



## Legislation Details (With Text)

**File #:** 14-0644      **Version:** 2

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

**File created:** 4/29/2014      **In control:** Board of Supervisors

**On agenda:** 6/10/2014      **Final action:** 6/10/2014

**Title:** Chief Administrative Office recommending the Board consider the following:  
 1) Receive and file a development impact mitigation fee report for the Diamond-El Dorado Fire Protection District fee program; and  
 2) Order payment in the amount of \$90,000 for reimbursement to the Diamond-El Dorado Fire Protection District from their development impact mitigation fee account for a Type 1 Ladder Truck. (Cont. 5/20/14, Item 1)

**FUNDING:** Payment for the claim will come from the Diamond-El Dorado Development Fee Trust Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Diamond Springs-El Dorado Fire Protection District Development Impact Fee Accounting Report 5-20-14

Date	Ver.	Action By	Action	Result
6/10/2014	2	Board of Supervisors	Approved	Pass
5/20/2014	1	Board of Supervisors	Continued	Pass

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**Fiscal Impact/Change to Net County Cost**

There is no fiscal impact to the county or change to net county cost. Payment of the claim reduces the Diamond-El Dorado Development Fee Trust Fund by \$90,000, from \$293,162.96 to \$203,162.96.

**Background**

Pursuant to Section 66006 of the Government Code, the County is required to annually make available to the public specific information related to the prior year's activity for development impact fees within 180 days after the last day of each fiscal year. Required information includes:

- A. A brief description of the type of fee in the account or fund.
- B. The amount of the fee.
- C. The beginning and ending balance of the account or fund.
- D. The amount of the fees collected and the interest earned.

E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public project.

G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

H. The amount of refunds made.

The Government Code further requires the County to, "review the information made available to the public...at the next regularly scheduled public meeting no less than 15 days after this information is made available to the public..." The attached report was published on the Chief Administrative Office website on April 29, 2014.

Although it does not appear that the required information was made publicly available within the timelines prescribed by the Government Code, the attached report provides most of the information required relative to the Diamond-El Dorado Fire Protection District's development impact fee since the Board of Supervisors' 2007 adoption of the District's Capital Improvement Plan and fee schedule. Staff notes that the District was unable to retrieve records for the May 2009 Facility Upgrade Project and Staff Vehicle detailing the total cost of each purchase.

### **Reason for Recommendation**

Wide variations continue to exist in the way development impact fees have been developed and administered. **In general, annual required reviews of park and fire district impact fees are over due.**

Both the County and the affected districts would benefit from a more consistent approach to impact fee development, required reviews, and accounting. The Chief Administrative Office remains committed to this goal. In the near term however, the Auditor-Controller continues to request clarification with regard to pending claims. The policy question before the Board for this item is whether or not the equipment purchased by the Diamond-El Dorado Fire Protection District is fee-eligible.

Last year the Diamond-El Dorado Fire Protection District purchased a used ladder truck from the El Dorado Hills Fire Department. The Mitigation Fee Act allows fees to be charged on new development to defray all or a portion of the cost of public facilities related to the development project. Public facilities are defined as "...public improvements, public services, and community amenities." The Act requires a local agency to do all of the following when establishing, increasing, or imposing development impact fees:

- 1) Identify the purpose of the fee.
- 2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified by reference to a capital improvement plan or other public documents.
- 3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- 4) Determine how there is a reasonable relationship between the need for the public facility and the

type of development project on which the fee is imposed.

On December 13, 2006 the Diamond-El Dorado Fire Protection District adopted the 2006/07 Development Fee Long Range Plan. The Plan was subsequently adopted by the Board of Supervisors on July 10, 2007 (File ID 07-1217). The Resolution states:

"...a Capital Improvement Plan (Report) was prepared analyzing the impact of future development on existing fire service and the need for new public facilities, improvements, and equipment as a result of new development within the boundaries of the District and sets forth the relationship between new development, the needed facilities and equipment, and the estimated cost of those improvements..."

Page 8 of the Capital Improvement Plan indicates the need for a Type 1 Ladder Truck including \$680,000 for the vehicle and \$78,000 for necessary equipment, for a total project cost of \$758,000. Diamond-El Dorado Fire uses a standards based fee methodology incorporating all existing and projected new development and all existing and planned facilities designed to serve that development. The facilities and equipment standard represents the average per capita cost of all facilities to serve the entire projected services population. The per capita standard is then converted to cost per square foot using accepted residential and workplace densities. The 2006/07 Capital Improvement Plan does not indicate what percentage of the project is attributable to new development. However, by adoption of the Capital Improvement Plan in 2007 the Board of Supervisors determined that the equipment just recently purchased (ladder truck) was fee eligible. In addition, the purchase of a used fire truck significantly reduces the cost of the project as originally anticipated in the Capital Improvement Plan. Finally, Diamond-El Dorado Fire anticipates that it will spend between \$40-50 thousand from its general fund (non-impact fee revenue) to fully equip the truck.

Following approval of this matter, the Auditor-Controller's office will process the claim for payment previously submitted by the District.

#### **Clerk of the Board Follow Up Actions**

None

#### **Contact**

Mike Applegarth (5123)

#### **Concurrences**

N/A