

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: 05/01/2012

☒ Consent ☐ Regular
☐ Public Hearing ☐ Public Hearing

Department

Submitted By: Office of Financial Management and Budget

Submitted For: Office of the Impact Fee Coordinator

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: receive and file a resolution of the Town of Jupiter Inlet Colony terminating an interlocal agreement with the Town that authorized the County to collect impact fee revenues for permits issued by the Town.

Summary: Article 13, Impact Fees of the Unified land Development Code, authorizes municipalities issuing development orders to collect impact fees on behalf of Palm Beach County. As an option, municipalities may execute an interlocal agreement and require direct payment of impact fees to the County. The Town of Jupiter Inlet Colony entered into an interlocal agreement (R1989-1946D) on September 26, 1989. The resolution terminates the existing interlocal agreement. By terminating the interlocal agreement, the Town can collect impact fees. **District 1 (LB)**

Background and Policy Issues: Pursuant to Article 13, the Town will begin collecting and remitting impact fees to the County June 1, 2012. The Town retains a 3.4% administrative fee for these collections.

Attachments:

- 1. Resolution
- 2. Interlocal Agreement

Recommended by: Elizabeth Boesh 4/13/12
Department Director Date

Approved by: [Signature] 4/27/12
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	<i>see comments below</i>			_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____ No _____				
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
	Reporting Category _____				

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The fiscal impact to the County is minimal. Jupiter Inlet Colony is built out; no impact fee revenues have been collected in Jupiter Inlet Colony since 2002.

C. Departmental Fiscal Review:

William M. Doope *RD 4/12/12*
Impact Fee Manager

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] *4/18/2012* *[Signature]* *4/20/12*
OFMB Contract Development and Control
4-19-12 *4-13-12*

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

RESOLUTION NO. 2012 - 2

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, PROVIDING NOTICE OF TERMINATION OF AN INTER-LOCAL AGREEMENT WITH PALM BEACH COUNTY, FLORIDA, CONCERNING THE COLLECTION OF COUNTY IMPACT FEES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida adopted countywide impact fees in August 1989; and

WHEREAS, countywide impact fee regulations allow a municipality issuing development orders to require direct payment of impact fees to the County pursuant to an inter-local agreement; and

WHEREAS, the Town of Jupiter Inlet Colony entered into such an Inter-local Agreement with Palm Beach County, Florida on September 26, 1989; and

WHEREAS, the Inter-local Agreement provides that either party may terminate the Agreement with thirty days' written notice to the other party; and

WHEREAS, the Town of Jupiter Inlet Colony desires to terminate the Inter-local Agreement pursuant to the provision cited above.


NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, that:

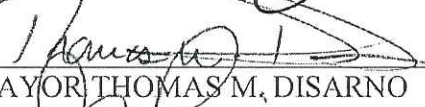
Section 1. The Town Commission of the Town of Jupiter Inlet Colony hereby provides notice of termination of the Inter-local Agreement with Palm Beach County, Florida, concerning collection of County impact fees as described above. Termination shall take effect on the thirtieth day following the effective date of this Resolution, which is the date set forth below.

Section 2. This Resolution shall take effect immediately upon passage.


PASSED AND ADOPTED this 12th day of February, 2012.

TOWN OF JUPITER INLET COLONY,
FLORIDA


MAYOR DANIEL J. COMERFORD, III

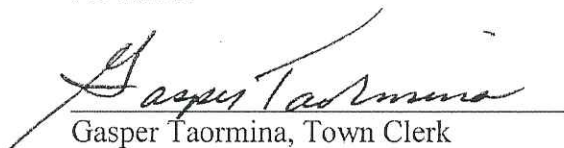

VICE-MAYOR THOMAS M. DISARNO


COMMISSIONER DOUGLAS C. PIERSON


COMMISSIONER MILTON J. BLOCK

COMMISSIONER RICHARD D. BUSTO

ATTEST:


Gasper Taormina, Town Clerk

INTERLOCAL GOVERNMENTAL AGREEMENT
FOR COLLECTION OF IMPACT FEES

TOWN OF JUPITER INLET COLONY

THIS AGREEMENT made this 26th day of September, 1989 by and between the Board of County Commissioners of Palm Beach County, Florida, a political subdivision of the State of Florida (hereinafter "County") and Town of Jupiter Inlet Colony, a Municipality created pursuant to Laws of Florida, (hereinafter "Municipality").

WHEREAS, the Board of County Commissioners adopted countywide impact fees pursuant to Section 1.3 of the Palm Beach County Charter; and

WHEREAS, Section 22-22 (h) of the Palm Beach County Code of Laws and Ordinances provides that the Municipality issuing development orders may require direct payment of impact fees to the County pursuant to an interlocal agreement; and

WHEREAS, the Municipality has requested that the County enter into such an interlocal agreement; and

WHEREAS, this interlocal agreement is adopted pursuant to Section 22-22 (h) of the Code of Laws and Ordinances of Palm Beach County, Florida.

W I T N E S S E T H

For and in consideration of the mutual terms and conditions set forth herein, the parties hereto hereby agree as follows:

1. The County shall allow the Municipality to require the payment of impact fees directly to the County by the feepayer. The Municipality shall not issue any building permit or development order which is required to pay impact fees until such time as such fees are paid.

2.(a) Administration. The Municipality shall direct all persons required to pay County Impact Fees to the Palm Beach County Building Division (hereinafter "Building Division") to provide the Building Division with all of or a portion of the plans and specifications with square footage and land use information for review by the Building Division. The Building Division shall review the plans and specifications for purposes of calculating the impact fees required under the Palm Beach County Code of Laws and Ordinances, Chapter 22, Articles II and IV. The Municipality after consultation with the Impact Fee Coordinator, if necessary, shall provide the location and a description of the land use which will be built or, if not restricted to only that use, the permitted land use(s) having the greatest impact on capital facilities. The Municipality shall designate a contact person for purposes of describing the land use and answering impact fee related questions, such as the proper category of a proposed use for assessing impact fees. The County shall assign an Impact Fee Plan Review (hereinafter "IFPR") number which shall be the means of tracking the review, and approval. The County shall complete its calculation of the impact fees within six (6) business days of its receipt of the portion of the plans and specifications and information as to the land use description and categorization provided by the Municipality; provided, however, if the feepayer seeks a credit, independent calculation, or disputes, assessments, or a covenant is necessary, this six (6) day period shall not apply.

(b) The County shall stamp the plans and specifications with a standard-form stamp and shall set forth therein the amount of impact fees paid, the IFPR number, the impact fee zones, and the particular land use involved. On a separate form as established by the Impact Fee Coordinator, the County shall detail the information upon which the fee amount is based. This stamp and form shall constitute

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official notice that the Impact Fees have been paid. This form shall be provided to the feepayer and Municipality. The Municipality shall incorporate into the review plans and specifications the sheet setting forth the square footage and land use with the impact fee stamp of the County, or if the entire set of plans are submitted to the County and the impact fees are calculated and sent to the Municipality prior to the Municipality's review of the plans, the Municipality shall use the stamped plans as its review and approved plans. The Municipality may require County determination of impact fees prior to its acceptance of an application for a building permit or development order, or prior to Municipal review of such application. These plans shall remain on file with the Municipality.

(c) The Municipality shall not allow any revision to the plans or specifications or any change in land use as submitted to the County in this paragraph 2(a) and (b) except those which have been approved by the Building Division and for which impact fees have been paid. Amendments shall be approved with the same formality as the original land use and plans using the stamp and form. This stamp shall constitute official notice that the Impact Fees have been paid.

(d) The County shall designate a contact person or persons for any inquiries that the Municipality may have relative to impact fees.

(e) The Municipality shall provide the County with a copy of the primary Building Permit.

(3) Refunds. Any refunds requested shall be processed through the County Impact Fee Coordinator. In the event a refund is applied for, the Municipality shall confirm that the building permit or development order for the development upon which the impact fees were paid is of no further force and effect. The Municipality shall not

thereafter allow any renewal or extension of the building permit or development order until such time as the impact fees have been paid.

(4) Failure of Funds Clearing. The County shall notify the Municipality and feepayer if the funds for impact fees do not clear. The Municipality shall not perform any further inspections if the building permit is of no further force and effect pursuant to Section 22-20(d)(2).

(5) Covenant. If a covenant is necessary as determined by the Impact Fee Coordinator, the Municipality shall not issue the building permit or development order until the Impact Fee Coordinator notifies the Municipality that the Covenant is executed by the property owner and other necessary persons in recordable form.

(6) Administrative Fee. The administrative fee set forth in Section 22-22(h) shall accrue to the County and not to the Municipality. The County shall not charge the Municipality for any services associated with the collection of impact fees, as set forth in this interlocal agreement or Chapter 22 of the Palm Beach County Code of Laws and Ordinances.

(7) Credits, Independent Calculations. Where a feepayer has made a request to the Impact Fee Coordinator for credits, and independent calculation, or for any other reason, the Municipality shall cooperate with the County and feepayer by providing to the County and feepayer information and documents in the Municipality's control and by answering questions, within reason as determined by the Municipal Building Official.

(8) The County shall provide the Municipality with a copy of the impact fee articles so that the City may ascertain what development orders and building permits must be referred to the County for calculation and payment of impact fees.

(9) The City shall not collect any impact fees assessed pursuant to Chapter 22, Articles II and IV, of the Palm Beach County Code of Laws and Ordinances.

(10) This agreement constitutes the entire agreement between the parties. It may be amended from time to time by the mutual agreement of the parties executed with the same formality as this agreement. This agreement may be cancelled by either party within thirty (30) days advance written notification to the other party.

ATTEST:

PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY COMMISSIONERS

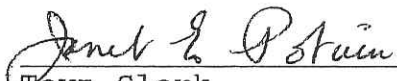
JOHN B. DUNKLE
Clerk of the Circuit Court


Deputy Clerk


Chair

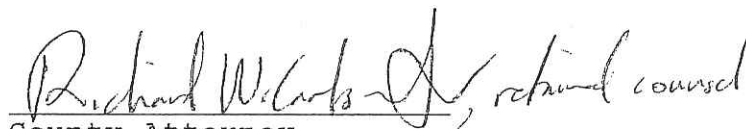
OCT 31 1989

TOWN OF JUPITER INLET COLONY


Town Clerk


Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney