

NORTH COUNTY FIRE PROTECTION DISTRICT



RESOLUTION 2009-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT MAKING THE ANNUAL REQUIRED FINDINGS OF THE SAN DIEGO COUNTY FIRE MITIGATION FEE ORDINANCE FY 2009/2010.

WHEREAS, the North County Fire Protection District is anticipating that further new development will occur within the District which will cause the further need for the expansion of existing fire protection facilities; and

WHEREAS, the North County Fire Protection District is currently participating in the San Diego County Fire Mitigation Fee Program; and

WHEREAS, the County of San Diego has established fee ceilings for types of constructions by Chapter 3 of Division 10 of Title 8, (commencing with Section 810.301) of the San Diego County Codes; and

WHEREAS, the County of San Diego has amended Chapter 3, Division 10 of Title 8 of the San Diego County Code of Regulatory Ordinances relating to fire mitigation fees; and

WHEREAS, the North County Fire Protection District intends hereby to comply with said amendments to continue to participate in the Fire Mitigation Fee Program.

IT IS HEREBY FOUND THAT:

- a) The North County Fire Protection District does not have existing facilities which could be used to provide an adequate level of service to new development within the District's boundaries; and
- b) The North County Fire Protection District does not have sufficient funds available to construct additional facilities from fund balances, capital facility funds, property tax sources or any other appropriate sources; and
- c) The lack of fire protection facilities and equipment to serve new development would create a situation perilous to the public health and safety if fire mitigation fees are not levied within the District; and
- d) The annexation fees charged by the North County Fire Protection District do not include a payment towards costs of capital facility and equipment expansion as a component of the fee.

IT IS HEREBY RESOLVED THAT:

- 1) The North County Fire Protection District requests the County of San Diego to collect 100% of the ceiling amount of the fire mitigation fee on the District's behalf from applicants for building permits. This percent of the ceiling fee is equal to or less than the capital facility expansion needs caused by new development.
- 2) The fee amounts do not exceed the ceiling for the fire mitigation fees established by the San Diego Board of Supervisors.
- 3) Mitigation fees paid under this Program will be used to expand the availability of capital facilities and equipment to serve new development.
- 4) The District shall place all funds received by the County under this Program and all interest subsequently accrued by the District on these funds, in a separate budget accounting category to be known as the "San Diego County Fire Mitigation Fee."
- 5) The District shall expend funds from said "San Diego County Fire Mitigation Fee" budget accounting category only for the purposes of providing capital facilities and equipment to serve new development.
- 6) The District shall make its records available to the public on request, which justify the basis for the fee amount.
- 7) The District shall hold San Diego County harmless for any errors made by the County in collecting and/or transmitting these fees to the District.
- 8) The District agrees to a review of revenues and expenditures each fiscal year by a committee established by the County Board of Supervisors.
- 9) The District shall submit a fire mitigation fee annual report to the County of San Diego no later than August 29th of each year to the Director of the Mitigation Fee Program. Said report shall include, but not limited to, the balance in the account at the end of the previous fiscal year, the fee of revenue received, the amount and type of expenditures made and the ending balance in the fund. The report shall further specify the actions the District plans to take to alleviate the facility in equipment needs caused by new development. The District shall make available, upon request by the Director, a copy of its annual audit report.
- 10) By April 30th of each year following the year of original adoption of this District's resolution, the North County Fire Protection District shall submit a copy of a new resolution adopted by the Board of Directors making the required findings and setting the percentage of the fire mitigation ceiling requested by the District.

RESOLUTION 2009-01

MARCH 24, 2009

PAGE 3 OF 3

- 11) All fees collected pursuant to the San Diego County Fire Mitigation Fee Ordinance shall be used by the District for the purpose of providing for capital facilities and equipment.
- 12) "Facilities and equipment" means any long-term capital facilities and equipment used by the North County Fire Protection District for suppression or emergency medical services, including station construction, station expansion and fire or emergency medical apparatus.

ADOPTED, SIGNED AND APPROVED by the Board of Directors, North County Fire Protection District, County of San Diego, State of California, on this **24th day of March 2009**, by the following vote:

AYES: Directors Harris, Hooper, Munson, Schaden and Thuner

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: None



Kenneth Munson
Board President

ATTEST:

I HEREBY CERTIFY that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Board of Directors of the North County Fire Protection District thereof held on the 24th day of March, 2009, and that the same now appears on record in my office.

IN WITNESS THEREOF, I hereunto set my hand and affixed by official seal this 24th day of March 2009.



Loren A. Stephen-Porter
Board Secretary