

RESOLUTION NO. 2011-05

A RESOLUTION of the City Council of Bainbridge Island, Washington, suspending payment of school impact fees and providing for a refund of school impact fees paid under Chapter 15.28 of the Bainbridge Island Municipal Code.

WHEREAS, on March 4, 1993, the City Council passed Ordinance No. 1993-05 establishing school impact fees on development activity, which was codified under Chapter 15.28 of the Bainbridge Island Municipal Code; and

WHEREAS, the City has been collecting school impact fees on behalf of the Bainbridge Island School District (“BISD”) and disbursing such fees to BISD in accordance with Chapter 15.28 of the Bainbridge Island Municipal Code; and

WHEREAS, BISD has informed the City that due to the anticipated limited growth of the student population, the Capital Facilities Plan approved by the School Board does not include the use of impact fees and, as a result, BISD does not currently need to impose a fee on new development on the Island; and

WHEREAS, City Council desires to suspend the collection of school impact fees and provide for refunds of unexpended and unencumbered fees, as provided in Chapter 15.28 of the Bainbridge Island Municipal Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

Section 1. The collection of school impact fees, and procedures related thereto, under Chapter 15.28 of the Bainbridge Island Municipal Code are hereby suspended as of January 1, 2011.

Section 2. In accordance with BIMC 15.28.120, the current owner of property for which an impact fee has been paid may receive a refund of the impact fee where the fee has not been expended or encumbered within the six-year period provided for in BIMC 15.28.110.

Section 3. The City will notify potential claimants of their right to file an application for a refund and the deadline for filing such an application. The notices shall be sent by first class mail to the addresses shown on the records of the county auditor. The request for a refund must be filed with the City Clerk in writing within one year of the date on which the right to a refund arises or the date of the postmark date of the notice, whichever is later.

Section 4. Any impact fees that are not expended or encumbered within the six-year period or extension thereof, and for which no application for a refund has been filed

within the one-year period, shall be retained and expended in conformance with the school capital facilities element of the City's comprehensive plan.

Section 5. Refunds of impact fees shall include interest, the rate of which shall be the average rate received by the City on funds in the impact fee account during the deposit of the impact fees.

PASSED by the City Council this 16th day of March, 2011.

APPROVED by the Mayor this 16th day of March, 2011.

By: _____
Kirsten Hytopoulos, Mayor

ATTEST/AUTHENTICATE:

By: _____
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	March 11, 2011
PASSED BY THE CITY COUNCIL:	March 16, 2011
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