

RESOLUTION NO. FD 2015-

A RESOLUTION OF THE SAN MARCOS FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS ADOPTING THE FIRE MITIGATION FEE RATE  
SCHEDULE AND AUTHORIZING PARTICIPATION IN THE SAN DIEGO  
COUNTY FIRE MITIGATION FEE PROGRAM

WHEREAS, the San Marcos Fire Protection District presently participates in the San Diego County Fire Mitigation Fee Program; and

WHEREAS, the San Diego County Board of Supervisors recently adopted the Annual Fire Mitigation Fee Report with no increase to the fire mitigation rates charged to new development within the unincorporated area of the County; and

WHEREAS, the County Code requires an annual resolution from the Fire Protection District Board adopting the fee schedule and expressing the District's continuing desire to participate in the mitigation fee program; and

WHEREAS, the District Board anticipates substantial near term development within the District which will necessitate the expansion of existing fire services.

NOW, THEREFORE, BE IT RESOLVED THAT THE SAN MARCOS FIRE PROTECTION DISTRICT BOARD FINDS AS FOLLOWS:

1. The Fire Protection District's existing facilities and equipment are inadequate to ensure an appropriate level of service to new development within the District's boundaries.
2. The District is unable to finance the required capital resources from existing fund balances, property tax revenues or other available funding sources.
3. The lack of adequate fire protection resources to serve new development poses a danger to the public health, safety and welfare if fire mitigation fees are not assessed against such projects within the District.
4. The District does not charge annexation fees.

BE IT FURTHER RESOLVED BY THE DISTRICT BOARD THAT:

1. The San Marcos Fire Protection District Board hereby requests that the County of San Diego collect 100% of the authorized maximum ("ceiling") fire mitigation fees from all applicants for new development within the unincorporated portion of the District.

2. The amounts collected shall not exceed the ceiling fees established by the County Board of Supervisors.
3. The District shall place all funds received under this program and all interest accruing thereon in a separate budget accounting category to be known as the "San Diego County Fire Mitigation Fee Fund" ("Fund").
4. All fees collected pursuant to the Fire Mitigation Fee Ordinance shall be used solely for the purpose of expanding the availability of fire suppression and/or emergency medical capital facilities and equipment to serve new development within the District.
5. The District shall make its records justifying the mitigation fees collected available to the public upon request.
6. The District shall hold the County of San Diego harmless for any errors made by the County in collecting and/or transmitting fire mitigation fees to the District. County shall correct any such errors within a reasonable time frame of having discovered, or been notified of, same.
7. The District agrees to an annual review of its mitigation fee revenues and expenditures by a committee established by the County Board of Supervisors.
8. The District shall submit a Fire Mitigation Fee Annual Report to the County of San Diego no later than August 29 of each year, attention Office of Emergency Services, ("Director"). Said report shall include, but not be limited to the: (1) starting balance; (2) revenues posted; (3) nature and amount of expenditures made; and (4) ending balance of the Fund for the preceding fiscal year. The report shall further specify the actions the District will undertake to mitigate the facility and equipment demands created by new development. The District shall make a copy of its annual audit report available to the County upon request of the Director.
9. On or before April 16 of each year, the District shall submit to the County a copy of a new resolution adopted by the Board of Directors making the required findings for, and setting the percentage of, the fire mitigation ceiling fees requested by the District.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the San Marcos Fire Protection District at its regular meeting held on the 24th day of February, 2015 by the following roll call vote:

AYES:	DIRECTORS:
NOES:	DIRECTORS:
ABSENT:	DIRECTORS:

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James M. Desmond Chairman  
San Marcos Fire Protection District

ATTEST:

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Phillip Scollick, City Clerk  
San Marcos Fire Protection District