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Capital improvement panel seeks impact fee accounting

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PVT

Members of a 17-member advisory committee working on the Pahrump Regional Planning District Capital Improvements Plan, meeting for the first time last week since October 2005, want Nye County Treasurer Gary Budahl to appear at their next meeting to provide an accounting of impact fees.

"If I pay an impact fee, I have a right to go ask where my impact fees went to, what they were spent on and, if they're still there, how much interest they got," said committee member Bill Garlough, representing the citizens at large.

"Good thing you brought that up," replied committee member Mark Kimball, chairman of the Pahrump Regional Planning Commission. "At the next agenda I'll ask the county treasurer to outline the funds and what's in there so it's perfectly clear on the public record."

Nye County commissioners passed Ordinance No. 302 in August 2005, which allowed the collection of impact fees that amount to about \$1,960 for a residential, single, detached dwelling. The majority of that fee, \$1,298, goes toward street improvements.

Commercial developers pay a fee based on the square footage of the building.

The Nye County School District also levies a \$1,600 residential construction tax.

Nye County Planning Director Jack Lohman said by law the county has five years to begin planning projects using the impact fees -- which in some cases falls as soon as 2010 -- but has another five years to begin construction.

The Nye County audit at the end of the 2007-08 fiscal year, July 1, 2008, showed the county had \$5.9 million in impact fees accumulated since 2005. The audit showed \$1.2 million in impact fees were generated in that fiscal year between July 1, 2007, and June 30, 2008, with \$861,329 in impact fees for streets, \$102,114 for the sheriff's department, \$95,669 for parks, \$68,806 for fire stations and \$52,000 in development impact fees.

Committee member Rick Walker said there were also development agreements some companies signed with Nye County, with a different set of rules on paying fees for infrastructure.

Members of the Concerned Citizens for a Safe Community were among the audience crowded into the Pahrump Town Annex.

Ted Holmes objected to Assistant County Manager Pam Webster's statement that there was a commingling of fees paid on some of the development agreements.

"There has been some creativity done in some of these development agreements that really complicate the collection of the money," Webster said. "It's a nightmare to keep track of but we're doing it."

Webster said the impact fees collected for fire stations, \$167 per residence, and for park impacts, \$359, have been turned over to the town of Pahrump.

Town Finance Director Mike Sullivan said as of the July 1 start of the fiscal year the town had \$675,544 in the impact fee account for parks and \$371,010 for fire. He said the town used \$30,840 out of the fire station account to do preliminary engineering work on a new fire station on Kellogg Road.

Holmes claimed a federal lawsuit filed by contractor Karl Snowden against Nye County requested information on his impact fees.

"My question would be, who has it, where is it and what accounts is it broken down into?" Holmes asked.

"How many other developers or builders have come forward and said, 'Well you're not going to use my money for the economy, how much money do I have in my impact money account and where is it?' The law states that anybody doing business during regular business hours can go into Budahl's office and ask about their account."

Nye County Acting Public Works Director Dave Fanning outlined streets that were a priority during the capital improvement plan drafted by Tri-Core Engineering in 2005.

Kimball wants the committee to review that list and possibly rearrange the priorities. Lohman said the planning department is going to be revising the master plan for the Pahrump Regional Planning District, which could affect which streets need improvement first.

Nye County Commission Chairman Joni Eastley, who wasn't at the capital improvements advisory board meeting, said the suspicion over impact fee revenues could arise from a request for an audit of the public works department after the termination of former Public Works Director Samson Yao last October.

Yao was terminated after he authorized over \$200,000 worth of expansion at the Pahrump landfill without seeking county commission

approval.

Eastley said county auditor Dan McArthur is close to completing the audit of the public works department, which will include a report on the impact fees.

Lohman defended the impact fee ordinance. "They're standardized. They're the same rates for everybody so nobody gets a lesser amount than the other. There was an intensive study done before they were adopted by the board.

"The user has to pay the freight is what it boils down to. Those new developments should pay so taxpayers don't have to pay for it when developers don't build the roads."

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