

7/27/05

A G R E E M E N T

THIS AGREEMENT entered into this 1st day of August, 2005, by and between **MICHAEL S. MULLIN**, Nassau County Attorney, hereinafter referred to as "Mullin", and **JAMES C. NICHOLAS**, hereinafter referred to as "Nicholas".

WHEREAS, the Board of County Commissioners has authorized Mullin to enter into an Agreement with Nicholas for consulting services to update the County's Impact Fees; and

WHEREAS, the Board of County Commissioners has authorized Mullin to enter into an Agreement with Nicholas for said services for the amount of \$28,000.00.

FOR and IN CONSIDERATION of ten and no/100 dollars (\$10.00) and other mutually agreed upon consideration, the parties agree as follows:

1. Nicholas shall provide consulting services to revise and update the County's impact fees for transportation, parks and recreation, public buildings, police protection, and fire protection.

2. Nicholas shall participate in up to four (4) public meetings with the Board of County Commissioners, municipal officials, county staff and members of the public on the data and methods employed in the proposed revisions and updates.

3. Nicholas shall prepare recommended methods for the calculation of and updates to impact fees for transportation, parks & recreation, public buildings, police protection and fire protection.

4. Nicholas shall prepare recommended impact fees for transportation, parks & recreation, public buildings, police protection and fire protection.

5. Nicholas shall analyze and make recommendations on impact fee administration issues.

6. Nicholas shall prepare a report that sets out the data and methods used in establishing the recommended impact fees.

7. Nicholas shall assist the County Attorney in the development of amendments to impact fee ordinances.

8. Nicholas shall be compensated the sum of \$28,000.00 for the above services, which shall be paid one-half (\$14,000.00) upon the acceptance of a draft report setting out recommended revisions and updates to impact fees, and one-half (\$14,000.00) upon the acceptance of the report by the Board of County Commissioners. Any additional meetings or services would be billed at \$150 per hour, plus reasonable expenses.

9. Nicholas shall proceed upon the joint execution of this document and the receipt of the items listed below.

The draft report will be provided within five (5) weeks of the receipt of the below listed items.

10. Mullin shall provide the following items to Nicholas:

GENERAL:

- a. A copy of the County's comprehensive plan
- b. A copy of the County's latest (annual) financial report
- c. A summary of outstanding County debt, the proceeds of which were used to fund capital improvements to transportation, parks & recreation, emergency medical protection, public buildings, police protection and fire protection, showing:
 - i. Type of debt, General Obligation, revenue, etc.
 - ii. When issued
 - iii. Term of the issue
 - iv. Amount derived and allocation of funds to purpose (parks, libraries etc)
 - v. Average interest rate
- d. A copy of real property taxable values for the past 5 years by type of property;
 - i. Developed residential
 - ii. Vacant residential

- iii. Developed Commercial
- iv. Vacant Commercial
- v. Developed industrial
- vi. Vacant industrial
- vii. Agricultural
- viii. Non-agricultural acreage
- ix. Other
- x. Total taxable value of real property
- e. If not part of 1, please provide county-wide

development projections;

- i. Population
- ii. Households
- iii. Dwelling units
- iv. Employment
- v. Non-residential development by type

f. County resident population, total and unincorporated, annually from 1990 to the present and, if available, projections. Also, if available, peak populations.

ROAD/TRANSPORTATION

- a. A copy of the County's transportation improvement plan (if not part of the above)
- b. A copy of the MPO plan (if there is one)
- c. A history of county road projects (last 4 or 5 years);

- i. Road improved
- ii. Date of improvement
- iii. Lane-miles of improvement
- iv. Total improvement cost
 1. Construction
 2. Right of way
 3. Other
- v. Average construction cost per lane-mile
- vi. Average right of way cost per lane-mile
- d. Summary of County road existing levels of service and adopted levels of service.
- e. The collection and use of the Constitutional Gas Taxes and the Optional Gas Taxes (division between maintenance and capital improvement) and split of revenues between the County and cities.
- f. The history of collections and use of road impact fees.
- g. Any trip origin and destination study results available to the County.

PARKS & RECREATION

- a. A copy of the County's parks and recreation plan (if not part of the above), including the adopted level of service for parks.

b. The adopted level of service for parks & recreation.

c. An inventory of existing county park and recreational areas, including;

- i. Name of park/area
 - ii. General location
 - iii. Size (acres)
 - iv. Type or function of park/area
 - v. Value or replacement cost of the park/area
 1. Buildings
 2. Facilities and equipment
 3. Land*
 - vi. Park land acquisition cost per acre by type of area
 - vii. Park land development/improvement cost per acre by type of area
- d. A map showing parks & recreation impact fee districts.
- e. The history of collections and use of parks & recreation impact fees

PUBLIC BUILDINGS

a. A copy of the County's building plan (if not part of the above),

- b. The adopted level of service for public buildings
- c. An inventory of existing public buildings and equipment, including;
 - i. Size of buildings in square feet of floor area
 - ii. Number of items in the permanent collection by type of item
 - iii. Value or replacement cost of the buildings
 - iv. Replacement or acquisition cost of building equipment and furnishings, including computers
 - v. Value of land*
- d. The history of collections and use of public buildings impact fees

POLICE PROTECTION

- a. A copy of the County's law enforcement plan (if not part of the above),
- b. The adopted level of service for police protection
- c. An inventory of existing county police protection, law enforcement and corrections facilities and equipment, including;
 - i. Number and location of buildings

- ii. Size of buildings in square feet of floor area
 - iii. Value or replacement cost of the buildings
 - iv. Value of contents and
 - v. Replacement value of equipment
 - vi. Value of land*
- d. A five (5) year history of calls for service or other measure of demand for police protection services.
- e. A five (5) year history of the number of sworn officers.
- f. The history of collections and use of police protection impact fees

FIRE PROTECTION (INCLUDING EMS)

- a. An inventory of existing county fire protection facilities and equipment, including;
- i. Number and location of stations
 - ii. Size of stations in square feet of floor area
 - iii. Equipment assigned to each station
 - iv. Value or replacement cost of the buildings
 - v. Value of contents and
 - vi. Replacement value of equipment

vii. Value of land*

b. A five (5) year history of the number of calls or alarms.

c. The history of collections and use of fire protection impact fees

***NOTE:** Requested land cost data may use Just Value form the Nassau County Property Appraiser if other data are not available.

11. Nicholas acknowledges that he is a sole proprietor consultant and cannot provide professional liability insurance. Nicholas shall provide automobile liability insurance in the amount of \$500,000.00 with the Nassau County Board of County Commissioners as a named insured.

12. Any dispute arising under this Contract shall be addressed by the representatives of Mullin and Nicholas as set forth herein. Disputes shall be set forth in writing to Mullin and provided by overnight mail, UPS, FedEx, or certified mail, with a response provided in the same manner prior to any meetings of representatives. The initial meeting shall be with Mullin or his designee(s) and a representative of Nicholas. If there is no satisfactory resolution of the matters in question between the parties to this Agreement arising out of or relating to this Agreement or breach

thereof, the matter shall be submitted to the Board of County Commissioners for their review and decision.

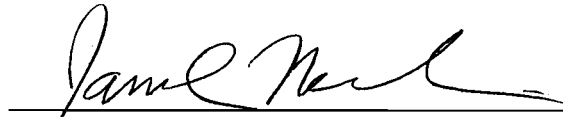
13. Any notices required by this Agreement shall be provided as follows:

To Mullin:
Michael S. Mullin, Esquire
96135 Nassau Place, Suite 6
Yulee, Florida 32097

To Nicholas:
James C. Nicholas
313 Holland Hall
University of Florida
Gainesville, FL 32611

14. Time is of the essence.



MICHAEL S. MULLIN

JAMES C. NICHOLAS

z/amyers/agreements/Nicholas-impact-fees

James C. Nicholas

313 Holland Hall
University of Florida
Gainesville, FL 32611
(352) 392-8832
(352) 392-3005 Fax
e-mail jcnicholas@msn.com

PROPOSAL FOR CONSULTING SERVICES

SUBJ: Proposal for Consulting Services – Update of Impact Fees

DATE: June 14, 2005

PROPOSAL

This is a proposal is to revise and update Nassau County's impact fees for transportation, parks & recreation, public buildings, police protection and fire protection. The consultant's tasks will be to:

1. Participate in up to four (4) public meetings with the Board of County Commissioners, municipal officials, county staff and members of the public on the data and methods employed in the proposed revisions and updates.
2. Prepare recommended methods for the calculation of and updates to impact fees for transportation, parks & recreation, public buildings, police protection and fire protection.
3. Prepare recommended impact fees for transportation, parks & recreation, public buildings, police protection and fire protection.
4. Analyze and make recommendations on impact fee administration issues.
5. Prepare a report that sets out the data and methods used in establishing the recommended impact fees
6. Assist the County Attorney in the development of amendments to impact fee ordinances.

CHARGES

The above services will be performed at a cost \$28,000. Any additional meetings or services would be billed at \$150 per hour, plus reasonable expenses. Payments would be due on the following schedule:

7/11/05
BKH

One-half on the acceptance of a draft report setting out recommended revisions and updates to impact fees	\$14,000.00
One-half on the acceptance of the Board of County Commissioners	\$14,000.00

All other services will be billed monthly.

TIMING

The consultant is prepared to proceed immediately on notice to proceed. Upon receipt of the items listed below by subject, draft reports will be provided within five (5) weeks.

COUNTY RESPONSIBILITIES

This will be an update to the existing impact fees. Unless the County directs otherwise, the general methods and data employed for the existing fees will be employed for the updated fees. The data expected to be needed for the update are:

GENERAL

1. A copy of the County's comprehensive plan
2. A copy of the County's latest (annual) financial report
3. A summary of outstanding County debt, the proceeds of which were used to fund capital improvements to transportation, parks & recreation, emergency medical protection, public buildings, police protection and fire protection, showing:
 - a. Type of debt, General Obligation, revenue, etc.
 - b. When issued
 - c. Term of the issue
 - d. Amount derived and allocation of funds to purpose (parks, libraries etc)
 - e. Average interest rate
4. A copy of real property taxable values for the past 5 years by type of property:
 - a. Developed residential
 - b. Vacant residential
 - c. Developed Commercial
 - d. Vacant Commercial
 - e. Developed industrial
 - f. Vacant industrial
 - g. Agricultural

- h. Non-agricultural acreage
- i. Other
- j. Total taxable value of real property
- 5. If not part of 1, please provide county-wide development projections;
 - a. Population
 - b. Households
 - c. Dwelling units
 - d. Employment
 - e. Non-residential development by type
- 6. County resident population, total and unincorporated, annually from 1990 to the present and, if available, projections. Also, if available, peak populations.

ROADS/TRANSPORTATION

- 1. A copy of the County's transportation improvement plan (if not part of the above)
- 2. A copy of the MPO plan (if there is one)
- 3. A history of county road projects (last 4 or 5 years);
 - a. Road improved
 - b. Date of improvement
 - c. Lane-miles of improvement
 - d. Total improvement cost
 - i. Construction
 - ii. Right of way
 - iii. Other
 - b. Average construction cost per lane-mile
 - c. Average right of way cost per lane-mile
- 4. Summary of County road existing levels of service and adopted levels of service
- 5. The collection and use of the Constitutional Gas Taxes and the Optional Gas Taxes (division between maintenance and capital improvement) and split of revenues between the County and cities.
- 6. The history of collections and use of road impact fees
- 7. Any trip origin and destination study results available to the County.

PARKS & RECREATION

- 1. A copy of the County's parks and recreation plan (if not part of the above), including the adopted level of service for parks
- 2. The adopted level of service for parks & recreation.
- 3. An inventory of existing county park and recreational areas, including;
 - a. Name of park/area
 - b. General location

- c. Size (acres)
- d. Type or function of park/area
- e. Value or replacement cost of the park/area
 - i. Buildings
 - ii. Facilities and equipment
 - iii. Land*
- f. Park land acquisition cost per acre by type of area
- g. Park land development/improvement cost per acre by type of area
4. A map showing parks & recreation impact fee districts.
5. The history of collections and use of parks & recreation impact fees

PUBLIC BUILDINGS

1. A copy of the County's building plan (if not part of the above),
2. The adopted level of service for public buildings
3. An inventory of existing public buildings and equipment, including;
 - a. Size of buildings in square feet of floor area
 - b. Number of items in the permanent collection by type of item
 - c. Value or replacement cost of the buildings
 - d. Replacement or acquisition cost of building equipment and furnishings, including computers
 - e. Value of land*
4. The history of collections and use of public buildings impact fees

POLICE PROTECTION

1. A copy of the County's law enforcement plan (if not part of the above),
2. The adopted level of service for police protection
3. An inventory of existing county police protection, law enforcement and corrections facilities and equipment, including;
 - f. Number and location of buildings
 - g. Size of buildings in square feet of floor area
 - h. Value or replacement cost of the buildings
 - i. Value of contents and
 - j. Replacement value of equipment
 - k. Value of land*
4. A five (5) year history of calls for service or other measure of demand for police protection services.
5. A five (5) year history of the number of sworn officers.
6. The history of collections and use of police protection impact fees

FIRE PROTECTION (INCLUDING EMS)

1. An inventory of existing county fire protection facilities and equipment, including;
 - l. Number and location of stations
 - m. Size of stations in square feet of floor area
 - n. Equipment assigned to each station
 - o. Value or replacement cost of the buildings
 - p. Value of contents and
 - q. Replacement value of equipment
 - r. Value of land*
2. A five (5) year history of the number of calls or alarms.
3. The history of collections and use of fire protection impact fees

* NOTE: Requested land cost data may use Just Value from the Nassau County Property Appraiser if other data are not available.

OTHER ISSUES

James Nicholas is a sole proprietor consultant. As such, he has no employees and is economically unable to provide professional liability insurance. He can and will provide auto liability in the amount of \$500,000 with Saint Johns County named as an also insured.

EXPERIENCE OF THE CONSULTANT

James Nicholas is the consultant and will perform all work. Nicholas is a professor of urban and regional planning and an affiliate professor of law at the University of Florida. He has a Ph.D. in economics and 34 years experience in the practice of urban planning issues with a specialization in fiscal matters. He has prepared impact fees for 29 years in Florida and in many other states. A summary of his impact fee work is attached below.

Client List		Project Type						
Client	State	Road	Stormwater	Park	Fire	Police	School	Other
Scottsdale	AZ		X					
Bakersfield	CA	X						
Kern County	CA	X						
Pitkin County	CO							X
Alachua County	FL	X		X	X	X		X
Bradenton	FL			X	X	X		
Broward County	FL			X			X	
Charlotte County	FL	X		X	X	X		X
Citrus County	FL	X		X	X	X	X	X
Collier County	FL	X			X			
Dade County	FL			X		X	X	
Destin	FL	X				X		
Hernando County	FL	X		X	X	X	X	X
Hillsborough County	FL				X			
Indian River County	FL	X						
Key West	FL	X						
Lake County	FL	X		X	X	X		X
Lee County	FL	X		X	X			
Martin County	FL	X		X	X	X	X	X
Monroe County	FL	X		X	X	X		X
Palm Beach County	FL	X		X	X	X	X	X
Pasco County	FL	X					X	
Sanibel	FL				X			
St. Johns County	FL	X		X	X	X	X	X
St. Lucie County	FL	X		X	X	X	X	X
Volusia County	FL						X	
Walton County	FL	X	X	X	X			X
West Palm Beach	FL	X						
Alpharetta	GA	X		X	X	X		
Canton	GA			X	X	X		
Cobb County	GA							X
DeKalb County	GA	X		X	X	X		X
Forsyth County	GA			X	X	X		X
Hawaii County	HI	X		X	X	X		X
Honolulu	HI	X						
DuPage County	IL	X						
Franklin	MA						X	
Anne Arundel County	MD	X					X	
Portland	ME	X		X	X	X		
Concord	NH						X	
Albuquerque	NM			X	X	X		
Clark County	NV	X						
Reno	NV	X						
Washoe County	NV	X						
Beavercreek	OH	X						
Chardon	OH							

Impact Fee Proposal

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Montgomery County	PA	X						
Gatlinburg	TN	X						
Virginia Beach	VA	X		X	X	X	X	X