



## Legislation Details (With Text)

**File #:** 18-1064      **Version:** 1

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

**File created:** 7/2/2018      **In control:** Board of Supervisors

**On agenda:** 7/17/2018      **Final action:** 7/17/2018

**Title:** Chief Administrative Office recommending the Board order the Auditor-Controller to disburse \$194,117.03 from the El Dorado Hills Community Services District ("District") Development Impact Mitigation Fee account to the District, or to a District account as designated by the District, to reimburse the District for improvements that have expanded recreation opportunities within the District and associated administrative costs.

**FUNDING:** El Dorado Hills Community Services District Development Impact Mitigation Fees.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Disbursement Request from District

Date	Ver.	Action By	Action	Result
7/17/2018	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board order the Auditor-Controller to disburse \$194,117.03 from the El Dorado Hills Community Services District ("District") Development Impact Mitigation Fee account to the District, or to a District account as designated by the District, to reimburse the District for improvements that have expanded recreation opportunities within the District and associated administrative costs.

**FUNDING:** El Dorado Hills Community Services District Development Impact Mitigation 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. Development impact mitigation fees were first collected on the District's behalf in 1997. The District's fee was last updated in 2007.

In accordance with the Mitigation Fee Act, these revenues have been placed in a separate account. The District has made capacity-expanding improvements at Promontory Park totaling \$170,517.59 that are eligible for reimbursement from fees charged on new development within the District. In addition, the Mitigation Fee Act provides for use of the fee revenue to fund administration of the fee program. The District charges 2% of revenue collected to fund its fee program administration. The current request includes \$23,599.44 for administration costs.

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 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 protects the County from potential liability related to the disbursement.

The District's request is attached to this report.

#### **ALTERNATIVES**

No viable alternative recommendations are available.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

El Dorado Hills Community Services District, County Counsel

#### **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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