RESOLUTION NO. 20/21-07

LAKEPORT FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS

A RESOLUTION MAKING FINDINGS AND REQUISITION IMPOSITION OF FIRE MITIGATION FEES PURSUANT TO THE COUNTY OF LAKE FIRE MITIGATION FEE ORDINANCE

WHEREAS, the Lakeport Fire Protection District, (DISTRICT), County of Lake, State of California, is anticipating that new development will occur within the DISTRICT which will cause the need for the expansion of existing fire protection facilities: and,

WHEREAS, the District does not have sufficient funds available to construct additional facilities 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 within the DISTRICT;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the DISTRICT does 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 DISTRICT'S boundaries;

(2) The DISTRICT does not have sufficient funds available to construct additional facilities 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 were not levied within the DISTRICT.

BE IT FURTHER RESOLVED that:

(1) Resolution 19/20-09 is repealed in its entirety and replaced with this resolution.

(2) The DISTRICT requests that the County of Lake collect 100% ($1.00 per sq. ft.) of the fire mitigation fee ceiling on the DISTRICT'S behalf upon applicants for building permits or other permits for Development;

(3) 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.

(4) The DISTRICT shall place all funds received by the County under this Resolution and all interest subsequently earned by the DISTRICT on these

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

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

(6) 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 action 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.

(7) The DISTRICT shall make its records justifying the basis for the fee amount available to the public on request.

(8) The DISTRICT shall hold the County harmless for any errors made by the County in collection or accounting for the fees for the DISTRICT.

(9) The DISTRICT shall make findings, with respect to any portion of the fee remaining unexpended or uncommitted in its account 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 the purpose for which it was 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.

THIS RESOLUTION WAS PASSED AND ADOPTED by the Board of Directors of the Lakeport Fire Protection District at a legally noticed meeting thereof held on the 11th day of May 2021, by the following vote:

AYES: Vice Chairman Gabe, Director Flora, Chairman Whitehead, Directors Lucas and Deas.

NOES: None.

ABSENT OR NOT VOTING: None.

[SEAL]

LAKEPORT FIRE PROTECTION DISTRICT

John Whitehead
CHAIRMAN, Board of Directors

ATTEST:

Mandi Huff
Administrative Assistant