



Legislation Text

File #: 17-1290, **Version:** 1

Chief Administrative Office recommending the Board authorize the Chair to execute collection and indemnity agreements with the following special districts, on whose behalf the County has established development impact mitigation fees: Diamond Springs/El Dorado Fire Protection District, Georgetown Fire Protection District, and Cameron Park Community Services District (Parks and Recreation). (Est. Time: 15 Min.)

DEPARTMENT RECOMMENDATION

Chief Administrative Office recommending the Board authorize the Chair to execute collection and indemnity agreements with all special districts on whose behalf the County has established development impact mitigation fees.

DISCUSSION / BACKGROUND

The establishment and administration of development impact mitigation fees are governed by the Mitigation Fee Act (Cal. Gov., 66000 et seq.) ("the Act"); however, the County adopted Chapters 13.20 and 13.30 of the county ordinance code regarding development impact fees on behalf of special districts for fire protection services and parks and recreation, respectively.

On August 29, 2017, the Board approved revisions of Chapters 13.20 and 13.30, which will become effective on December 26, 2018. Under the amended ordinance, collection of any fee on behalf of a special district must be pursuant to a written agreement that clearly defines the rights and duties of each party and provides for the district to defend, indemnify, and hold the County, its officers, agents, and employees harmless from and against any and all liability, loss, damage, claims, judgments, costs, staff time, losses, expenses, and any other costs of defense arising out of, resulting from, or related to the creation, establishment, modification, collection, or disbursement of fees on behalf of the district. At the time of approval of the revised ordinance, it was agreed that the revisions would take effect 120 days following final adoption, in order to provide time for districts to enter into agreements.

Counsel has worked with the districts to create a template agreement that has been distributed to all districts for approval by their respective Boards. Under the amended ordinance, fee collection would have to cease on December 26, 2017 for any district that does not have an executed agreement in place. The districts have been working to schedule the agreement for consideration by their Boards throughout November and December. The three agreements presented here are the first of several to come for consideration by the Board of Supervisors. Agreements must ultimately be executed with the following districts:

El Dorado County Fire Protection District
El Dorado Hills County Water District (El Dorado Hills Fire)
Garden Valley Fire Protection District
Lake Valley Fire Protection District
Mosquito Fire Protection District
Pioneer Fire Protection District

Rescue Fire Protection District
Cameron Park Community Services District (Fire)
El Dorado Hills Community Services District
Georgetown Divide Recreation District

It is anticipated that agreements will be in place with all districts before December 26.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Fire Districts, Parks and Recreation District.

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Sue Hennike, Chief Administrative Office