

RESOLUTION 2024-36

(Amending Resolution 2021-73)

Joint Development Impact Fee Advisory Committee

WHEREAS, the East Side, Hauser Lake, Kootenai County, Mica Kidd, Northern Lakes, Spirit Lake, Timberlake and Worley Fire Protection Districts (“the Fire Districts”), and the Kootenai County Emergency Medical Services System (KCEMSS) provide fire protection, life safety and emergency medical services within the County's boundaries; and

WHEREAS, the Kootenai County Sheriff's Office provides a variety of law enforcement services, including patrol, crime detection and investigation, and detention of inmates at the Kootenai County Jail; and

WHEREAS, Kootenai County Parks and Waterways provides recreational facilities, including parks and boat launching facilities, for Kootenai County residents and visitors; and

WHEREAS, Kootenai County (“the County”), the Fire Districts and KCEMSS are experiencing and are affected by considerable growth and development; and

WHEREAS, the Development Impact Fee Act (“the Act”), codified at Title 67, Chapter 82, Idaho Code, provides for:

- The imposition, collection and expenditure of development impact fees in accordance with the provisions of the Act; and
- The promotion of orderly growth and development by establishing uniform standards by which local governments may require that those who benefit from new growth and development pay a proportionate share of the costs of new public facilities needed to serve new growth and development; and
- Minimum standards for the adoption of development impact fee ordinances by governmental entities which are authorized to adopt ordinances; and
- The contents of a capital improvements plan and the process to be followed for the adoption of a capital improvements plan; and

WHEREAS, the County is a governmental entity as defined in the Act at subsection 67-8203(14), Idaho Code and, as provided at subsection 67-8202(5), Idaho Code, has ordinance authority to adopt a development impact fee ordinance for the assessment of Sheriff's Office, County Jail, and Parks and Waterways impact fees on its own behalf, and for the assessment of fire and EMS impact fees on behalf of the Fire Districts and KCEMSS (via the Kootenai County Ambulance District), whereas the Fire Districts and KCEMSS do not have ordinance authority and cannot adopt a development impact fee ordinance; and

WHEREAS, section 67-8204A, Idaho Code provides that a county, when affected by development, has the authority to enter into an intergovernmental agreement with a fire protection or ambulance district for the purpose of agreeing to collect and expend development impact fees

for payment of Fire or Ambulance District System Improvements costs incurred within the County; and

WHEREAS, the County, the Fire Districts and KCEMSS have retained Anne Wescott of Galena Consulting, a qualified professional in the field of public administration, to prepare impact fee studies and capital improvements plans in consultation with the Joint Advisory Committee; and

WHEREAS, it is the intent of the Kootenai County Board of Commissioners to establish, together with the Fire Districts and KCEMSS a Joint Advisory Committee in accordance with the provisions of this Resolution.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Kootenai County Board of Commissioners as follows:

1. Committee Created: A joint committee of Kootenai County, the Fire Districts, and KCEMSS is hereby established.

2. Committee Name: The Committee is known and shall continue to be known and designated as the "Kootenai County, Fire District and KCEMSS Joint Development Impact Fee Advisory Committee" (hereinafter in this chapter referred also as "Joint Advisory Committee" or "Committee").

3. Membership: The members of the Committee shall be appointed by the Kootenai County Board of Commissioners ("County Commissioners"), the Boards of Commissioners of each of the respective Fire Districts, and the KCEMSS Joint Powers Board, for terms of two (2) years, and there shall not be fewer than five (5) members of which two (2) or more members shall be active in the business of development, building or real estate and at least two (2) members shall not be active in the business of development, building or real estate; and all members must reside within Kootenai County; and no members may be employees or officials of the County, any of the Fire Districts or KCEMSS being served by this Joint Advisory Committee.

3.1 The members will be appointed during the January regular meeting of the County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board for a term of two (2) years.

3.2 Any vacancy on the Committee shall be filled by mutual appointment and confirmed by the County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board.

4. Charge: The Joint Advisory Committee shall serve as an advisory committee to the County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board, and is charged with the following responsibilities:

4.1 Assist the County, Fire Districts and KCEMSS in adopting land use assumptions; and

4.2 Review the Capital Improvements Plans submitted by the County, the Fire Districts and KCEMSS, and recommend rates for Sheriff's Office, County Jail, Parks and Waterways, Fire Protection and EMS Impact Fees; and

- 4.3 Monitor and evaluate implementation of the Capital Improvements Plans;
- 4.4 File with the County, the Fire Districts and KCEMSS at least annually, with respect to the Capital Improvements Plans a report of any perceived inequities in implementing the Capital Improvements Plans or imposing Development Impact Fees;
- 4.5 Advise the County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board of the need to update or revise land use assumptions, Capital Improvements Plans and Development Impact Fees; and
- 4.6 The County, the Fire Districts and KCEMSS shall each make available to the Joint Advisory Committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, each respective Capital Improvements Plan and periodic updates of each respective Capital Improvements Plan.

5. Joint Advisory Committee Organization: The County, the Fire Districts and KCEMSS will be responsible for scheduling and facilitating all meetings of the Committee in compliance with the Open Meeting Law, Title 74, Chapter 2, Idaho Code, and in accordance with the following:

- 5.1 The Joint Advisory Committee shall select its officers, which include a Chair and Vice Chair.
- 5.2 The Chair shall conduct the meetings of the Committee. The duties of the Chair shall be performed by the Vice Chair in the absence of the Chair or as delegated by the Chair. The Chair and the Vice Chair shall be members of the Committee.
- 5.3 A staff member of the County, one of the Fire Districts, or KCEMSS shall serve as the Secretary of the Committee and shall take minutes and post agenda notices required by the Open Meeting Law. The Secretary shall not be a member of the Committee.
- 5.4 The Committee shall establish a regular meeting schedule.
- 5.5 The agenda of each meeting shall include the approval of the minutes of the last meeting, and the Secretary shall provide a copy of the approved minutes to the County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board.
- 5.6 Fifty percent (50%) of the membership of the Committee shall constitute a quorum. Once a quorum is established for a meeting, the subsequent absence of a member present for creating the quorum shall not dismiss the quorum.
- 5.7 A majority vote of those present at any meeting is sufficient to carry motions.

6. Reporting: The Joint Advisory Committee shall report directly to the County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board.

7. County Commission and Fire and EMS District Boards of Commissioners Review of Committee's Reports and Recommendations: The County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board shall each consider the Joint Advisory Committee's recommended revision(s) at least once every twelve (12) months. The Joint Advisory Committee's recommendations and the actions of the County Commissioners, the Boards of Commissioners of each Fire District and the KCEMSS Joint Powers Board are intended to ensure that the benefits to a Development paying Impact Fees are equitable, so that the Impact Fee charged to the Development shall not exceed a Proportionate Share of System Improvements Costs, and that the procedures for administering the Impact Fees remain efficient.

BE IT FURTHER RESOLVED that all actions of the Joint Development Impact Fee Advisory Committee pertaining to Sheriff's Office, County Jail, and Parks and Waterways Capital Improvements Plans and Development Impact Fees prior to the date of this Resolution are hereby ratified.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect after its passage and approval by the Kootenai County Board of Commissioners.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Mattare, seconded by Commissioner Brooks, the following vote was recorded:

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of County Commissioners of Kootenai County, Idaho on the 12th day of March, 2024.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

ATTEST:
JENNIFER LOCKE, CLERK



Leslie Duncan, Commissioner - Signed 3/12/2024



Teri Johnston, Deputy Clerk - Signed 3/13/2024



Bruce E. Mattare, Commissioner - Signed 3/12/2024



Bill Brooks, Commissioner - Signed 3/12/2024