



Legislation Text

File #: 17-1355, **Version:** 1

Chief Administrative Office recommending the Board authorize the Chair to execute collection and indemnity agreements with the following special districts, on whose behalf the County has established development impact mitigation fees: El Dorado County Fire Protection District, El Dorado Hills County Water District (El Dorado Hills Fire), Garden Valley Fire Protection District, Lake Valley Fire Protection District, Mosquito Fire Protection District, Pioneer Fire Protection District, Rescue Fire Protection District, El Dorado Hills Community Services District, Georgetown Divide Recreation District.

DEPARTMENT RECOMMENDATION

Chief Administrative Office recommending the Board authorize the Chair to execute collection and indemnity agreements with special districts on whose behalf the County has established development impact mitigation fees.

DISCUSSION / BACKGROUND

The establishment and administration of development impact mitigation fees are governed by the Mitigation Fee Act (Cal. Gov., 66000 et seq.) ("the Act"); however, the Chapters 13.20 and 13.30 of the county ordinance code govern development impact fees on behalf of special districts for fire protection services and parks and recreation, respectively.

On August 29, 2017, the Board approved revisions of Chapters 13.20 and 13.30, which will become effective on December 26, 2018. Under the amended ordinance, collection of any fee on behalf of a special district must be pursuant to a written agreement that clearly defines the rights and duties of each party and provides for the district to defend, indemnify, and hold the County, its officers, agents, and employees harmless from and against any and all liability, loss, damage, claims, judgments, costs, staff time, losses, expenses, and any other costs of defense arising out of, resulting from, or related to the creation, establishment, modification, collection, or disbursement of fees on behalf of the district. At the time of approval of the revised ordinance, it was agreed that the revisions would take effect 120 days following final adoption in order to provide time for districts to enter into agreements.

County Counsel worked with the districts to create a template agreement that was distributed to all districts for approval by their respective Boards. Under the amended ordinance, fee collection would have to cease on December 26, 2017 for any district that does not have an executed agreement in place. The agreements for Diamond Springs / El Dorado Fire Protection District and Cameron Park Community Services District (Parks) were approved by the Board of Supervisors at their December 12, 2017 meeting. The agreements for El Dorado County Fire Protection District, El Dorado Hills County Water District (El Dorado Hills Fire), Garden Valley Fire Protection District, Lake Valley Fire Protection District, Mosquito Fire Protection District, Pioneer Fire Protection District, Rescue Fire Protection District, El Dorado Hills Community Services District, and Georgetown Divide Recreation District are attached for review and approval.

The Cameron Park Community Services District (Fire) has requested additional time to process the

agreement for its fire impact fees. As a result, fee collection for this district will be suspended on December 26th. The District anticipates having the approved agreement ready for action by the Board of Supervisors at its January 9, 2018, meeting. Upon execution of that agreement, fee collection will resume.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Fire Districts, Parks and Recreation Districts.

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Sue Hennike, Chief Administrative Office