



## Legislation Text

---

**File #:** 22-0076, **Version:** 1

---

Chief Administrative Office recommending the Board order the Auditor-Controller to disburse \$16,601.22 to the El Dorado Hills Community Services District from its parks and recreation development impact mitigation fee account for fee program administration.

**FUNDING:** Development Impact 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. In accordance with the Mitigation Fee Act, these revenues are segregated and deposited into a separate account for each district.

Parks and recreation development impact mitigation fees were first collected on the District's behalf in 1998. The current fees are based on a 2018 Fee Nexus Study and Report ("Report") detailing the legal and policy basis justifying the development impact mitigation fee within the District (Resolution 135-2018, Legistar File 18-1034).

The total request from the District was \$486,728.79 for capital project expenditures through November 10, 2021 in order to expand services based on the demand created by new development. The request includes reimbursements related to Heritage Village Park (\$73.32), Saratoga Village Park (\$779.13), Bass Lake Regional Park (\$27,113.54), Valley View Village Park (\$409,462.74), and the Community Center South of Highway 50 (\$32,698.84). As is within his authority, the Auditor Controller released a total of \$470,127.57 to the district for these expenditures.

The Mitigation Fee Act provides for use of the fee revenue to fund administration of the fee program. The EDHCSD charges 2% of impact fee revenue collected to fund its fee program administration. The District's request also includes \$16,601.22 for administration costs from the period from July through October 2021, which have not yet been paid by the Auditor.

The County has entered into an agreement with EDHCSD, 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 EDHCSD and the County sufficiently protect the County from potential liability related to the disbursement.

**ALTERNATIVES**

N/A

**PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**FINANCIAL IMPACT**

There is no fiscal impact to the County. Impact mitigation fees are collected by the County on behalf of the district and held in a separate account.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Jennifer Franich, Principal Management Analyst