



Office of General Counsel
Hays County Courthouse
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December 5, 2017

MEMORANDUM

TO: Steve Parker, Assistant City Manager – City of San Marcos
CC: Clint Garza, Chief of Staff
FROM: Mark Kennedy, General Counsel
RE: Impact Fees – Public Safety Project

Dear Steve –

As you know, Hays County has been told that it will owe significant Impact Fees to the City of San Marcos, related to the construction and/or expansion of what we generally call the Public Safety Project, and which includes Fleet Services, Jail, Training and the Public Safety Building (Sheriff, 911/PSAP, Emergency Services). Those impact fees total \$400,486.

The Hays County Jail has been provided to the City free of charge ever since the City began using the County Jail decades ago to house its arrestees. Per our conversation last month, the County would like to request that the City's past and present use of the Hays County Jail be considered as an offset against those Impact Fees.

As you know, if the County followed the lead of other jurisdictions, the City would pay significant annual fees for jail use every fiscal year. Using a conservative estimate of approximately 180 arrests per month by SMPD, the City's annual costs would likely exceed \$175,000 under a standard jail use contract. In the spirit of partnership, however, Hays County has not opted to implement a per diem jail use contract with local agencies, including SMPD.

The Public Safety Project will greatly improve the booking and processing of arrestees, which will shorten the amount of time SMPD officers spend turning over an arrestee to the County. Requiring payment of impact fees for the Public Safety Project ignores the City's current use of the facility and the benefit that the project will have to the City of San Marcos and our other partners in law enforcement. On behalf of Hays County, I am humbly requesting that the Impact Fees be waived or offset for this project.

Please let me know how we can best deal with this very important issue. If you have questions or concerns, please don't hesitate to call.

Sincerely,

Mark Kennedy
General Counsel