

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060494

1. ACTION REQUESTED/PURPOSE: Execute Interlocal Agreement between Lee County and School Board regarding the establishment of an ongoing program allowing for the use of interest accrued on school impact fee collections to fund a partial subsidy for providers of moderate, low, and very low income housing in Lee County, as well as very low, low, and moderate income households.

2. WHAT ACTION ACCOMPLISHES: Allows for 80 percent of the interest accrued on school impact fee each quarter to be placed in a fund earmarked to provide partial subsidies to qualifying applicants.

3. MANAGEMENT RECOMMENDATION: Execute interlocal agreement.

4. Departmental Category: 12 A1ZA		5. Meeting Date: 05-02-2006
6. Agenda:		7. Requirement/Purpose: (specify)
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	<u>163.01</u>
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other	<u>Interlocal</u>
<input type="checkbox"/> Walk-On		<u>Agreement</u>
		8. Request Initiated:
		Commissioner
		Department <u>County Attorney/DCD</u>
		Division <u>LU/Housing Section of Planning Division</u>
		By: <i>Mary Gibbs</i>
		Donna Marie Collins & Mary Gibbs

9. Background:
On June 29, 2004, the County and the School Board entered into an interlocal agreement to address the disbursement of school impact fees that were held in escrow during the pendency of a lawsuit challenging the legality of the school impact fee ordinance. That interlocal, among other things, acknowledged that the County would retain \$200,000 from an account representing interest collected on school impact fees to provide a subsidy to qualifying affordable housing projects toward the payment of school impact fees. Specifically, the \$200,000 was available to low and very low income housing providers within Lee County.

Lee County subsequently adopted Administrative Code 13-4, which detailed the procedures for seeking partial reimbursement of school impact fees. The \$200,000 was a one-time grant of funds. Therefore, once the funds are exhausted, the subsidy program will terminate. When the Board raised school impact fees in 2005, they expressed an interest in continuing the program in cooperation with the School Board.

(Continued on Page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>DMC 4-18-06</i>	Analyst <i>[Signature]</i> 4/20/06	Risk <i>[Signature]</i> 4/20/06	Grants <i>[Signature]</i> 4/20/06	Mgr. <i>[Signature]</i> 4/20/06	<i>[Signature]</i> 4-20-06

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN: 4/18/06 4:00pm COUNTY ADMIN FORWARDED TO: [Signature] S.J.	Rec. by CoAtty Dated: 4/18/06 Time: 2:00pm Forwarded To: 4/18/06 2:30 ADMIN
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Subject: Interlocal Agreement between Lee County and School Board

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The County staff has worked with School Board staff to establish an ongoing program whereby the interest accrued on school impact fees between quarterly disbursement period would be set aside and made available to qualifying affordable housing providers and very low, low, and moderate income households in the form of a partial subsidy for the payment of school impact fees. The goal was to create a program whereby 80 percent of the interest accrued on school impact fees collected and held by the County would be set aside and disbursed in accordance with AC 13-4 for the benefit of qualifying affordable housing providers and very low, low, as well as moderate income households.

An interlocal agreement has been proposed whereby the School Board agrees to the County retaining 80 percent of the money from accounts representing interest accrued on school impact fees for use as a partial subsidy to qualifying affordable housing providers and very low, low, and moderate income households to be used for the payment of school impact fees. Under this program, the County will continue to disburse to the School Board all school impact fees and 20 percent of the interest accrued on those fees on a quarterly basis in accordance with the terms of the School Impact Fee Ordinance. The proposed interlocal agreement provides that if at any time the unused funds in the subsidy account exceeds \$400,000, no additional interest will be diverted into the subsidy account until the account balance falls below \$400,000. During the time that the account balance remains at \$400,000, interest accrued on school impact fees will be disbursed directly to the School Board in accordance with the terms of the School Impact Fee Ordinance.

The interlocal agreement provides that the County will distribute the retained funds to qualifying affordable housing providers, as well as very low, low, and moderate income households in accordance with the policies and procedures set forth in the County Administrative Code 13-4. The proposed interlocal agreement requires the County to maintain records of all recipients of subsidies for the payment of school impact fees. The County will provide the School Board with an annual report of monetary disbursements under the program.

The School Board approved and executed the interlocal agreement on April 4, 2006.

Attachment: Proposed Interlocal Agreement with School Board of Lee County

APR 04 2006

COPY

**INTERLOCAL AGREEMENT BETWEEN
LEE COUNTY AND THE LEE COUNTY SCHOOL BOARD SCHOOL BOARD OF
LEE COUNTY**

This Agreement is made this ____ day of _____ 2006, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County", and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, on November 27, 2001, the County adopted Ordinance No. 01-21 assessing impact fees that are paid by new residential construction for educational purposes, hereinafter called "Ordinance"; and,

WHEREAS, the County and the School Board entered into an interlocal agreement on June 29, 2004, pursuant to Florida Statutes, Section 163.01, the Florida Interlocal Cooperation Act of 1969, to address the disbursement of school impact fees held in escrow during the pendency of a lawsuit challenging the legality of the Ordinance; and the June 29, 2004 interlocal, amongst other things, acknowledged that the County would retain \$200,000 from an account representing interest collected on school impact fees to provide a subsidy to qualifying affordable housing projects for the payment of school impact fees.

WHEREAS, Lee County adopted Administrative Code 13-4 to provide criteria and procedures for partial reimbursement of school impact fees paid by affordable housing providers; and,

WHEREAS, the County continues to disburse to the School Board, future school impact fees collected on a quarterly basis in accordance with the terms of the Ordinance; and,

WHEREAS, Goal 135 of the Lee County Comprehensive Plan requires Lee County to endeavor to meet the housing needs of present and future residents at affordable costs; and,

WHEREAS, the County desires to continue a program where the interest accrued on school impact fees between quarterly disbursement periods are set aside and made available to qualifying affordable housing providers and very low, low and moderate income households in the form of a subsidy for the payment of school impact fees; and,

WHEREAS, the County and the School Board desire to establish an on-going program whereby 80% of the interest accrued on school impact fees collected and held by the County are set aside and disbursed in accordance with Lee County Administrative Code Policies for the benefit of qualifying affordable housing providers and very low, low and moderate income households.

COPY

NOW, THEREFORE, IT IS AGREED as follows:

1. Upon acceptance and execution of this agreement by the parties, the County will retain 80% of the money from accounts representing interest accrued on school impact fees for use as a subsidy to qualifying affordable housing providers and very low, low and moderate income households to be used for the payment of school impact fees. The County will continue to disburse to the School Board all impact fees and 20% of the interest accrued on those fees on a quarterly basis in accordance with the terms of the School Impact Fee Ordinance.

2. If at any time the unused funds in the subsidy account exceed \$400,000, no additional interest will be diverted into the subsidy account until the account balance falls below \$400,000. During such time, interest accrued on school impact fees will be disbursed to the School Board in accordance with the terms of the School Impact Fee Ordinance.

3. The County will disburse the funds in the subsidy account to qualifying affordable housing providers and very low, low and moderate income households only in accordance with the policies and procedures set forth in Lee County Administrative Code 13-4, as may be amended from time-to-time.

4. Lee County will maintain records of all recipients of subsidies for the payment of school impact fees and will provide the School Board with an annual report of monetary disbursements under the program. This paragraph will remain in full force and effect until amended by mutual agreements of the parties whether repeal of the school impact fee ordinance and exhaustion of interest accrued.

IN WITNESS WHEREOF THE PARTIES HERETO have caused the execution hereof by duly authorized officials on the date set forth below:

Dated this ____ day of _____ 2006.

ATTEST:
CHARLIE GREEN, CLERK

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

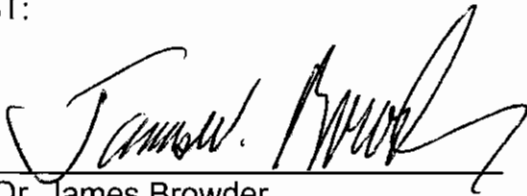
BY: _____
Deputy Clerk

BY: _____
Tammara Hall, Chairwoman


Approved as to form:

By: _____
Donna Marie Collins
Assistant County Attorney

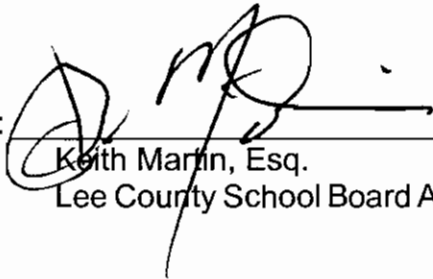
ATTEST:

BY: 
Dr. James Browder
Superintendent
Lee County School Board

**THE SCHOOL BOARD OF LEE
COUNTY, FLORIDA**

BY: 
Steven Teuber
Chairman

Approved as to form:

By: 
Keith Martin, Esq.
Lee County School Board Attorney

APPROVED
APR 04 2006
SCHOOL BOARD OF
LEE COUNTY