

**Lee County Board of County Commissioners  
Agenda Item Summary**

DATE CRITICAL  
Blue Sheet No. 20040800

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Provide direction to County Attorney regarding disbursal of the balance of school impact fees collected to the School Board.

**WHY ACTION IS NECESSARY:** Based on the Court's partial final judgment ruling in favor of the County and the School Board, it is appropriate to consider the disbursement of the funds held in escrow by the County.

**WHAT ACTION ACCOMPLISHES:** Disbursement of cash retained by County will help the School Board use the funds collected to address the critical need for new school facilities.

**2. DEPARTMENTAL CATEGORY:**  
COMMISSION DISTRICT ALL

*A12B*

**3. MEETING DATE:**

*06-29-2004*

**4. AGENDA:**

- \_\_\_\_\_ CONSENT
- ADMINISTRATIVE
- \_\_\_\_\_ APPEALS
- \_\_\_\_\_ PUBLIC
- \_\_\_\_\_ WALK ON

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- \_\_\_\_\_ STATUTE
  - \_\_\_\_\_ ORDINANCE
  - \_\_\_\_\_ ADMIN. CODE
  - OTHER
- Release of cash held in escrow during pending of school impact fee litigation.

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER \_\_\_\_\_
  - B. DEPARTMENT County Attorney
  - C. DIVISION Land Use
- BY: \_\_\_\_\_  
Timothy Jones  
Chief Assistant County Attorney

**TIME REQUIRED:**  
5 Minutes

**7. BACKGROUND:** At the Board meeting on June 8, 2004, the Board expressed a desire to disburse the remaining balance of school impact fee funds collected and held in escrow by the County to the School Board. The County Attorney informed the Board that Plaintiffs filed a Motion for Rehearing. The Board then decided it would be prudent to wait to see if the Court changed its prior ruling based on the Plaintiffs' Motion for Rehearing. The Board directed the County Attorney's Office to schedule this matter for consideration by the Board at the end of June and, in the interim, to work with the School Board on appropriate conditions to govern the release of the remaining school impact fee funds that have been collected to date in an interlocal agreement.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
				<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signatures]</i>

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
6/14/04  
3:30 pm 567  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
6/16/04  
*[Signature]*

*PS*