

RESOLUTION NO. 19-374

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE CAPITAL FIRE FACILITIES AND EQUIPMENT PLAN AND ADOPTING AND IMPLEMENTING FIRE PROTECTION MITIGATION FEES FOR THE HOPLAND FIRE PROTECTION DISTRICT PURSUANT TO MENDOCINO COUNTY CODE CHAPTER 5.36

WHEREAS, on October 17, 2006, the Board of Supervisors adopted Ordinance No. 4175, relating to fire protection mitigation fees, which was later codified as Mendocino County Code Chapter 5.36; and

WHEREAS, pursuant to Mendocino County Code Chapter 5.36, local fire protection districts may seek approval by the Board of Supervisors for the assessment and implementation of fire protection mitigation fees associated with new development within the boundaries of said districts; and

WHEREAS, the Hopland Fire Protection District has adopted a resolution and a capital fire facilities and equipment plan pursuant to section 5.36.040 of the Mendocino County Code, and presented the same to the Clerk of the Board of Supervisors; and

WHEREAS, upon the implementation of said fire mitigation fee, the Hopland Fire Protection District will comply with the provisions of Mendocino County Code Chapter 5.36.

NOW, THEREFORE, BE IT RESOLVED, that the Mendocino County Board of Supervisors hereby approves the resolution and capital fire facilities and equipment plan, in the form attached to this Resolution as Exhibit A, finding that the documents meet the requirements of Chapter 5.36 of the Mendocino County Code and Government Code section 66000 *et seq.*

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves a fire mitigation fee for, and to be collected by, the Hopland Fire Protection District, with fees as specified in Hopland Fire Protection District Resolution No. 2019-2 on applicants for development projects within the Hopland Fire Protection District, to be effective in 60 days (pursuant to Government Code section 66017) from the date of adoption of this resolution.

BE IT FURTHER RESOLVED that the Hopland Fire Protection District is hereby directed to notify the County building official of the effective date of its mitigation fee.

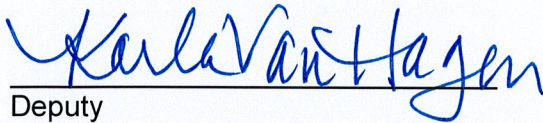
BE IT FURTHER RESOLVED that by March 31 of each year following the year of the original adoption of a resolution and approval by the Board of Supervisors of fire mitigation fees under Mendocino County Code Chapter 5.36, the Hopland Fire Protection District shall submit a copy of a new resolution adopted by the District's governing body making the findings required by section 5.36.040(A) of said Chapter and identifying the fire mitigation fees requested by the fire district. If the resolution proposes to increase the fire mitigation fees, the resolution shall only become effective if approved by the Board of Supervisors in the manner set forth in section 5.36.40(D) of said Chapter 5.36. A revision of fire mitigation fees shall become effective the following July 1.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 22nd day of October, 2019, by the following vote:

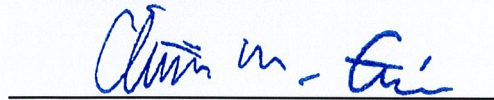
AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

APPROVED AS TO FORM:
CHRISTIAN CURTIS
Acting County Counsel

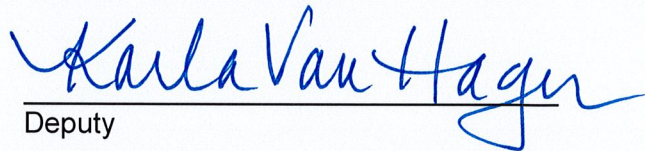




CARRE BROWN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy

RESOLUTION NO. 2019-2

**THE BOARD OF DIRECTORS
OF THE HOPLAND FIRE PROTECTION DISTRICT
ADOPTING A CAPITAL FIRE FACILITIES AND EQUIPMENT
PLAN AND REQUESTING THE COUNTY OF MENDOCINO
BOARD OF SUPERVISORS TO IMPLEMENT FIRE PROTECTION
MITIGATION FEES FOR THE HOPLAND FIRE PROTECTION
DISTRICT**

WHEREAS, the Board of Directors of the Hopland Fire Protection District, recognizes that continuing development within the Fire District places added responsibilities and cost to the Fire District; and

WHEREAS, the County of Mendocino has, by Ordinance No. 4175, established and implemented a procedure for the adoption of fire protection mitigation fees and to ensure the assessment and collection of these fees in connection with the issuance of building permits. The fire protection mitigation fees are to be allocated to the fire district for the acquisition of capital facilities and equipment in order to ensure the provision of the capital facilities and equipment necessary to maintain current levels of fire protection services that are required as the result of new development projects within the boundaries of the Hopland Fire Protection District pursuant to Mendocino County Code chapter 5.36; and

WHEREAS, the County of Mendocino has, by Ordinance No. 4175, established and implemented a procedure for the adoption of fire protection mitigation fees and to ensure the assessment and collection of these fees in connection with the issuance of building permits; and

IT IS HEREBY FOUND THAT:

- (1) The Hopland Fire Protection District does not have existing fire protection facilities and equipment that could provide an adequate level of services to new development within the Fire Districts boundaries; and
- (2) The Hopland Fire Protection District does not have sufficient fund available to construct additional facilities and purchase additional equipment from fund balances, capital facility funds, property tax sources; and

- (3) The lack of additional fire protection facilities and equipment to service new development projects would create a situation that is dangerous to the public health and safety if fire protection mitigation fees are not levied within the Fire District

IT IS HEREBY RESOLVED THAT:

- (1) The Hopland Fire Protection District requests that the County of Mendocino authorize a specified fire protection mitigation fee per square foot of a proposed structure on applicants for development projects as follows:

<u>Land Use</u>	<u>Fire Impact Fees</u>
<u>Residential Development</u>	<u>Per Living Area Sq. Ft.</u>
Single Family Housing	\$1.91
Multi-Family Housing	\$2.28
<u>Nonresidential Development</u>	<u>Per Building Sq. Ft.</u>
Retail / Commercial	\$1.92
Office	\$2.57
Industrial	\$2.01
Agriculture	\$1.17
Warehouse / Distribution	\$1.27

- (2) Fire Protection mitigation fees imposed under the County of Mendocino's Fire Protection Mitigation Fee Ordinance (Ordinance) shall only be used to expand the availability of capital facilities and equipment to provide fire services to new development projects; and
- (3) The Hopland Fire Protection District shall place all funds collected under this Ordinance and all interest subsequently accruing on these funds in a separate budget accounting category, known as "HFPD Fire Protection Mitigation Fee", only for those purposes of providing capital improvements and equipment to serve new development projects; and
- (4) The Hopland Fire Protection District shall spend funds from the "HFPD Fire Protection Mitigation Fee" budget accounting category only for those purposes of providing capital improvements and equipment to service new development projects; and
- (5) The Hopland Fire Protection District shall submit a fire protection mitigation fee annual report no later than October 31st of each year to the Clerk of the Board of

Supervisors. The report shall include, but not be limited to: the balance in the account at the end of the prior fiscal year, the fire protection mitigation fee received, the amount and type of expenditures made and the ending balance in the fund. In addition, the report shall specify the actions the Fire District plans to take to mitigate the facility and equipment needs caused by the new development projects in a capital fire facilities and equipment plan adopted at a notice public hearing. The Fire District shall make available, upon request by the Clerk of the Board, a copy of the annual audited report; and

- (6) The Hopland Fire Protection District shall make its records that justify the basis for the fire protection mitigation fee amount available to the public upon request; and
- (7) The Hopland Fire Protection District shall agree to indemnify and defend the County of Mendocino and its officers, agents, and employees from any claim, action, or proceeding that arises from or is in any way related to the fire protection mitigation fees; and
- (8) For the fifth fiscal year following the first deposit into the “HFPD Fire Protection Mitigation Fee” account and every five (5) years thereafter, the Fire District shall make all of the following findings with respect to any cash portion of the fire protection mitigation fees remaining unexpended or uncommitted in the account:
 - (a) Identify the purpose to which the fee is to be put;
 - (b) Demonstrate a reasonable relationship between the fee and the purpose for which it was charged,
 - (c) Identify all sources and amounts of funding anticipated to complete financing all incomplete improvements, and
 - (d) Designate the approximate dates on which complete funding is expected to be deposited into the account.

If the findings in subsections (8) (a) through (d) above are not made, the Hopland Fire Protection District shall refund, on a prorated basis, to the current record owner or owners of the development projects for which the fees were paid the unexpended and uncommitted portion of the fees and any interest accrued for which a need cannot be demonstrated.

IT IS HEREBY FURTHER RESOLVED THAT:

- (9) The government board of the Hopland Fire Protection District adopted a capital fire facilities and equipment plan June 6, 2019, in compliance with Government Code Section 66002 at a noticed public hearing; and

- (10) The Hopland Fire Protection District will add a 10% charge to the specified fire protection mitigation fee that reflects the Fire District's reasonable costs of administering the fee and complying with all laws, ordinances, and regulations related to the fee, including the requirements imposed by the County's Fire Protection Mitigation Fee Ordinance; and
- (11) The "HFPD Fire Protection Mitigation Fee" may be amended annually or from time to time in accordance with the procedures and based upon the findings for such fees set forth in Government Code Section 66000 *et seq.*, or any applicable successor statutes; and
- (12) Subject to the Board's approval, on July 1st of each fiscal year, beginning in July, 2020, the Fire Chief, or his/her designee shall make annual adjustments to the dollar amounts of the Fire Protection Mitigation Fee by a percentage equal to the percentage change in the "*Engineering News Record's Construction Cost Index – 20 Cities annual Average*" for the proceeding twelve (12) month period calculated from January 1 to December 31. This adjustment will offset the effects of inflation-related construction cost increases (or any deflation related decreases). If this index should cease publication, the Fire Chief shall use any appropriate official index published by the Bureau of Labor Statistics, or successor, or similar agency as may then exist or may then be most nearly equivalent thereto. Land costs may be evaluated annual and adjusted as necessary based on the current market conditions at the time. The Fire Chief shall present the new Fire Protection Mitigation Fee or adopting by resolution of the Board of Directors after at least one public Hearing.

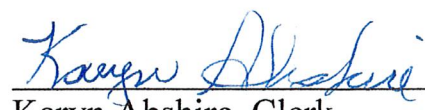
PASSED AND ADOPTED by the Board of Directors of the Hopland Fire Protection District, at a regularly scheduled meeting held on the 10th of July, 2019, by the following vote:

AYES: Brutocao, Clark, Leonard, Mastin, Roderick
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST:



Wesley M. Clark, Chairman
Board of Directors



Karyn Abshire, Clerk
Board of Directors

Hopland Fire Protection District			Adopted 06/06/2019					
Capital Improvement Plan								
Type	Location	Size	Timing of Availability (Facilities	Apparatus	Equipment	Total Estimated Cost (2018\$)	
Facilities								
Fire Station Relocation	XXX	10,000 sq. ft.	2027	\$3,920,000			\$3,920,000	
Fire Station Relocation	XXX	15,000 sq. ft.	2024	\$5,880,000			\$5,880,000	
Apparatus, Vehicles and Ancillary Equipment								
New Type I Urban Interface	Systemwide	Type 1	2021		\$475,000	\$105,000	\$580,000	
New Ariel Ladder Truck	Systemwide	Ladder	2022		\$1,000,000	\$125,000	\$1,125,000	
Type III Replacement	Systemwide	Type III	2019		\$350,000	\$50,000	\$400,000	
Type III Replacement	Systemwide	Type III	2019		\$350,000	\$50,000	\$400,000	
Water Tender Replacement	Systemwide	Tender	2021		\$300,000	\$25,000	\$325,000	
Water Tender Replacement	Systemwide	Tender	2022		\$300,000	\$25,000	\$325,000	
Command Vehicle Replacement	Systemwide	3/4 Ton	2018		\$50,000	\$15,000	\$65,000	
Command Vehicle Replacement	Systemwide	3/4 Ton	2018		\$50,000	\$15,000	\$65,000	
New Communication Tower	Systemwide		2018		\$100,000	-	\$100,000	
Total Improvements				\$9,800,000	\$2,975,000	\$410,000	\$13,185,000	

Source: Hopland Fire Protection District

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