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HOME BUILDERS ASSOCIATION OF WEST FLORIDA AND MCDONALD FLEMING MOORHEAD GAIN VICTORY OVER IMPACT FEES FOR DEVELOPERS AND BUILDERS

PENSACOLA, Fla. (November 2016) – McDonald Fleming Moorhead and the Home Builders Association of West Florida (HBA) scored an impressive victory in a matter that went before the Escambia County Board of County Commissioners back in September.

A rural water utility was charging impact fees to developers and builders in an untimely and unreasonable manner. The HBA hired McDonald Fleming Moorhead to seek to have the impact fees reversed. After many meetings, strategy sessions, and discussions, Stephen Moorhead appeared before the Board of County Commissioners (BCC) along with counsel for the utility. The BCC discussed the issues for 90 minutes, during agenda review. Later, at the BCC meeting, the utility counsel informed the board his client agreed to reverse the impact fee policy. Additionally, the HBA requested and obtained an informal opinion that the utility was subject to open government laws. “Commissioners sent a signal to other utilities that they need to comply with laws, like the public records law,” Moorhead said. David Peaden, who is the Executive Director of the HBA said, “This is a huge win for our HBA and development industry in that the other utilities are taking notice of what transpired and the County is going to give these smaller utilities more scrutiny and oversight”.

At its Committee of the Whole meeting this month, the BCC agreed that small utilities needed to be better informed regarding public access as well as good corporate governance practices. County staff was tasked with developing an educational program to accomplish these objectives.

To read the full article on the impact fees matter, please visit the [Cornerstone Magazine November Issue](#). You will find the article, written by Duwayne Escobedo, on page 6.

McDonald Fleming Moorhead has been serving the Northwest Florida area since 1988. The firm has been AV® rated by Martindale Hubbell Law Directory, which is the highest possible designation for legal services and ethical standards. The firm has two downtown offices: 127 Palafox Place, Suite 500 and 719 South Palafox Street. For more information, visit pensacolalaw.com.

