



Contra  
Costa  
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: November 1, 2016

Subject: Contract with NBS Government Finance Group to Evaluate and Update the Land Development Fee Schedule

### **RECOMMENDATION(S):**

1. APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute, on behalf of the County, a contract with NBS Government Finance Group, including modified indemnification language, in an amount not to exceed \$67,561 to evaluate and recommend updates to the Land Development Fee Schedule used by the Department of Conservation and Development (DCD) and the Public Works Department (PWD) to recover costs of land use development services provided by the two Departments for the period November 1, 2016 to October 31, 2017.
2. REFER the subject of updating the Land Development Fee Schedule to the Internal Operations Committee of the Board of Supervisors.

### **FISCAL IMPACT:**

The cost of this contract will be paid from the operating budgets of the Department of Conservation and Development and the Public Works Department using Land Development Fees.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/01/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 1, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Chris Heck, Deputy

Contact: Jason Crapo,  
925-674-7723

cc:

## BACKGROUND:

The Department of Conservation and Development (DCD) and Public Works Department (PWD) are the two County departments with primary responsibility for regulating and permitting land development activities within the County's jurisdiction. The two Departments are responsible for the County's planning, building inspection and public infrastructure functions. The Departments review permit applications and issue permits for a wide variety of land use activities, including land use permits, building permits, and encroachment permits, to name just a few.

DCD and PWD collect fees from permit applicants to offset the costs the two Departments incur providing services to administer their permitting processes. Fees collected by the two Departments are based on the County's Land Development Fee Schedule (Fee Schedule).

The current Fee Schedule is based largely on a fee study performed by an outside consultant in the mid 1990's, and has not been comprehensively updated since that time. As a result, many of the fees and fee deposit amounts in the Fee Schedule - as well as the apportionment of fees shared between DCD and PWD - are based on an analysis that is over 20 years old and may no longer correspond to current operating conditions (although it should be noted that hourly rates for staff time and project valuation tables have been updated over the years to reflect current costs). To address these circumstances, DCD and PWD seek services from NBS to comprehensively update the Fee Schedule based on current operating conditions.

The County has a long-standing practice that Land Development services provided by DCD and PWD are fully self-supporting and that all costs incurred by the two Departments providing such services are fully paid for through fees collected by the Departments. No County general funds are allocated to subsidize these services.

Therefore, the goal of the Fee Schedule is to collect fees that fairly and equitably recover the costs incurred by DCD and PWD in providing land development services. Since the current fee schedule has not been comprehensively reviewed and updated in over 20 years, DCD and PWD anticipate that adjustments to many existing fees and inclusion of some new fees will likely be required to meet this goal.

The County's standard indemnification clause has been modified in this contract such that if the County elects to defend itself from legal claim covered by the Contractor's general liability insurance policy, the Contractor is not obligated to reimburse the County for the costs of such defense to the extent such costs are not accepted by the Contractor's insurance provider.

DCD and PWD recommend that this topic be referred to the Internal Operations Committee for status updates before returning to the Board for further action.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the proposed contract, DCD and PWD will not be able to utilize the services of NBS to evaluate the Land Development Fee Schedule.