



# MEMO TO CITY COUNCIL

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## Request to Include Topic on the City Council Work Session

**From:** William L. M. Nary, City Attorney and Kurt Starman, Deputy City Attorney  
**Meeting Date:** June 3, 2025  
**Presenter:** Kurt Starman, Deputy City Attorney  
**Estimated Time:** 20 minutes  
**Topic:** Request from Ada County and the Ada County Emergency Medical Services District to Enter Into Intergovernmental and Joint Powers Agreements Concerning Capital Improvements Plans

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### Recommended Council Action:

Discuss a request from Ada County ("County") and the Ada County Emergency Medical Services District ("District") to enter into the attached agreements ("Agreements") concerning the capital improvements plans ("CIPs") that are necessary to implement countywide development impact fees.

### Background:

The County and District wish to adopt countywide development impact fees to partially fund coroner-, jail-, and EMS-related capital improvements associated with new development. The proposed fees, which total \$750 per single-family housing unit, would be similar to the development impact fees collected by the Ada County Highway District. Unlike ACHD, however, the County and District cannot collect development impact fees within the incorporated cities without each city's participation. In order to proceed, every incorporated city must: (1) enter into intergovernmental agreements with the County and District; (2) adopt the CIPs; and (3) adopt an ordinance.

The City Council received a presentation about this proposal on December 17, 2024 and discussed a four-step implementation plan, as follows:

1. Enter into Agreements with the County and District that only address the CIPs at this time. The Agreements do not require the City to adopt the CIPs, nor do they require the City to adopt countywide development impact fees. Rather, the City would simply agree to consider the CIPs.
2. If the Agreements are approved, the City would then consider the CIPs in accordance with the Idaho Development Impact Fee Act. The basic steps are as follows:
  - a. The Ada County/Ada County Ambulance District Development Impact Fee Advisory Committee ("County DIFAC") would forward its written comments to the City in accordance with the Idaho Development Impact Fee Act.

- b. The Planning and Zoning Commission would conduct a public hearing concerning the CIPs and forward its recommendation to the City Council.
  - c. The City Council would conduct a public hearing and make its determination. If adopted, the CIPs would be added to the City's Comprehensive Plan. The City would not require an application fee to process the Comprehensive Plan amendment given the City's direct involvement.
3. If the City adopts the CIPs, it would then pause until all the other cities have adopted (a) the CIPs and (b) the ordinances necessary to collect countywide development impact fees.
  4. If all the other cities timely adopt the CIPs and necessary ordinances, the City would then consider adopting an ordinance to collect countywide development impact fees. A successor intergovernmental agreement would also be necessary at that time. As noted above, however, the City is not obligated to adopt countywide development impact fees.

As background, some of the "high-level" topics from the December 17, 2024 City Council meeting included:

1. This will likely be the first countywide development impact fee program in Idaho, so it would be prudent to proceed judiciously.
2. Ideally, the process to implement countywide development impact fees would be similar to the process utilized by ACHD, but that is not possible due to legal constraints (including limiting language in the Idaho Constitution concerning county ordinances).
3. The City will likely want to utilize the County DIFAC as the advisory committee for the proposed countywide development impact fees, since the County DIFAC and County staff have the requisite knowledge and expertise concerning coroner-, jail-, and EMS-related facilities.
4. Coroner-related facilities are not explicitly delineated in Idaho Code section 67-8203(24)(f), so it may be prudent to seek clarification from the Legislature.
5. The County may implement development impact fees for sheriff-related facilities without action by the incorporated cities.

The attached Agreements are substantially similar to the draft agreements the City Council reviewed on December 17, 2024. If the City Council is receptive to proceeding with the first step of the implementation plan outlined above, the Agreements will be placed on a future agenda for formal action.

#### Attachments

- Ada County and City of Meridian Intergovernmental and Joint Powers Agreement Concerning Capital Improvements Plans for County System Improvements
- Ada County Emergency Medical Services District and City of Meridian Intergovernmental and Joint Powers Agreement Concerning Capital Improvements Plans for District System Improvements