



## Legislation Details (With Text)

**File #:** 17-0832      **Version:** 2

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

**File created:** 7/21/2017      **In control:** Board of Supervisors

**On agenda:** 8/29/2017      **Final action:** 8/29/2017

**Title:** Chief Administrative Office recommending the Board order the Auditor-Controller to disburse \$156,750.72 from the Georgetown Divide Recreation District ("District") Parks and Recreation Impact Mitigation Fee account to the District, or to a District account as designated by the District, to reimburse the District for projects that expanded recreation opportunities at the Garden Valley Park (\$58,040), the Bayley House Historic Park Barn Center (\$80,436) and costs for administering the projects and the fee program (\$18,274.72).

**FUNDING:** Georgetown Divide Recreation District Development Impact Mitigation Fees.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Disbursement Request 8-29-17, 2. A - Disbursement Request, 3. B - Resolution 236-2009, 4. C - Indemnity Agreement, 5. D - GDRD Annual Report, 6. E - Nexus Study

Date	Ver.	Action By	Action	Result
8/29/2017	2	Board of Supervisors	Approved	Pass
7/25/2017	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board order the Auditor-Controller to disburse \$156,750.72 from the Georgetown Divide Recreation District ("District") Parks and Recreation Impact Mitigation Fee account to the District, or to a District account as designated by the District, to reimburse the District for projects that expanded recreation opportunities at the Garden Valley Park (\$58,040), the Bayley House Historic Park Barn Center (\$80,436) and costs for administering the projects and the fee program (\$18,274.72).

**FUNDING:** Georgetown Divide Recreation District Development Impact Mitigation Fees.

### DEPARTMENT RECOMMENDATION

Chief Administrative Office recommending the Board consider the following:

Order the Auditor-Controller to disburse \$156,750.72 from the Georgetown Divide Recreation District ("District") Parks and Recreation Impact Mitigation Fee account to the District, or to a District account as designated by the District, to reimburse the District for projects that expanded recreation opportunities at the Garden Valley Park (\$58,040), the Bayley House Historic Park Barn Center (\$80,436) and costs for administering the projects and the fee program (\$18,274.72).

### 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. 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 a nexus study performed by SCI Consulting. The current fees per dwelling unit are:

Single Family Residential	\$4,245
Multi Family Residential	\$3,508
Mobile Home	\$4,170

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 30, 2017, was \$260,643. On July 25, the Board ordered payment of \$95,000 to the District to complete the purchase of land adjacent to the Greenwood Park for future expansion of that facility. The District is now requesting reimbursement in the amount of \$156,750.72 for the following projects:

Garden Valley Park Aquatic Facility	\$58,040
Bailey House Barn Center	\$80,436
Administration Costs	\$18,274.72

The reimbursement for the Garden Valley Park Aquatic Center, also known as a "splash pad," represents about 10% of the total project cost. The majority of the project was funded by the District's general fund and grants. This addition to the park, where no aquatic facility had existed, expanded recreational facilities within the District. The Bayley House Barn Center project extended the useful season of the facility from seven to twelve months per year. This is a 40% increase in capacity, with impact fees covering 18% of the total project cost. Administrative costs include the General Manager's time managing the impact fee program, as well as actual and anticipated costs of consulting services related to nexus studies for the District. Both projects have been identified in District budget documents and District Board reports.

These are all appropriate uses 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 Mitigation Fee Act and County Ordinance (El Dorado County Municipal Code §13.30) require periodic review and reporting regarding mitigation fee funds. CAO staff have not been able to locate reports for all years since adoption of the fee; however, the annual reporting required by the Mitigation Fee Act for the fiscal year ending June 30, 2016 was completed and reviewed by the Board of Supervisors on February 7, 2017. The annual reporting for the fiscal year ending June 30, 2017 is attached.

The County Ordinance places an additional requirement on the Board of Supervisors to review each impact fee annually to determine whether the fee is still necessary and whether the amount of the fee is still reasonably related to the impacts of development. Based on the CAO's review, it appears that this annual review has not occurred; however, the Ordinance does not provide for any penalty or remedy for failure to comply with this provision.

The County and District have entered into an agreement 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 CAO 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 protects the County from potential liability related to the disbursement.

The District's requests are attached to this report.

**ALTERNATIVES**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Georgetown Divide Recreation District.

**FINANCIAL IMPACT**

There is no impact to the County's budget. 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 District for purposes that comply with the Mitigation Fee Act.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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