



Legislation Text

File #: 24-1195, **Version:** 1

Chief Administrative Office recommending the Board order the Auditor-Controller to disburse \$51,333.23 from the Georgetown Divide Recreation District ("District") Parks and Recreation Impact Mitigation Fee account to the District for the purchase of 0.51 acres of land adjacent to Greenwood Park for the purpose of expanding park facilities.

FUNDING: Development Impact Fees.

DISCUSSION / BACKGROUND

The California Mitigation Fee Act (Cal. Gov. §66000 et seq.) provides for the establishment of fees to mitigate the impacts of new development on public facilities in order to maintain the established level of service. Individual Special Districts do not have the authority to establish these fees; as a result, the County establishes fees on behalf of the districts. In accordance with the Mitigation Fee Act, these revenues are segregated and deposited into a separate account for each district.

On October 27, 2009, the Board adopted Resolution 236-2009, establishing fees on behalf of the Georgetown Divide Recreation District. The fees were calculated in accordance with the nexus study performed by SCI Consulting.

In accordance with the Mitigation Fee Act, these revenues have been placed in a separate account. The first deposit to the account was made in August 2012, and the balance in the account as of June 26, 2024, was \$364,475.31. The District has submitted a request for disbursement of \$51,333.23 for the Greenwood Park expansion.

The Greenwood Park Expansion is a priority for the District, as the District's Board approved resolution 2023.10.2 to purchase the 0.51 acres of land adjacent to the Greenwood Park to provide additional recreational opportunities for the residents of the Georgetown Recreation District. The expansion will enable the District to expand parks facilities to accommodate population growth without burdening the existing development. This is an appropriate use of mitigation fee revenue as described in the Mitigation Fee Act, the County's Ordinance regarding impact mitigation fees, the District's nexus study, and Resolution 236-2009.

The County has entered into an agreement with the District, whereby the District agrees to "hold County harmless and defend County and its employees, officers, and agents from any claim, liability, or action" resulting from the County's calculation, imposition, and collection of impact fees on the District's behalf.

The Chief Administrative Office recommends the disbursement of funds for the above-described uses because they are consistent with the purpose for which the fee was collected, the District and County are currently in compliance with the Mitigation Fee Act, and the indemnity agreement between the District and the County sufficiently protect the County from potential liability related to the disbursement.

ALTERNATIVES

N/A

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

FINANCIAL IMPACT

There is no fiscal impact to the County. Impact mitigation fees are collected by the County on behalf of the district and held in a separate account. The revenues may only be used by the District for purposes that comply with the Mitigation Fee Act. The account balance as of December 22, 2023, is \$21,053,515.81.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

N/A

CONTACT

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