

MEMORANDUM
OFFICE OF EMERGENCY SERVICES
PLACER COUNTY

To: Honorable Board of Supervisors

From: Thomas Miller, County Executive Officer
by Richard Simmons, Emergency Services Program Manager

Date: August 23, 2011

Subject: Adopt a resolution approving the Updated Loomis Fire Protection District Capital Improvement Plan which contains an 11.11% increase in mitigation fees based on the Construction Cost Index in the Engineering New Record between December 2006 and December 2010.

ACTION REQUESTED

Adopt a resolution approving the Updated Loomis Fire Protection District Capital Improvement Plan which contains an 11.11% increase in mitigation fees based on the Construction Cost Index in the Engineering New Record between December 2006 and December 2010.

BACKGROUND

Legal Authority: Government Code 66000 *et seq* (GC 66000) allows local fire agencies (independent districts or departments) to *collect*, but not to *levy* fees to offset the impact of new development on local services. Legal authority to *levy* fees rests only with the Board of Supervisors which has enabled independent fire districts to collect mitigation fees through Placer County Code Chapter 15.36.010. However, in order for a fire district to actually collect fees, it must first submit a Capital Improvement Plan, aka a Capital "Facilities" Plan, for approval to your Board. Once approved, and for as long as fees are in effect, the plan must be re-submitted annually for approval. This update is of the District's original 2003 plan that has been updated by Board action previously.

Capital Improvement Plans: The law requires a Capital Improvement Plan address: anticipated development impacts, proposed usage of fees, establishment of a reasonable relationship between fees and type of development, accounting for funds separately, holding properly noticed public hearings, and conducting an annual program review and update. The Placer County Office of Emergency Services reviews all plans to ensure compliance with CGC 66000. However, legal responsibility for compliance with CGC 66000 rests with the Loomis Placer Fire Protection District Board of Directors.

Loomis Fire Protection District Plan: For this update, the Board of Directors of the Loomis Fire Protection District increased mitigation fees based on the change in the Construction Cost Index as reported in the *Engineering News Record* between the last date for which an increase was approved (December 2006), to the end of the latest reporting period (December 2010). That extended timeframe resulted in a mitigation fee change of 11.11%, affecting both residential and nonresidential rates. Residential rose from \$0.49/ft² to \$0.54/ft² and nonresidential increased from \$0.91/ft² to \$1.01/ft². As required by CGC 66000, the Loomis Fire Protection District Board of Directors held a properly noticed public hearing on June 8, 2011 to review the plan which it subsequently adopted by Resolution 09-2011 (attached).

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 No. 09-2011
Loomis Fire Protection District Fee Nexus Study, dated June 8, 2011:
available for Public Review at the Office of the Clerk of the Board

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

In the matter of:

Reso. No: _____

**A RESOLUTION APPROVING THE 2010
FEE NEXUS STUDY UPDATE 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 August 23, 2011 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 to collect fees on new development to offset any impact on services, but fire districts in and of themselves do not have direct legal authority to levy fees, which is an authority of the Board of Supervisors; and

WHEREAS, The Board of Supervisors codified a legal framework specifically for fire districts and departments to collect mitigation fees in County Code Chapter 15.36.010; and

WHEREAS, in order to collect mitigation fees on new development, CGC 66000 requires a fire protection district present to the Board of Supervisors for approval a prescribed format Capital Improvement Plan or annual update thereto; and

WHEREAS, the Loomis Fire Protection District updated its existing plan and increased mitigation fees by 11.11% based on the change in the Engineering News Record Construction Cost Index, and at a public meeting on June 8, 2011 the District Board of Directors reviewed the plan and adopted it by Resolution 09-2011.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer that the Loomis Fire Protection District Capital Improvement Plan Update for 2010 is hereby approved.

RESOLUTION NO. 09-2011

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOOMIS FIRE PROTECTION DISTRICT

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 FEES 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 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 Records ("ENR") for the 12-month period ending December of the prior year.

WHEREAS, the ENR has reported that the change in their San Francisco CCI for the 48 months from the date of the last increase (December 2006) to December 2010 is 11.11 percent; and

WHEREAS, the 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 11.11 percent, as shown as follows:

<u>Land Use</u>	<u>Current Fees</u>	<u>Adjusted Fire Protection Fees</u>
Residential	\$0.49 per building sq. ft.	\$0.54 per building sq. ft.
Nonresidential	\$0.91 per building sq. ft.	\$1.01 per building sq. ft.

BE IT FURTHER RESOLVED by the Loomis Fire Protection District Board of Directors that the Board formerly requests that Loomis Town Council and Placer County Board of Supervisors adopt and implement the proposed fire protection on behalf of the District.

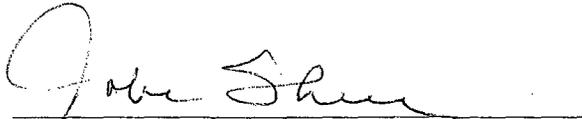
PASSED and ADOPTED by the Board of Directors of the Loomis Fire Protection District at a regular meeting thereof held on June 8, 2011.

AYES: Gage, Gibson, Shearer, Tudsbury

NOES: none

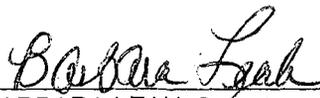
ABSTAIN: none

ABSENT: Thomson



JOHN SHEARER, President, Board of Directors
Loomis Fire Protection District

ATTEST:



BARBARA LEAK, Secretary, Board of Directors,
Loomis Fire Protection District