

MEMORANDUM
OFFICE OF EMERGENCY SERVICES
PLACER COUNTY

To: Honorable Board of Supervisors

From: Thomas Miller, County Executive Officer
by Rui Cunha, Emergency Services Program Manager

Date: June 12, 2007

Subject: Adopt a resolution approving the 2007 Loomis Fire Protection District Capital Improvement Plan (Fee Nexus Study) which has a 3.15% increase in fees.

ACTION REQUESTED

Adopt a resolution approving the 2007 Loomis Fire Protection District Capital Improvement Plan (Fee Nexus Study) with a 3.15% increase in development fees.

BACKGROUND

Legal Authority

Government Code 66000 *et seq* (CGC 66000) allows local agencies to collect fees from new development to offset the impacts of that development on local services. On August 28, 1990, the Placer County Board of Supervisors created the legal framework for fire districts to collect these fees and codified it in the Placer County Code Chapter 15.36.010.

However, fire districts do not have authority to *levy* fees, rather that legal authority is retained by the County, and ultimately rests with the Board of Supervisors. As required by CGC 66000, therefore, each fire district must complete a Capital Improvement Plan, subject to annual Board of Supervisors approval, in order to *collect* mitigation fees

Capital Facilities Improvement Plans

In completing an annual update to a Capital Improvement Plan, the law requires a number of actions by fire districts that includes: anticipating development impacts, determining the use of fees, establishing a reasonable relationship between fees and type of development, accounting separately for funds, holding properly noticed public hearings, and conducting an annual program review and update. The reviews generally occur with the beginning of the annual budget renewal process.

Loomis Fire Protection District 2007 Capital Improvement Plan (Fee Nexus Study)

The Board of Directors of the Loomis Fire Protection District held a noticed public hearing on May 9, 2007 and at that meeting performed the annual review and adopted the Capital Improvement Plan (Fee Nexus Study) by Resolution Number 4-2007.

The Loomis Fire Protection District fees were adjusted upwards by 3.15% for 2007-2008 based on the San Francisco Construction Cost Index which raised residential fees by \$0.01/ft² to \$0.49/ft² and non-residential fees by \$0.02/ft² to \$0.91/ft². For 2007-2008, the district estimates collections of \$142,000 from development and \$34,150 in mitigation fees expenditures. The beginning mitigation fund balance for 2007-2008 is estimated at (\$224,905) due primarily to expenditures on land and buildings in 2006-2007.

FISCAL IMPACT

There is no impact to the General fund as a result of this action.

Attachments:

Resolution
Loomis Fire Protection District Board of Directors Resolution 4-2007
Loomis Fire Protection District Fee Nexus Study 2007 – on file for public review with Clerk of
the Board

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Before the Board of Supervisors County of Placer, State of California

In the matter of:

Reso. No: _____

**A RESOLUTION APPROVING THE 2007
FEE NEXUS STUDY FOR THE LOOMIS
FIRE PROTECTION DISTRICT**

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held JUNE 12, 2007 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:

Clerk of the Board _____

WHEREAS California Government Code 66000 et seq. (CGC 66000) allows local agencies such as fire protection districts to *collect* fees from new development projects (residential, commercial or industrial) to mitigate the resultant impact by that development on local services; and

WHEREAS fire protection districts do not have legal authority to *levy* fees, they must rely on the legal authority of the Board of Supervisors (stemming from police power of the County) to do so; and

WHEREAS In 1990 the Board of Supervisors created a legal framework (County Code Chapter 15.36.010) that supports CGC 66000 and its requirement for a local agency to complete and submit an annual capital improvement plan. An additional requirement of CGC 66000 is that a district plan must be reviewed in a public meeting, updated annually and approved by the County Board of Supervisors; and

WHEREAS the Board of Directors of the Loomis Fire Protection District held a public hearing to review the plan on May 9, 2007 and adopted the plan by passing Resolution Number 4-2007. The plan increases the current fee structure by 3.15% based on the 2006 Construction Cost Index; and

WHEREAS Loomis Fire Protection District projects \$142,000 in revenues from development and \$34,150 in expenses in 2007-2008.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the County of Placer that the 2007 Fee Nexus Study for the Loomis Fire Protection District is hereby approved.

RESOLUTION NO. 4-2007

**A RESOLUTION OF THE
LOOMIS FIRE PROTECTION DISTRICT BOARD OF DIRECTORS
APPROVING A REVISED AND UPDATED CAPITAL IMPROVEMENT PLAN AND
A PERIODIC INFLATION ADJUSTMENT OF DEVELOPMENT IMPACT FEE
SCHEDULE SET FORTH IN CAPITAL IMPROVEMENT PLAN**

WHEREAS, the Board of Supervisors on August 28, 1990, adopted an Ordinance requiring payment of fees in areas where fire districts have approved a Capital Facilities Plan in compliance with Government Code 66000; and

WHEREAS, the Loomis Fire Protection District adopted a revised Capital Improvement Plan in March 2003; and

WHEREAS, the Placer County Board of Supervisors approved the revised Capital Improvement Plan in April, 2003; and

WHEREAS, the Loomis Fire Protection District is required to update and revise its current Capital Facility Plan on an annual basis; and

WHEREAS, this Board did serve proper notice that a revised plan was being considered, and did provide a public copy of the plan for viewing for the time prescribed by law prior to the hearing; and

WHEREAS, the approved Capital Improvement Plan authorizes an annual adjustment to development impact fees for fire protection services based on changes to the San Francisco Construction Cost Index (CCI) as reported in the *Engineering News Record* (ENR) for the 12-month period ending December of the prior year.

WHEREAS, the *Engineering News Record* (ENR) has reported that the change in the CCI for the twelve months ending December 2006 is an amount of 3.15 %; and

WHEREAS, notice has been given of the time and place for a hearing on action to be taken regarding the CCI adjustment and no protests were received on such action;

NOW, THEREFORE, BE IT RESOLVED by the Loomis Fire Protection District Board of Directors that the development impact fee schedule set forth in the Capital Improvement Plan is hereby adjusted by the amount of 3.15 %, shown as follows:

<u>Land use</u>	<u>Current Fees</u>	<u>Increased Fees</u>
Residential	\$0.48 per building sq. ft.	\$0.49 per building sq. ft.

Non
Residential

\$0.89
per building
sq. ft.

\$0.91
per building
sq. ft.

PASSED AND ADOPTED ON THIS 9TH DAY OF May, 2007, by the following vote:

AYES: Fellers, Shearer, Gage, Tudsbury

NOES: none

ABSENT: Thomson

By: Greg E. Fellers
Greg Fellers, President

ATTEST: Barbara Leak
Barbara Leak, Secretary