Lake County Fire Protection District

RESOLUTION NO. 20-0301

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE COUNTY FIRE PROTECTION DISTRICT MAKING FINDINGS AND REQUESTING THE COUNTY OF LAKE TO IMPLEMENT FIRE MITIGATION FEES PURSUANT TO THE LAKE COUNTY FIRE MITIGATION FEE ORDINANCE

WHEREAS, The Lake County Fire Protection District (District) is anticipating that new development will occur within the District which will cause the need for the expansion of existing fire protection facilities and additional equipment, and

WHEREAS, the District does not have sufficient funds available to construct additional facilities and purchase additional equipment from fund balances, capital facility funds, property tax sources, fire suppression assessments, or any other appropriate sources necessitated by new development, and

WHEREAS, in order to protect the health and safety of the residents of the District, it is necessary to request the County of Lake to implement the Fire Mitigation Fee Ordinance with the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Lake County Fire Protection District hereby make the following findings:

(1) The District does not have existing fire protection facilities and equipment which could be used to provide an adequate level of services to new development within the Districts boundaries;
(2) The District does not have sufficient funds available to construct additional facilities and purchase additional equipment from fund balances, capital facility funds, property tax sources, fire suppression assessments, or any other appropriate sources;
(3) The lack of fire protection facilities and equipment to serve new development would create a situation perilous to public health and safety if fire mitigation fees are not levied within the District.

BE IT FURTHER RESOLVED that:

(1) The District requests that the County of Lake collect up to 100% ($1.00 per sq. ft.) of the fire mitigation fee (ceiling of $1.00) for all buildings and covered areas required to have a permit. Upon application for building permits or other permits for development.
(2) Mitigation fees paid pursuant to the Fire Mitigation Fee Ordinance shall only be used to expand the availability of capital facilities and equipment to serve new development.
(3) The District shall place all funds received by the County under this Article, and all interest subsequently accrued by the District on these

funds, in a separate budget accounting category to be known as the "Lake County Fire Mitigation Fee".

(4) The District shall expend funds from said "Lake County Fire Mitigation Fee" budget accounting category only for those purposes of providing capital facilities and equipment to serve new development.

(5) The District shall submit a Fire Mitigation Fee Annual Report no later than October 31 of each year to the County Clerk. Said report shall include, but not be limited to, the balance in the account at the end of the previous fiscal year, the fee revenue received, the amount and type of expenditures made, and the ending balance in the fund. In addition, the report shall specify the actions the District plans to take to alleviate the facility and equipment needs caused by new development in a capital fire facilities and equipment plan, adopted at a noticed public hearing. The District shall make available, upon request by the County Clerk, a copy of its annual audit report.

(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 the County harmless for any errors made by the County in collection or accounting for the fees for the District.

(8) The District shall make findings, with respect to any portion of the fee remaining unexpended or uncommitted in its account, for five or more years after deposit of the fee, to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and purpose to which it is charged. The District shall refund to the then current record owner or owners of the development project or projects, on a prorated basis, the unexpended or uncommitted portion of the fee and any interest accrued thereon, for which need cannot be demonstrated.

A certified copy of this Resolution shall be delivered to the Clerk of the Lake County Board of Supervisors.

ADOPTED by the Board of Directors of the Lake County Fire Protection District at a regular meeting held on March 25, 2020, by the following vote:

AYES: Dean, Fults, Meisenbach, Moore, Snyder, Spriet, Watson

NOES: None

ABSENT OR ABSTAIN: None

CHAIRPERSON OF THE BOARD

ATTEST:

Miasha Rivas
Clerk of the Board