



RESOLUTION 20-029

A RESOLUTION OF THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT OF COLLIER COUNTY, FLORIDA, IMPOSING IMPACT FEE RATES FOR THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT FOR FISCAL YEAR 2020-2021; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, impact fees are a funding mechanism that a local government may utilize to pay for public improvements that are necessary to serve new growth; and

WHEREAS, impact fees must satisfy a dual rational nexus test to be constitutional; and

WHEREAS, the dual rational nexus test requires a local government to show a reasonable nexus between the local government's need for additional capital facilities and the new construction and that a special benefit is conferred upon the fee payers; and

WHEREAS, Subsection 8 of section 6 of the North Collier Fire Control and Rescue District's Charter within section 3 of chapter 2015-191, Laws of Florida, authorizes the North Collier Fire Control and Rescue District to assess impact fees for capital improvements on new construction within its boundaries; and

WHEREAS, Resolution 20-022 established new impact fee rates that are effective January 1, 2021, which were based upon the most recent and localized data, as evidenced by the Impact Fee Indexing Study Final Report dated August 24, 2020, and

WHEREAS, the accounting of the impact fee revenues and expenditures are provided for and reported in a separate and segregated special revenue fund entitled Impact Fee Fund; and

WHEREAS, Collier County collects the impact fees for the North Collier Fire Control and Rescue District and charges an administrative fee to cover Collier County's actual costs of such collection, pursuant to interlocal agreements dated September 25, 1990 and December 13, 2005; and

WHEREAS, to promote efficiency with Collier County in its collection of the North Collier Fire Control and Rescue District's impact fees, this resolution includes impact fee land use categories that are consistent with Collier County's impact fee land use categories as well other collection procedures; and

WHEREAS, Section 163.31801, Florida Statutes (2019), requires that notice be provided no less than ninety (90) days before the resolution may take effect since it is imposing an increased impact fee, and upon approval of this resolution and at least 90 days prior to January 1, 2021, District staff shall ensure publication of notice as required by Florida law; and

WHEREAS, in order to ensure adequate time for publication of notice as required by Florida law at least 90 days prior to January 1, 2021, the impact fees adopted and imposed by the Board of Fire Commissioners of the North Collier Fire Control and Rescue District in Resolution 19-004 will remain in effect until December 31, 2020; and

WHEREAS, upon the timely publication of notice, the impact fees adopted by the Board of Fire Commissioners of the North Collier Fire Control and Rescue District for the 2020-2021 fiscal year are imposed in compliance with Section 163.31801, Florida Statutes (2019).

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF FIRE COMMISSIONERS OF THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT of Collier County Florida, that:

Section 1. The above recitals are true and correct, and are fully incorporated herein.

Section 2. The North Collier Fire Control and Rescue District hereby adopts and incorporates the North Collier Fire Control & Rescue District Fire Impact Fee Indexing Study Final Report dated August 24, 2020, attached in its entirety as Exhibit A, including the assumptions, conclusions and findings in the study, effective January 1, 2021.

Section 3. This resolution shall be applicable within the entirety of the North Collier Fire Control and Rescue District.

Section 4. The North Collier Fire Control and Rescue District hereby adopts and imposes the following schedule of impact fee charges upon new construction to be used for capital improvements that are necessary to serve new growth in accordance with Florida law:

Total Impact Fee per Sq. Ft. (Residential)	\$0.17
Total Impact Fee per Sq. ft. (Non-Residential)	\$1.06

Section 5. No reduction in the assessed impact fee rate is authorized and the provisions within Resolution 19-004 through December 31, 2020, and Resolution 20-022 are applicable.

Section 6. This resolution supersedes Resolution 20-004, which was adopted on May 28, 2020 and was to take effect on October 1, 2020. Therefore, the provisions and impact fee charges per Resolution 19-004 will remain in effect from October 1, 2020 through December 31, 2020.

Section 7. This Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner Feder, who moved its adoption.

The motion was seconded by Commissioner Crossan, and the Vote was as follows:

Commissioner M. James Burke	Yay
Commissioner James A. Calamari	Yay
Commissioner Christopher L. Crossan	Yay
Commissioner Norman E. Feder	Yay
Commissioner J. Christopher Lombardo	Yay

Duly passed on this 24th day of September, 2020 by the Board of Fire Commissioners of the North Collier Fire Control and Rescue District.