



# County of El Dorado

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## Legislation Text

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**File #:** 16-0769, **Version:** 5

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Chief Administrative Office and County Counsel recommending the Board receive an update on the Public Safety Impact Fee refund process directed by the Board on August 2, 2016. (Est. Time: 5 Min)

**FUNDING:** Public Safety Development Impact Mitigation Fee Revenue.

**DEPARTMENT RECOMMENDATION**

Receive and file the report.

**DISCUSSION / BACKGROUND**

The Public Safety Development Impact Fee was established by the Board of Supervisors in 2007 for the purpose of construction a Sheriff substation in the El Dorado Hills/Cameron Park area. Rather than construct a facility; however, the Sheriff has been leasing space in El Dorado Hills, which has been serving as a substation for that area. The Sheriff and the Board of Supervisors have determined that there is a greater need for a new facility to centralize the Sheriff's administration and other programs. The Public Safety Impact Fee revenue cannot be used for such a facility because it was established for the specific purpose of a substation. With this shift in priorities, the Board determined to cease collection of the Public Safety Impact Fee on August 2, 2016, and ordered a refund of the balance in the fee account. The Board also directed staff to report back to the Board within 30 days with the refund methodology, and every 30 days thereafter, until the refund process has concluded.

Interim reports have been provided, and the refund disbursement information was submitted to the Auditor's Office for processing in December, 2016. However, as County Counsel informed the Board at its December 6, 2016, meeting, the plaintiffs in the case of Thomas Austin and Helen Austin v. the County of El Dorado and Does 1 through 50 have filed a claim for attorney fees has been filed against the funds in the fee account. Counsel recommends that the funds be retained until this claim has been resolved.

Staff will report to the Board when further information is available.

**ALTERNATIVES**

Disburse the refunds with the understanding that if the County is eventually found liable for the attorney fees, the general fund could be impacted.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

**CAO RECOMMENDATION**

Receive and file.

**FINANCIAL IMPACT**

None

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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Michael Ciccozzi, County Counsel