



**Tindale-Oliver & Associates, Inc.**

**Planning and Engineering**

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December 6<sup>th</sup>, 2013

Lisa Juliano, Senior Buyer  
Palm Beach County  
Purchasing Department  
50 South Military Trail, Suite 110  
West Palm Beach, Florida 33415  
RFP No. 13-105/LJ

***RE: Request for Proposals – RFP NO. 13-105/LJ 2014 Impact Fee Biennial Update***

Dear Ms. Juliano:

Tindale-Oliver & Associates, Inc. (TOA) is pleased to submit this proposal for the above-referenced RFP. Included on our team are White & Smith (legal analysis) and Progressive Design and Engineering, Inc. (local data collection and coordination). We are a team of experts who have successfully assisted local governments in the implementation of capital and operating funding solutions for more than 20 years. Those solutions have included impact fees, user fees, special assessments, sales taxes, gas taxes, and rate studies, among others.

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With a population of 1.3 million, Palm Beach County has the third largest population in the state. The County's population growth was 2 percent between 2001 and 2007, which declined to 0.6 percent since then. Similarly, the County's taxable value per capita was increasing at an average annual rate of 11 percent between 2001 and 2007. Since then, this rate decreased to an average of -6 percent per year. Given this revenue loss, it is important to use other revenue sources. Palm Beach County implemented its road impact fee in 1979, which was followed by the implementation of other impact fees in six additional program areas. It is the County's policy to update the technical studies for impact fees biennially. The study goals also include an evaluation of different methods used for all program areas, especially in light of recent legislation related to mobility fees and proportionate share calculations. Our team of professionals has extensive experience and knowledge in

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preparing impact fee studies that address these issues. We completed several mobility/multimodal transportation impact fees along with fees for other program areas and are very familiar with legal requirements.

Over the past 24 years, TOA has earned a national reputation as a leader in impact fee studies and, more importantly, in their acceptance and implementation. We are a Florida-based firm that has successfully completed more than 200 impact fee studies, including those for Indian River, Hernando, Sumter, Collier, Pasco, Orange, Osceola and Polk Counties and the Cities of Oviedo, Orlando, Tampa, Parkland, Lakeland, and Ft. Pierce. Our familiarity with local conditions through past experience in the east coast of Florida along with our background review outlined in Tab 3.2 of this proposal, will assist us in developing an impact fee update study that is responsive to the County's goals. It is important to note that no impact fee study performed by TOA has ever been successfully challenged in any court system.

White & Smith is unique in that both Mark White and Tyson Smith have advanced planning degrees in addition to their law degrees. White & Smith has built a national reputation in the design, development, and implementation of growth management systems; public facility financing, including impact fees; and all aspects of land-use litigation for the public sector. Tyson Smith has worked with TOA during several impact fee and mobility studies, including those for the Cities of Oviedo and Orlando as well as Indian River, Orange, Collier, and Pasco counties.

Progressive Design and Engineering, Inc. (PD&E), an SBE firm, has been providing traffic data collection and traffic engineering services to public and private sectors for the past 15 years, including Palm Beach County. PD&E will provide assistance in data collection and local coordination for this study.



TOA is unique in that most of our principals and senior professional staff are experienced in impact fees. In addition, the TOA Team includes engineers, economists, planners, and attorneys, as well as individuals with previous public sector experience. This substantial experience ensures the dedication of resources that will result in a project completed on time and supported by reliable and accurate information. Following are benefits and reasons why you should select the TOA Team for your project:

- The TOA Team has completed multiple impact fee studies and prepared ordinances for the same impact fee program areas and tasks identified in your RFP. The benefit is that we know exactly what is needed to prepare these studies, and there will be no lost startup time or unnecessary expenses.
- TOA's studies are accurate, technically sound, and defensible. The benefit from the fee schedules is the ability to maximize revenues for infrastructure capital improvements while minimizing successful legal challenges.
- TOA has developed impact fee methodologies that are responsive to local government growth management and economic development goals. The benefit is that local governments receive not only a basic impact fee update, but also a tool that helps with their planning goals.
- TOA knows how to present information in a clear and concise manner to committees and elected officials. The benefit is that we build credibility and acceptance of study recommendations from both the elected officials and the public.
- In addition to impact fee studies and ordinances, TOA has written many administrative procedures manuals and developed impact fee calculators for a number of impact fee clients. The benefit is a more knowledgeable government staff that spends less time administering the impact fee program and a more informed public that gets its impact fee applications approved quickly.



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- TOA Principals Steve Tindale and Bob Wallace are recognized as expert witnesses in impact fees, comprehensive planning, and concurrency. As such, we understand the legal issues and the relation of impact fees to other planning functions.

In conclusion, I would like to emphasize the personal commitment of our team. The study will address your objectives and focus on impact fee strategies that result in accurate and equitable impact fee programs. This will assist the County in achieving its growth management and economic development goals. We look forward to the opportunity to serve Palm Beach County.

Sincerely,

A handwritten signature in cursive script that reads "Steven A. Tindale".

Steven A. Tindale, P.E., AICP  
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# Tab 3.1: Experience/Qualifications/Background/References

## FIRM OVERVIEW

TOA is a firm with a reputation as a leader in providing quality, innovative finance and planning services to its government clients. It has grown from a firm of three employees in 1989 to a firm of 65, including 11 PEs, 19 AICPs, 1 PTOE, 10 engineers, 2 computer programmers, 1 graphic artist, and 5 GIS/planning technicians.

TOA was created to provide innovative financing programs, comprehensive planning, and infrastructure planning services to local government entities. The principals of TOA have invested over 80 years of their professional careers working for city, county and state agencies. This experience affords them a real-life understanding of issues government officials face in comprehensive planning, infrastructure planning, and innovative infrastructure financing alternatives, and, more importantly, in how to implement selected alternatives.

TOA's Public Finance, Infrastructure Planning & Smart Growth Team specializes in impact fee studies, assessments, user fees, and alternative funding studies. TOA is very familiar with various methodologies used to prepare impact fees and knows how to apply each methodology correctly to ensure that new development is not overcharged and that the fees are technically defensible.

The following paragraphs provide a summary of the TOA Team's unique qualifications, experience, and innovations upon which we will draw in preparing the impact fee study for Palm Beach County.

**Impact Fee Methodology** – Both Steve Tindale and Bill Oliver have published articles on impact fees that document the correct methodology and approach to conducting trip characteristic studies and developing impact fee programs. These articles set the standard for impact fee studies and have been used by many agencies across the nation to develop impact fee programs, including work by other consultants.





**TOA Smart Growth Impact Fee Methodology**  
Steve Tindale presented a paper entitled "Smart Growth and Impact Fees" at the Reconciling Impact Fees Symposium in Atlanta. In that paper, TOA developed a methodology that allows impact fees to be sensitive to the growth rate of various areas within a county. TOA has directly tied the rate of growth in the impact fee equation and is now using this concept in TOA's current ongoing Florida Impact/Mobility Fee studies. Some of the findings of the paper were applied in an impact fee study completed for and adopted by the City of Albuquerque (NM), City of Orlando (FL), Pasco County (FL), and Hernando County (FL).

**Fire/EMS Impact Fee Methodologies** — TOA staff members are very knowledgeable about different methodologies used to calculate fire/

EMS impact fees, and has used fire flow, call-based and functional population-based approaches in our impact fee work. TOA has worked with incident data through its impact fee and fire assessment fee studies, and is very familiar with the National Fire Incident Reporting System (NFIRS) as well as the National Fire Protection Association (NFPA)

standards, ISO requirements and ratings that tend to influence decisions on timing and location of capital assets.

**Trip Characteristics Studies for Impact Fees —**

TOA has extensive experience in conducting trip characteristics studies for impact fees. TOA's trip characteristics database includes 200+ studies on 40 different land uses. Data from these studies include trip generation, trip length, and percent new trips for each land use. This information has been used in the development or update of impact fees and the creation of land use plan category trip characteristics for communities in Florida and other states. All of the firm's principals have managed, supervised, and/or conducted trip characteristic studies.

**ITE Trip Length Subcommittee — Steve**

Tindale was the chair of the ITE Trip Length Subcommittee, which developed trip length data for more than 30 land uses. He participated on the panel that introduced this information at the 67th Annual Meeting of the ITE. Bill Oliver also was a member of the subcommittee.





**ITE Trip Generation Multi-Use Development Subcommittee** – Bob Wallace participated on the ITE Trip Generation Multi-Use Development Subcommittee. Having completed several multi-use development studies in Florida, he provided valuable input in the data collection and analysis of multi-use developments, as well as in the development of standardized forms to measure the trip generating characteristics of multi-use developments. The result of this work effort is Chapter 7, "Multi-Use Development," in the 2004 *ITE Trip Generation Handbook*.

**Student Generation Analysis** — The diverse make-up of our firm allows TOA staff to develop innovative methods and approaches to completing projects. For example, TOA is one of the few consultants in Florida to successfully calculate student generation rates (SGR) using Geographic Information Systems (GIS) by spatially tying student addresses to parcel data. This analysis provides the number of students per household, by type and size of dwelling unit, based on the most current data available.

**Impact Fee Public Presentations** – Principals of TOA have prepared and made over 500 impact fee presentations during the last 20 years. As such, our staff are qualified to prepare materials for impact fee adoption hearings, respond to questions from citizens and technical committees, and develop strategies that result in the successful implementation of new and updated ordinances. We also have worked very closely with impact fee evaluation and review committees and have been successful in building consensus among people with different opinions on a variety of impact-fee-related topics.

**Expert Testimony** - Steve Tindale and Bob Wallace have provided expert testimony and research on impact fee related matters in several Florida cases. Testimonies have included a discussion that a development's impact fees did not constitute "adequate provision" to mitigate all traffic impacts associated with an overpass, demonstration that a developer's traffic study was flawed and incomplete, and parking testimony in an eminent domain case concerning the use of land for a parking garage. TOA testimony in these cases was key to winning an across-the-



board victory for governmental clients in each of these cases.

**Nationally Recognized** – Bob Wallace, Nílgún Kamp, and Tyson Smith are members of the Growth and Infrastructure Consortium (GIC) (formerly the National Impact Fee Roundtable), serving on the Board of Directors. They, along with Steve Tindale, routinely make presentations and moderate sessions at annual GIC meetings.

**Infrastructure Planning/Master Plans** – TOA has prepared Transportation, Fire, and Parks Master Plans and Future School Location Analyses for local governments, and therefore, understands the relation between impact fees, master plans, and economic development and growth management goals.

**Dedicated Transit and Planning Groups** – In addition to its Public Finance Services Group, TOA has dedicated transit and planning service groups. TOA's full line of transit services includes transit governance and funding studies. The Planning Services Group specializes on growth management issues, land development regulations, multi-modal

transportation concurrency, and other planning issues. This background and resources allow TOA to have a better understanding of urban development requirements and issues faced by local governments in balancing urban and rural development patterns.

In summary, TOA specializes in the development of impact fees and other funding methods and their successful implementation. Regarding TOA's qualifications and expertise, we leave you with the following thoughts:

- Project team members have significant experience in developing and implementing impact fees.
- No impact fee study or ordinance completed under the direction of TOA has ever been successfully challenged in any court system.
- Both Steve Tindale and Bob Wallace are recognized experts in the areas of impact fees, concurrency management, and comprehensive planning, having successfully represented multiple governmental agencies on matters



relating to impact fees in quasi-judicial hearings and administrative hearings, as well as the Florida Supreme Court. In past expert witness services, Steve Tindale and Bob Wallace have provided key testimony that resulted in across-the-board victories for their governmental clients.

- Steve Tindale, Bill Oliver and Bob Wallace have written papers that set national standards and procedures on how to properly develop impact fee programs. These papers have been used to develop impact fees in communities across the country.
- As past public administrators, Steve Tindale and Bob Wallace understand the technical requirements, political systems, and legal framework within which impact fee programs are developed and successfully implemented.

- TOA Public Finance staff knows how to present information in a manner that is easily understandable to the public, having made more than 500 public presentations on impact fees and their implementation.

#### SAMPLE REPORTS

Examples of TOA's previous work are included on the CD Included with this proposal.

#### PUBLISHED BOOKS AND ARTICLES

- *What Kaontz v. St. Johns River Water Management District means for Planners...for Now* by E. Tyson Smith, Zoning Practice (American Planning Association) - October 2013
- *Legal Aspects of Conservation Easements: A Primer for Transportation Agencies* by E. Tyson Smith, Legal Research Digest: 60 (Transportation Research Board) - October 2013
- *Smart Growth Economics* by Steven A. Tindale and A. Nilgün Kamp, Quality Cities by Florida League of Cities, August 2012
- *Land Use Compatibility Near Military Bases* by E. Tyson Smith with Appel, Zoning Practice (American Planning Association) - May 2011
- *Compatible Land Use Near Military Installations* by E. Tyson Smith with Appel, Planning and Environmental Law





- (American Planning Association) - April 2011
- *Development Impact Fees 2006: A Year in Review* by E. Tyson Smith with Juergensmeyer, Planning and Environmental Law (American Planning Agency) - February 2007
  - *Chapter 7, "Multi-Use Development," 2004 ITE Trip Generation Book*, contributed by Bob Wallace, 2004
  - *Development Impact Fee Trends and Tucson Case Study* by E. Tyson Smith, presented to the Joint Water Environment Federation and America Water Works Association Management Conference—Spring 2004
  - *Smart Growth and Impact Fees* by Steven A. Tindale and Krista Kelly, presented at Reconciling Impact Fees Symposium — April 2002
  - *Do Unto Religious Uses as You Would Have Done Unto Nonreligious Uses: An Overview of the Religious Land Use and Institutionalized Persons Act of 2000* by E. Tyson Smith, The Environmental and Land Use Law Section Reporter, Vol. XXIII, No. 2 (Florida Bar Association) - January 2002
  - *Brief of the American Planning Association and the National Trust for Historic Preservation as Amici Curiae In Support of Respondents* by E. Tyson Smith with Freilich and Divelbiss, presented in the Supreme Court of the United States, *Tahoe Sierra Preservation Council, Inc., et al. v. Tahoe Regional Planning Agency, et al.* — 2001
  - *Investment-Backed Expectations, Background Principles, and the Public Interest: Palazzolo and Beyond* by E. Tyson Smith, Trends in Land Use Law from A to Z, Patricia E. Salkin, ed. (American Bar Association) - 2001
  - *Impact Fees — Issues, Concepts and Approaches* by Steven A. Tindale, ITE Journal—May 1991
  - *Measuring Travel Characteristics for Transportation Impact Fees* by William E. Oliver, ITE Journal — April 1991

#### REFERENCES AND RELATED PROJECTS

Successful performance on similar jobs is best demonstrated through a sampling of client references of individuals who can attest to our

