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M E M O R A N D U M

DATE: August 17, 2016

TO: Mayor John W. Holic and Members of the City Council

CC: Kathleen Weeden, City Engineer
David P. Persson, City Attorney

FROM: Kelly M. Fernandez, Assistant City Attorney

SUBJECT: Sarasota County proposed Impact Fee Ordinances

Attached are two proposed Sarasota County Ordinances which the County has asked the City to review. They are scheduled for public hearing before the Sarasota County BOCC on September 6th. Because they relate to the park impact fee, City staff and the City Attorney's Office believed it was important that the City Council be briefed on them and our comments back to the County prior to the County's public hearing.

One Ordinance creates a new Article I in Chapter 70 of the Sarasota County Code called "Impact Fee Administration." The intent of it is to move the administrative portions of five of the impact fee ordinances (library, park, law enforcement, justice, and general government) to one portion of the County Code. Largely this appears to be a cut-and-paste exercise by the County with no significant revisions to what is currently in the Code, including that related to the park impact fee. However, we did note that the reference in the existing Park Impact Fee Ordinance to the designation of the City Council/Commission of the applicable municipality as a facility service district advisory committee has been deleted. County staff is reviewing this deletion to determine if

it was unintentional. In a positive step, the County is proposing to increase the impact fee refund period from 5 years to 10 years.

The second attached Ordinance is the slimmed down park impact fee provisions resulting from the administrative portions of the current Ordinance being moved into newly created Article I discussed above.

After reviewing the proposed Ordinances, we have provided Sarasota County staff with the following two suggested revisions:

1. Include a definition for "County park system" or "park system" in Section 70-175 of the park impact fee Ordinance to clarify that municipal-owned and operated parks are included thereunder and, therefore, are eligible for park impact fees.
2. In proposed Section 70-10, include language to acknowledge that Interlocal Agreements between the County and each participating municipality will provide additional detail as to how the impact fee funds in a municipal facility service district will be programmed and expended. Both County and City staff agree that it is not appropriate or advisable to include such detail in the County Code.

Kathleen Weeden and I met with County staff on August 16, 2016, and they were generally receptive to these suggested revisions. Consequently, we hope to have language that addresses these suggestions from them by City Council's meeting on August 23rd.