



Legislation Details (With Text)

File #: 15-1022 **Version:** 3

Type: Agenda Item **Status:** Approved

File created: 8/21/2015 **In control:** Board of Supervisors

On agenda: 12/8/2015 **Final action:** 12/8/2015

Title: Chief Administrative Office recommending the Board consider the following:
1) Receive a report as to the status of the transfer of \$169,859 from the Diamond Springs/El Dorado Fire District's Development Impact Fee account to the District's operating account to partially reimburse the District for the purchase of a new engine in January 2015 as directed by the Board on September 1, 2015 and reaffirmed and ordered by the Board on November 17, 2015; and
2) If the transfer as ordered has not been made, authorize the initiation of litigation to compel the transfer.

FUNDING: Diamond Springs/El Dorado Fire District Development Impact Mitigation Fees.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Public Comment Rcvd 12-7-15 BOS12-8-15, 2. A - Invoice 9-1-15, 3. B - Fund Balance 9-1-15, 4. Emails from Auditor-Controller Rcvd 11-16-15 - BOS 11-17-15.pdf, 5. Public Comment Rcvd 11-16-15.pdf

Date	Ver.	Action By	Action	Result
12/8/2015	3	Board of Supervisors	Approved	Pass
11/17/2015	2	Board of Supervisors	Approved	Pass
9/1/2015	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board consider the following:
1) Receive a report as to the status of the transfer of \$169,859 from the Diamond Springs/El Dorado Fire District's Development Impact Fee account to the District's operating account to partially reimburse the District for the purchase of a new engine in January 2015 as directed by the Board on September 1, 2015 and reaffirmed and ordered by the Board on November 17, 2015; and
2) If the transfer as ordered has not been made, authorize the initiation of litigation to compel the transfer.

FUNDING: Diamond Springs/El Dorado Fire District Development Impact Mitigation Fees.

DEPARTMENT RECOMMENDATION

The Chief Administrative Office recommends the Board of Supervisors receive the report regarding the transfer of \$169,859 from the Diamond Springs/El Dorado Fire District's Development Impact Fee account to the District's operating account to partially reimburse the District for the purchase of a new engine in January 2015 as directed by the Board on September 1, 2015 and ordered by the Board on November 17, 2015. In the event the transfer has not been made, the Chief Administrative Office recommends that the Board authorize the initiation of litigation to compel the transfer of the funds.

DISCUSSION / BACKGROUND

On September 1, 2015, by a 5-0 vote, the Board found that the purchase of the KME custom pumper truck was a purchase for which the development impact fee was collected and directed the Auditor Controller to transfer \$169,859 from the District's Development Impact Fee account to the District's operating account to partially reimburse the District for the purchase of the new engine in January, 2015.

On November 17, 2015 the Board reaffirmed its previous finding that the purchase of the new pumper truck by the District was a purchase for which the Development Impact Fee was collected and ordered that the Auditor-Controller transfer \$169,859 from the District's Development Impact Fee account to the District's operating account to partially reimburse the District for the purchase of the new pumper truck. The Board also directed that this matter be brought back to the Board on December 8, 2015 for an update on the status of the transfer.

It has come to the attention of staff that the Auditor has yet to process the transfer of funds as ordered by the Board. In the event, the transfer has not been accomplished by December 8, 2015, staff requests authority to initiate litigation to compel the Auditor-Controller to make the transfer as ordered by the Board.

ALTERNATIVES

n/a

OTHER DEPARTMENT / AGENCY INVOLVEMENT

The Assistant Chief Administrative Officer has previously consulted with the Chief of the Diamond Springs/El Dorado Fire District, who concurred with the recommendation to order the transfer of the funds.

CAO RECOMMENDATION

N/A

FINANCIAL IMPACT

The recommended action will likely have no fiscal impact for the County. If a court orders a refund of the monies transferred to the District's operating fund, then the District may be required to refund those monies in accordance with the Mitigation Fee Act.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

CONTACT

Mike Ciccozzi, Assistant CAO, x5567