to the Tahoe Regional Planning Agency (TRPA) 100 percent of the Tahoe Regional Planning Agency Residential Allocation Monitoring Fee, currently \$100, and the Tahoe Regional Planning Agency Information Technology Surcharge Fee, currently \$88, based on Tahoe Regional Planning Agency's Application Filing Fee Schedule dated June 8, 2009, recognizing such Fee amounts may change from time to time as authorized by TRPA; and  
 2) The pass-through payment of County collected Residential Allocation Monitoring Fees, due and payable to TRPA in the amount of \$28,400, for the period of July 1, 2009, through June 30, 2017.

**FUNDING:** Tahoe Regional Planning Agency's Residential Allocation Monitoring Fee and Information Technical Surcharge Fee collected by the County from allocation recipients when applying for building permits.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Appendix W-1992 MOU 1-9-18, 2. B - Appendix JJ-2000 MOU 1-9-18, 3. C - EDC BOS Action of 9-12-00 1-9-18, 4. D - TRPA Current Fee Schedule 1-9-18

Date	Ver.	Action By	Action	Result
1/9/2018	1	Board of Supervisors	Approved	Pass

Community Development Services, Planning and Building Department, requesting the Board approve:

- 1) The clarification that the County will collect and pass-through to the Tahoe Regional Planning Agency (TRPA) 100 percent of the Tahoe Regional Planning Agency Residential Allocation Monitoring Fee, currently \$100, and the Tahoe Regional Planning Agency Information Technology Surcharge Fee, currently \$88, based on Tahoe Regional Planning Agency's Application Filing Fee Schedule dated June 8, 2009, recognizing such Fee amounts may change from time to time as authorized by TRPA; and
- 2) The pass-through payment of County collected Residential Allocation Monitoring Fees, due and payable to TRPA in the amount of \$28,400, for the period of July 1, 2009, through June 30, 2017.

**FUNDING:** Tahoe Regional Planning Agency's Residential Allocation Monitoring Fee and Information Technical Surcharge Fee collected by the County from allocation recipients when applying for building permits.

**DEPARTMENT RECOMMENDATION**

Community Development Services (CDS), Planning and Building Department (Planning), requesting the Board approve:

- 1) The clarification that the County will collect and pass-through to the Tahoe Regional Planning Agency (TRPA) 100 percent of the TRPA Residential Allocation Monitoring Fee (Monitoring Fee),

currently \$100, and the TRPA Information Technology Surcharge Fee (Technology Fee), currently \$88; based on TRPA's Application Filing Fee Schedule dated June 8, 2009 (Fee Schedule), recognizing such Fee amounts may change from time to time as authorized by TRPA; and 2) The pass-through payment of County collected Monitoring Fees, due and payable to TRPA in the amount of \$28,400, for the period of July 1, 2009, through June 30, 2017.

TRPA provided the following background for both fees:

**Monitoring Fee** - This is a monitoring fee that is collected by the entity issuing the allocation from each allocation recipient. The fee is used to monitor water quality impacts and permit conformance (audits) in accordance with the Rules of Procedure and the TRPA Code of Ordinances. This fee is always passed through 100% to TRPA from all the local jurisdictions.

**Technology Fee** - All applications in the TRPA Filing Fee Schedule are subject to a non-refundable information technology surcharge used to maintain and support the TRPA database. This fee is always passed through 100% to TRPA by all the local jurisdictions.

## **DISCUSSION / BACKGROUND**

The TRPA regulates development in the Tahoe Basin through a combination of federal, state, and local regulations. The TRPA and County have entered into Memorandums of Understanding (MOUs), Appendix W (Attachment A), and Appendix JJ (Attachment B), to provide direction and delegation authority for building permits and fee collection. Section 3 of both Appendix W (December 8, 1992, MOU) and Appendix JJ (September 12, 2000, MOU) provides authority for the County to collect all fees and deposits on behalf of TRPA, based on the TRPA fee schedule. The MOUs also allow the County and TRPA to mutually agree what percentage of TRPA fees can be retained by the County to perform activities associated with the MOUs. The apportionment of TRPA fees the County retains was established by Board action taken on September 12, 2000 (Attachment C). The County is authorized to retain 90% and return 10% to TRPA as an administrative fee.

This process has worked well over the years, but the TRPA Code of Ordinances and adopted Application Filing Fee Schedule (Attachment D) have been modified over the years and now two fees are being handled inconsistently. The TRPA Monitoring Fee, currently \$100, and the TRPA Technology Fee, currently \$88, are supposed to be collected by the County and fully returned to TRPA.

TRPA Ordinance, Chapter 50.5.2.F, requires the Monitoring Fee to be collected from each allocation recipient. This Fee is used solely by TRPA to monitor water quality impacts and permit conformance measures, while the permit fee is used to perform required audits of County building permit inspection and record keeping. County conformance to TRPA regulations ensures that the County receives its full allotment of residential allocations. The Technology Fee is also used solely by TRPA. The County has no work associated with either Fee.

During the development of the recent update to the CDS Consolidated Fee Schedule (approved by the Board on June 20, 2017, Item 20), the staff of the CDS Administration and Finance Division determined that both Fees were being collected as authorized under the MOUs and TRPA's Fee Schedule, however, only the Technology Fees had been returned to TRPA as required. Starting with Fiscal Year (FY) 2009/2010, Planning staff's understanding of the Monitoring Fee was that it fell instead under the allowable administrative percentage and, therefore, was retainable by the County. Return of the collected Monitoring Fees ended at that time. Planning staff has since confirmed with

TRPA the purpose of this Fee as noted above, and that full return of the collected Fees is required. The amount of pass-through payable to TRPA, for FY 2009/2010 through FY 2016/2017 Monitoring Fees, total \$28,400.

**ALTERNATIVES**

If the Board rejects this clarification, then TRPA will not receive these Fees going forward. The Board could direct staff to update the TRPA/County MOUs to clarify the fee collection process.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Tahoe Regional Planning Agency and El Dorado County Counsel

**CAO RECOMMENDATION**

It is recommended that that Board approve this item.

**FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. TRPA Monitoring and Technical Fees are collected by the County from allocation recipients when applying for building permits. Per adopted MOUs, and as now clarified by the requested action, these fees are to be passed through to TRPA in full.

The amount of Monitoring Fees collected since FY 2009-2010, which now require pass-through to TRPA, are indicated below and equal a combined total of \$28,400:

Fiscal Year	Amount
2009/2010	\$ 800
2010/2011	\$ 1,900
2011/2012	\$ 2,500
2012/2013	\$ 6,300
2013/2014	\$ 4,200
2014/2015	\$ 3,900
2015/2016	\$ 2,800
2016/2017	\$ 6,000
Total	\$28,400

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

Roger Trout, Director  
Community Development Services, Planning and Building Department