



Solano County

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Legislation Text

File #: 19-917, **Version:** 1

Accept the annual and 5 year fire impact fee disclosures for FY2018/19 for the Cordelia Fire Protection District, Dixon Fire Protection District, Suisun Fire Protection District and Vacaville Fire Protection District

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board of Supervisors accept the annual and 5 year fire impact fee disclosures for FY2018/19 for the Cordelia Fire Protection District (CFPD), Dixon Fire Protection District (DFPD), Suisun Fire Protection District (SFPD) and Vacaville Fire Protection District (VFPD) as required by Government Code Sections 66006(b) and 66001(d).

SUMMARY:

The Mitigation Fee Act (Government Code Section 66000 et. Seq., hereafter the "Act") requires local agencies to report, every year and every fifth year, certain financial information regarding their development impact fee programs. These reporting requirements are applicable to the fire impact fee ("Reportable Fee") program of the Fire Protection Districts that became effective February 9, 2015, upon adoption by the County of Solano on behalf of the District.

FINANCIAL IMPACT:

There is no impact to the County General Fund to receive this report. Fire impact fees collected by the County on behalf of the fire protection districts are deposited into the respective district accounts. The County retains two percent of the fees collected for administrative responsibilities.

The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2019/20 Adopted Budget.

DISCUSSION:

Fire protection districts do not have the legal authority under Government Code section 66000 et. seq., the enabling legislation for the County's public facilities fee, to levy a development impact fee without the County's assistance. On April 26, 2005, the Board adopted an ordinance adding Article XVI of Chapter 11 of the Solano County Code relating to fire protection district impact fees. The Board recognized that new development projects located in the unincorporated area of the county impacted the fire protection resources of local fire protection districts. The County's ordinance provides the mechanism by which the County can levy a fire protection district impact fee on a fire districts' behalf.

At that same time, agreements were entered into with the CFPD and VFPD to collect the fire impact fee on behalf of the districts. On January 22, 2008, a similar agreement was entered into with the SFPD. On December 9, 2014, agreement was also entered with DFPD. The County has been collecting a fire district impact fee for the CFPD and VFPD since July 2005, the SFPD since April 2008 and the DFPD since February 2015.

Since the inception of the fire district impact fee, funding has been provided for vehicles and equipment used in fire suppression and expanded facilities to serve the growth occurring in each of the respective districts. This report provides an overview of the projects for which the districts have utilized fire impact fee revenue. Each fire district has provided a report as approved by their respective District Boards (attached).

In order to comply with the Mitigation Fee Act, Government Code section 66006(b) requires a review and disclosure of impact fee funds annually within 180 days after the last day of each fiscal year. The Act requires that the following information be made available: A brief description of the type of fee in the account, the amount of the fee, the beginning and ending balances of the account, the fees collected that year and the interest earned, an identification of each public improvement for which fees were expended and the amount of expenditures for each improvement, an identification of an approximate date by which development of the improvement will commence if the local agency determines that sufficient funds have been collected to complete financing of an incomplete public improvement, a description of each inter fund or loan made from the account or fund and the amount of money refunded , if applicable, under Government Code 66001.

In addition to Annual Report, local agencies are required, for the fifth fiscal year following the first receipt of any development impact fee proceeds, and every five years thereafter, to comply with Section 66001(d)(1) of the Act by affirmatively demonstrating that the local agency still needs unexpended development impact fee revenue to achieve the purposes for which it was originally imposed and that the local agency has a plan on how to use the unexpended balance to achieve that purpose. Cordelia and Vacaville Fire Protection Districts reported no unexpended reportable fees as of June 30, 2019. Dixon Fire Protection District reported unexpended reportable fee fund balance which will be used to partially fund the purchase of new engine. Suisun Fire Protection District reported unexpended reportable fee fund balance which will be used to fund the expansion of the Station and for the purchase of new engine.

In compliance with Government Code section 66006 (b)(2), a notice of the time and place of this meeting, including the address where this information may be reviewed, is mailed at least 15-days prior to today's Board meeting to all interested parties who have filed a written request with the Clerk of the Board. Notification was sent to all parties on file and a notice was published in the legal section of the Daily Republic.

ALTERNATIVES:

The Board could choose not to accept the fire protection district disclosures. This action is not recommended as the disclosures are required by the Mitigation Fee Act to provide information to the public concerning collections and expenditures of fire impact fees. As long as the County collects these fees on behalf of the fire protection districts, these disclosures will be required.

OTHER AGENCY INVOLVEMENT:

The CFPD approved the attached disclosure report at their November 12, 2019 District Board meeting. The DFPD approved the attached disclosure report at their November 20, 2019 District Board meeting. The SFPD approved the attached disclosure report at their November 13, 2019 District Board meeting. The VFPD approved the attached disclosure report at their November 14, 2019 District Board meeting.