

Dispute keeps EDC fire district from getting paid

By Kathryn Reed

El Dorado County officials are at odds regarding whether it's legal to reimburse the Diamond Springs-El Dorado Fire Protection District \$169,859 in development impact fees.

The dispute stems from a nearly 8-year-old study that has the district out of compliance with the Mitigation Fee Act, which would prevent the county from writing the check.

Emails have been flying back and forth lately between the auditor-controller and county counsel offices. It came to a head this week at the Board of Supervisors meeting.

And, still, the issue is not resolved.

Auditor-Controller Joe Harn told *Lake Tahoe News* he would not sign that check until County Counsel Robyn Drivon gives him a more definitive response regarding how a recent court case affects the money in question. If Harn were to approve the check and it would later be deemed to be illegal, the county could be forced to refund the fees collected improperly because of the out-of-date nexus study.

The money for the fire district is a partial reimbursement for an engine the agency bought in January.

Supervisors in September approved the use of mitigation fees.

Mike Ciccozzi, who works in the county counsel office but is also the acting assistant chief administrative officer, told the board the case that came out this fall does not preclude the fire district from getting paid.

Harn agrees the district should get paid. But he said the

money should come from the General Fund to remove any legal ambiguity.

Harn said beginning in 2013 he told county officials there was an issue with special districts being in compliance with the nexus studies that are required by state law.

On Nov. 17, the board approved the order for Harn to pay the fire district.

The county is considering having a workshop after the first of the year to help special districts understand the ins and outs of things like mitigation fees. Lake Valley Fire Protection District is in a similar situation because its nexus study has not been kept up to date.

The next Board of Supervisors meeting is Dec. 8.