

# CONFERENCE PROGRAM

## 2004 National Impact Fee Roundtable

Inn on Fifth, 699 Fifth Avenue South, Naples FL

Day/Time	A - Advanced Track	B - Basic Track
<b>Wed. October 20, 2004</b>		
3:00 PM - 7:00 PM	Registration - 1 <sup>st</sup> Floor, Executive Boardroom	
6:00 PM - 8:00 PM	Reception on the Rooftop Courtyard	
<b>Thursday, Oct. 21, 2004</b>		
7:30 AM - 3:00 PM	Registration - 1st Floor, Executive Boardroom	
7:00 AM - 8:00 AM	Breakfast - Rooftop Courtyard	
8:15 AM - 9:30 AM	<p><b><i>Housing Linkage Fees</i></b> Explore the use, legal framework and technical aspects of a variety of regulatory approaches to encouraging affordable housing, including density incentives, set-aside requirements, in-lieu fees and housing linkage fees. <b>Moderator:</b> Clancy Mullen, Duncan Assoc. (TX) <b>Panelists:</b> Robert Burchell (NJ) Margaret Sohagi (CA), Craig Richardson (NC)</p>	<p><b><i>Impact Fee Basics</i></b> The place to start for newcomers to the subject, and a good review of basic principles and practices for more long-time practitioners. <b>Moderator:</b> Debbie Galardi, Galardi Consulting (Portland OR) <b>Panelists:</b> Rick Giardina (CO), Nilgun Kamp (FL), Carson Bise (MD)</p>
9:45 AM - 11:00 AM	<p><b><i>Regional/Multi-Jurisdictional Fee Systems</i></b> The legal aspects of county-wide fees in FL (i.e., county charges fee inside cities). Experiences with other types of multi-jurisdictional fees in other states. <b>Moderator:</b> Nancy Stroud, Weiss Serota (Fort Lauderdale FL) <b>Panelists:</b> Tyson Smith (MO), Craig Richardson (NC)</p>	<p><b><i>Public Safety Impact Fees and Alternatives</i></b> Alternative approaches, including fire flow, functional population, and incident rates. Also, using annualized capital costs for short-lived items (e.g., fees pay for the initial patrol car plus four replacements). <b>Moderator:</b> Randy Young, Henderson Young (WA) <b>Panelists:</b> Bill Ross ty (GA), Bob Wallace (FL), Joe Colgan (CA)</p>
11:15 AM - 12:30 PM	<p><b><i>Lessons from Litigation (Schools)</i></b> What to do and avoid drawn from recent litigation, including the suit against Lee County FL's school impact fees. <b>Moderator:</b> Jerry Murphy, Planning Director, Fort Myers Beach FL <b>Panelists:</b> Greg Stewart (FL), Tim Jones (Lee County FL), Jim Nicholas (U of FL), Randy Young (WA)</p>	<p><b><i>Transportation/Transit Impact Fees</i></b> Methodologies and pros/cons of various road fee approaches, including demand-driven, improvement-driven, and modified consumption-based methodologies. Issues in including transit costs in transportation fees. <b>Moderator:</b> Steve Tindale, Tindale-Oliver &amp; Associates (Tampa FL) <b>Panelists:</b> Cam Watson (Ontario), Phil Tindall (Collier Co FL)</p>
12:30 PM - 2:00 PM	Lunch - Rooftop Courtyard (Announcements at 1:00 PM, speakers begin at 1:15 PM)	
	<p><b><i>Impact Fees, Fiscal Impact Analysis and Housing Affordability</i></b> Observations on some themes of this Roundtable by two prominent scholars <b>Speaker:</b> Arthur C. "Chris" Nelson, VA Tech, Robert Burchell, Rutgers University (NJ)</p>	
2:15 PM - 3:30 PM	<p><b><i>Calculating Revenue Credits</i></b> The part of impact fee methodology that is most unsettled. We put three national consultants in a room to see if they can agree on the fundamental principles. The Osceola County FL school methodology will be described. <b>Moderator:</b> Clancy Mullen, Duncan Assoc. (TX) <b>Panelists:</b> Randy Young (WA), Paul Tischler (MD), Deborah Galardi (OR)</p>	<p><b><i>Collier County Impact Fees</i></b> The County's well-developed impact fee system is described in detail, including fee assessment, credit policy and tracking, waiver policy, progressive residential rates, annual inflation adjustment, revenue history, etc. <b>Moderator:</b> Amy Patterson, Collier County FL <b>Panelists:</b> Paula Fleishman (Collier Co FL), Steve Tindale (FL)</p>
3:45 PM - 5:00 PM	<p><b><i>Fees of the Future? The Future of Fees</i></b> Fee survey trends, the new Practitioners Guide, innovative ideas in impact fees (air pollution mitigation fees, consolidated fees, childcare fees, progressive residential fees, environmental mitigation fees, etc.) <b>Moderator:</b> Jim Nicholas (U of FL) <b>Panelists:</b> Robert Spencer (CA), Chris Nelson (VA Tech)</p>	<p><b><i>Exercising Administrative Discretion</i></b> How to use an understanding of basic impact fee principles to make defensible interpretations of vague or conflicting ordinance provisions. How do you treat a flea market open only on weekends, mining and quarrying, or office/warehouse? <b>Moderator:</b> Bill Ross ty, Ross Assoc (Atlanta GA) <b>Panelists:</b>, Audra Ennis (Lee Co FL), Pedro Leon (Daytona Bch FL)</p>
6:00 PM - 7:00 PM	Happy Hour for Dinner Attendees - Pier 41	
7:00 PM +	Dinner - Pier 41	

Day/Time	A - Advanced Track	B - Basic Track
<b>Friday, Oct. 22, 2004</b>		
7:30 AM - 10:00 AM	Registration - 1st Floor, Executive Boardroom	
7:00 AM - 8:00 AM	Breakfast - Rooftop Courtyard	
8:15 AM - 9:30 AM	<p><b><i>New Developments in Impact Fee Law</i></b>            What have the courts said about impact fees and exactions this year? Panelists will discuss recent cases and legislation that affect day-to-day impact fee administration.</p> <p><b>Moderator:</b> Tyson Smith, Frelich, Leitner &amp; Carlisle (Kansas City MO)  <b>Panelists:</b> Jim Nicholas (U of FL)</p>	<p><b><i>Developer Credits/Offsets</i></b>            What qualifies for a credit and what doesn't? Is reimbursement preferable? Should developers be allowed to sell credits, or should they run with the land? How do you keep track of them? How do you handle pre-existing credits restricted by benefit zone when zone boundaries change?</p> <p><b>Moderator:</b> Clancy Mullen, Duncan Assoc. (TX)  <b>Panelists:</b> Charlene Gabriel (San Diego CA), Bob Russell (Washoe Co RTC, NV), Doug Frost (Phoenix)</p>
9:45 AM - 11:00 AM	<p><b><i>Impact Fees vs Fiscal Impact Analysis</i></b>            Can an impact fee be justified if fiscal analysis shows new development pays for itself? Should expensive homes pay no fees? The FL fiscal model described. How do you reconcile conflicting fiscal analyses (e.g., Hillsborough County, FL)?</p> <p><b>Moderator:</b> Jim Duncan, Duncan Assoc. (Austin TX)  <b>Panelists:</b> Robert Burchell (NJ), Hank Fishkind (FL), Carson Bise (MD)</p>	<p><b><i>Parks/Open Space/Habitat Conservation Fees</i></b>            A broad topic, with interesting developments in nonresidential park fees (Phoenix AZ), environmental mitigation fees (St. Lucie County, FL), habitat conservation fees (Placer County, CA), etc.</p> <p><b>Moderator:</b> Robert Spencer, MuniFinancial (Oakland, CA)  <b>Panelists:</b> Doug Frost (Phoenix AZ)</p>
11:15 AM - 12:30 PM	<p><b><i>Impact Fee Waivers—Law vs. Practice</i></b>            Some jurisdictions waive fees for affordable housing or only charge residential development. At least one state (AZ) prohibits "discriminatory" fees, and there is a line of cases alleging "arbitrary" governmental action or discrimination against a "class of one." Yet many jurisdictions give special treatment to certain uses anyway—how much are they at risk?</p> <p><b>Moderator:</b> Michael McCrory, Assistant City Attorney, Tucson AZ  <b>Panelists:</b> Tyson Smith (MO); Kirk Sorensen (FL)</p>	<p><b><i>Utility Impact Fees and Alternatives</i></b>            Learn about water and wastewater impact fee issues and innovations, including an "equity residual" approach to calculating credits, a wastewater fee based on strength rather than flow, a non-impact approach that allows businesses to lease capacity as an economic development tool, etc.</p> <p><b>Moderator:</b> Mickey Fishbeck, Rimrock Consulting (Austin TX)  <b>Panelists:</b> Deborah Galardi (OR), Rick Giardina (CO), Karyn Keese (CA)</p>
12:30 PM - 2:00 PM	Lunch - Rooftop Courtyard (Membership meeting begins at 1:00 PM) <b><i>Annual Membership Meeting, National Impact Fee Roundtable</i></b>	
2:15 PM - 3:30 PM	<p><b><i>Do Impact Fees Hurt Housing Affordability?</i></b>            Prof. Vicki Been presents the results of her HUD-funded review of the literature. Jim Nicholas discusses some techniques used to mitigate negative effects and Mike Reitmann gives the building industry viewpoint.</p> <p><b>Moderator:</b> Vicki Been, NYU Law School (NY NY)  <b>Panelists:</b> Jim Nicholas (U of FL), Michael Reitmann (Lee County FL Building Industry Assoc)</p>	<p><b><i>Periodic Impact Fee Updates</i></b>            Most statutes/ordinances require periodic updates of fee schedules. Pros and cons of in-house updates versus hiring a consultant, how to craft an RFP, how to phase in fee increases, whether to allow pre-payment of fees prior to an increase, etc.</p> <p><b>Moderator:</b> Joe Colgan, Colgan Consulting (Sacramento CA)  <b>Panelists:</b> Paul Tischler (MD), Steve Tindale (FL), Amy Patterson (Collier Co FL)</p>

## List of Speakers

Vicki Been, Professor, New York University School of Law, New York, NY  
Carson Bise, Tischler & Associates, Bethesda, MD  
Robert Burchell, Professor, Rutgers University, New Brunswick, NJ  
Joe Colgan, President, Colgan Consulting, Sacramento, CA  
Jim Duncan, President, Duncan Associates, Austin, TX  
Audra Ennis, Impact Fee Coordinator, Lee County, Fort Myers, FL  
Mickey Fishbeck, President, Rimrock Consulting, Austin, TX  
Henry Fishkind, President, Fishkind & Associates, Orlando, FL  
Paula Fleishman, Impact Fee Analyst, Collier County, Naples FL  
Douglas Frost, Impact Fee Coordinator, Phoenix, AZ  
Charlene Gabriel, Facilities Financing Manager, San Diego, CA  
Deborah Galardi, President, Galardi Consulting, Portland, OR  
Rick Giardina, President, Giardina & Associates, Aurora, CO  
Tim Jones, Assistant County Attorney, Lee County, Fort Myers, FL  
Nilgun Kamp, Transportation Planner, Tindale-Oliver & Associates, Tampa, FL  
Karyn Keese, Financial Services Manager, PBS&J, San Diego, CA  
Pedro Leon, Economic Development Specialist, Daytona Beach, FL  
Michael McCrory, Assistant City Attorney, Tucson, AZ  
Clancy Mullen, Duncan Associates, Austin, TX  
Jerry Murphy, Community Development Director, Fort Myers Beach, FL  
Chris Nelson, Professor, Virginia Tech, Alexandria, VA  
Jim Nicholas, Professor, University of Florida, Gainesville, FL  
Amy Patterson, Impact Fee Manager, Collier County, Naples, FL  
Michael Reitmann, Lee County Building Industry Association, Fort Myers, FL  
Craig Richardson, Attorney, Clarion Associates, Chapel Hill, NC  
Bill Ross ty, Ross Associates, Atlanta, GA  
Robert Russell, Dir of Engineering, Washoe Co Regional Transportation Commission, Reno, NV  
Tyson Smith, Attorney, Frelich, Leitner & Carlisle, Kansas City, MO  
Margaret Sohagi, Attorney, Fox & Sohagi, Los Angeles, CA  
Kirk Sorensen, Government Solutions, Stuart, FL  
Robert Spencer, Principal Consultant, MuniFinancial, Oakland, CA  
Greg Stewart, Attorney, Nabors Giblin & Nickerson, Tallahassee, FL  
Nancy Stroud, Attorney, Weiss Serota, Fort Lauderdale, FL  
Steve Tindale, President, Tindale-Oliver & Associates, Tampa, FL  
Phil Tindall, Planner, Transportation Planning Department, Collier County, Naples, FL  
Paul Tischler, Tischler & Associates, Bethesda, MD  
Robert Wallace, Vice-President, Tindale-Oliver & Associates, Tampa, FL  
Cam Watson, C.N. Watson and Associates, Mississauga, Ontario  
Randy Young, President, Henderson Young & Company, Redmond, WA