

**RESOLUTION NO. 13-03-08**

**AUTHORIZING PARTIAL REIMBURSEMENT OF IMPACT FEES  
PAID BETWEEN FEBRUARY 13, 2013 AND MARCH 12, 2013.**

Whereas, on February 12, 2013 the Lee County Board of Commissioners (Board) held a duly noticed public hearing to consider the adoption of an ordinance suspending the collection of development impact fees for two years; and

Whereas, after public comment and Board discussion, Commissioner Larry Kiker made a motion to continue the public hearing to March 12, 2013 so that alternatives to suspension could be discussed further at the March 4, 2013 Board Management and Planning Committee meeting; and

Whereas, Commissioner Kiker's motion included a request that the Board authorize placing impact fees collected in the interim into an escrow account, for potential reimbursement or partial reimbursement depending upon final action of the Board at the March 12<sup>th</sup> public hearing; and

Whereas, the vote on the continuance and escrow account passed 5-0; and

Whereas, the Board met on March 4, 2013 and engaged in discussions with its administrative staff on the financial ramifications of suspension and temporary reduction of impact fee collection rates; and

Whereas, at the March 12, 2013 continued hearing on the proposed ordinance, the Board voted to exclude Fire and EMS impact fees from the proposed temporary suspension/reduction of development impact fees; and

Whereas, at that public hearing, the Board voted to reduce the rate of collection of School, Road, Community Park and Regional Park impact fees by 80%; and

Whereas, County Administration has segregated development impact fees collected since February 12, 2013 so that fees may be fully or partially reimbursed depending upon the Board's final action on the proposed ordinance.

Now Therefore, Be it resolved by the Lee County Board of Commissioners:

1. School, Road, Community Park and Regional Park impact fees collected after February 12, 2013 will be partially reimbursed to the payees on record as follows:

Eighty Percent (80%) of the fee collected by the County will be reimbursed to the payee on record in recognition of the Board's action to reduce the rate of collection of impact fees on March 12, 2013.

2. Impact fee credits used for School, Road, Community Park and Regional Park impact fee obligations will be reinstated in amounts that reflect the adjustment to impact fees.
3. The Administrative fee for the School, Road, Community Park and Regional Park impact fees collected during the interim period will be assessed based on the percentage of the development impact fee ultimately retained by the County after adjustment.

Commissioner Kiker made a motion to adopt the foregoing resolution. The February 12, 2013 motion was seconded by Commissioner Pendergrass. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 12<sup>th</sup> day of February 2013 and subsequently finalized on March 12, 2013 to reflect the percentage of refund.


ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Cecil L Pendergrass, Chair

Approved as to form by:

  
\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office