

**RESOLUTION 2021-73**  
**Joint Development Impact Fee Advisory Committee**

**NOW, THEREFORE, BE IT RESOLVED** by the Kootenai County Board of Commissioners, State of Idaho:

**Section 1: Findings**

It is hereby found by the Kootenai County Commission that:

- 1.1** The Eastside, Hauser Lake, Kootenai County, Mica Kidd, Northern Lakes, Spirit Lake, Timberlake and Worley Fire Districts, and the Kootenai County Emergency Medical Services System provide fire protection, life safety and emergency medical services within the County's boundaries; and
  - 1.2** The County, Fire Districts and KCEMSS are experiencing and are affected by considerable growth and development; and
  - 1.3** The *Idaho Development Impact Fee Act* (the "Act") codified at Chapter 82 of Title 67 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 fees 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.
  - 1.4** The County is a governmental entity as defined in the Act at Idaho Code Section 67-8203(14) and, as provided at Idaho Code Section 67-8202(5), has ordinance authority to adopt a development impact fee ordinance for the assessment of fire and EMS impact fees for the Fire and EMS Districts, whereas the Fire and EMS Districts do not have ordinance authority and cannot adopt a development impact fee ordinance; and
  - 1.5** Idaho Code Section 67-8204A, provides that a county, when affected by development, has the authority to enter into an intergovernmental agreement with a fire or EMS district for the purpose of agreeing to collect and expend development impact fees for payment of Fire or EMS District System Improvements costs incurred within the County; and
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- 1.6 The Fire Districts and KCEMSS have retained Anne Wescott of Galena Consulting, a qualified professional in the field of public administration, to prepare an impact fee study and capital improvements plan in consultation with the Joint Advisory Committee; and
- 1.6 It is the intent of the County Commission to establish together with the Fire and EMS District a Joint Advisory Committee in accordance with the provisions of this Resolution.

## **Section 2: Establishing the Joint Advisory Committee.**

### **Joint Development Impact Fee Advisory Committee**

- 2.1 **Committee Created:** A joint committee of Kootenai County, the Eastside, Hauser Lake, Kootenai County, Mica Kidd, Northern Lakes, Spirit Lake, Timberlake and Worley Fire Districts, and the Kootenai County Emergency Medical Services System is established.
  - 2.2 **Committee Name:** The Committee is known and shall continue to be known and designated as the “Kootenai County/Fire and EMS Districts Joint Development Impact Fee Advisory Committee” [hereinafter in this chapter referred also as “Joint Advisory Committee” or “Committee”].
  - 2.3 **Membership:** The members on the Committee shall be appointed by the Kootenai County Commission and the Fire and EMS District Boards of Commissioners 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 the County of Kootenai; and no members may be employees or officials of the County, or Fire or EMS District being served by this Joint Advisory Committee.
    - 2.3.1 The members will be appointed during the January regular meeting of the County Commission and the Boards of Commissioners for a term of two (2) years.
    - 2.3.2 Any vacancy on the Committee shall be filled by mutual appointment and confirmed by the County Commission and Fire and EMS District Boards of Commissioners.
  - 2.4 **Charge:** The Joint Advisory Committee shall serve as an advisory committee to the County Commission and Fire and EMS District Boards of Commissioners and is charged with the following responsibilities:
    - 2.4.1 Assist the County and Districts in adopting land use assumptions; and
    - 2.4.2 Review the Capital Improvements Plans; and
    - 2.4.3 Monitor and evaluate implementation of the Capital Improvements Plans;
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- 2.4.4 File with the County and Districts at least annually, with respect to the Capital Improvements Plans a report of any perceived inequities in implementing the Capital Improvements Plans or imposing the District Impact Fees;
- 2.4.5 Advise the County Commission and District Boards of Commissioners of the of the need to update or revise land use assumptions, Capital Improvements Plan and Development Impact Fees; and
- 2.4.6 The Districts shall 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, the Capital Improvements Plan and periodic updates of the Capital Improvements Plan.

**2.5 Joint Advisory Committee Organization:** The Districts will be responsible for scheduling and facilitating all meetings of the Committee in compliance with the Open Meeting Law [Chapter 2 of Title 74 Idaho Code].

- 2.5.1 The Joint Advisory Committee shall select its officers, which include a Chair and Vice Chair.
  - 2.5.2 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.
  - 2.5.3 A staff member of the Fire District shall serve as the Secretary of the Committee and shall take minutes and post agenda notices required by the Open Meeting Law. The Secretary is not a member of the Committee.
  - 2.5.4 The Committee shall establish a regular meeting schedule.
  - 2.5.5 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 Commission and all District Boards of Commissioners.
  - 2.5.6 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.
  - 2.5.7 A majority vote of those present at any meeting is sufficient to carry motions.
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**2.6 Reporting:** The Joint Advisory Committee reports directly to the County Commission and Fire and EMS District Boards of Commissioners.

**2.7 County Commission and Fire and EMS District Boards of Commissioners Review of Committee's Reports and Recommendations:** The County Commission and Fire and EMS District Boards of Commissioners 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 County Commission's and Board of Commissioners' actions 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.

**Section 3: Effective Date**

**3.1** This resolution shall be in full force and effect after its passage and approval and after approval of a similar resolution by the Fire and EMS District Boards of Commissioners.

**PASSED BY THE COUNTY COMMISSION** of the County of Kootenai, state of Idaho, this 27th day of July, 2021.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

ATTEST:  
JIM BRANNON, CLERK

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Chris Fillios, Chairman

By: \_\_\_\_\_  
Deputy Clerk

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Leslie Duncan, Commissioner

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Bill Brooks, Commissioner



