



## Legislation Text

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**File #:** 14-0178, **Version:** 1

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Chief Administrative Office recommending the Board order payment in the amount of \$55,000 upon submittal of a claim for reimbursement from Garden Valley Fire Protection District from their development impact mitigation fee account for a 2007 Ferrara Rescue Pumper Type 1 Engine acquired in May 2013.

**FUNDING:** Payment of the claim will come from the Garden Valley Development Fee Trust Fund.  
**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 Garden Valley Development Fee Trust Fund by \$55,000 from \$58,828.22 to \$3,828.22.

### **Background**

Review of the Mitigation Fee Act (Government Code Section 66000 et seq.), Title XIII of the County Ordinance Code, various park and fire district capital improvement plans, and adopted nexus studies reveals that variations 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 is hoping to bring options to the Board toward this goal soon. In the near term however, the Auditor-Controller has requested clarification with regard to pending claims. The policy question before the Board is whether or not the equipment purchased by the District is fee-eligible.

### **Reason for Recommendation**

In May 2013 the Garden Valley Fire Protection District purchased a used 2007 Ferrara Custom Rescue Pumper Type 1 Engine for \$220,000. 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 April 10, 2007 the Garden Valley Fire Protection District adopted the 2006/2007 5-Year [Capital Improvement] Plan. The Capital Improvement Plan was also adopted by the Board of Supervisors on

November 27, 2007 through Resolution 289-2007. 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 for the reasonable relationship between new development, the needed facilities and equipment, and the estimated cost of those improvements..."*

The Capital Improvement Plan indicates that new development will trigger the need for an additional Type 1 engine. Exhibit B of the Plan estimates the purchase price of the engine at \$233,000 and assigns 80% of the cost to new development or \$186,400. Garden Valley Fire Protection District is requesting \$55,000 which is 20% of the actual purchase price of \$220,000. The total acquisition cost was \$237,685.68 including the engine, travel and transport, and equipment. The District paid \$150,000 up front and financed approximately \$80,000.

In short, it appears that the Garden Valley Fire Protection District and the County have complied with the basic requirements of the Mitigation Fee Act, and have already determined that the equipment is fee-eligible.

Following approval of this matter by the Board, the Garden Valley Fire Protection District will formally submit a claim for payment to the Auditor-Controller's office.

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

None

#### **Contact**

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#### **Concurrences**

N/A