



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Jon Newman, Fire Marshal
SUBJECT: Resolution 24-08 – Fire Mitigation Fee Program

BACKGROUND

Resolution 24-08 facilitates the District's continued participation in the County Fire Mitigation Fee Program. The Fire Mitigation Fee Program provides financing for projects such as station construction and expansion and the purchase of additional fire or emergency apparatus to allow fire departments to provide adequate protection to areas impacted by new growth and development. To establish participation in the Fire Mitigation Fee Program, resolutions must be adopted annually, indicating each department's need for funds to provide sufficient funding through other sources to accommodate the increased need for protection due to new developments. The current fee is .58 cents per square foot and there is no increase from the previous year.

The county of San Diego Fire Protection District has secured financing and a consultant to prepare a nexus study and provide recommendations for comprehensive updates to the FMF Program pursuant to the requirements of the Mitigation Fee Act set forth in California Government Code section 66000 – 66025. The statute regulates how public agencies collect, maintain, and spend development impact fees, including reporting requirements. The Mitigation Fee Act requires a nexus between the impact of new development, the amount of fire services needed to serve the public, and the amount of in-lieu fees required. This is due to a request to increase the fee.

DISCUSSION

FISCAL IMPACT

\$83,980.26 in fire mitigation fees revenue calculated so far in Fiscal Year 2023/2024.

ATTACHMENTS

- A. Resolution 24-08

RECOMMENDATION

Conduct Public Hearing 1 of 1 today (May 8, 2024) to collect input from our constituents. After the public hearing, it is recommended that the Board adopt Resolution 24-08 to continue participation in the County Fire Mitigation Fees Program.

Resolution 24-08

**A Resolution of the Board of Directors of the
San Miguel Consolidated Fire Protection District
to Participate in the County of San Diego Fire Mitigation Fee Program for
Fiscal Year 2024-2025 and Adopt a Capital Improvement Plan for
the Use of Fire Mitigation Fee Revenue**

WHEREAS, the San Miguel Consolidated Fire Protection District requires long-term fire protection facilities and equipment (Facilities) to provide fire suppression or emergency medical services within the District's boundaries;

WHEREAS, new development is anticipated in the District, and existing Facilities will be inadequate to provide fire suppression or emergency medical services, creating a situation perilous to public health and safety;

WHEREAS, to mitigate the impacts caused by new development, the District must improve or expand existing Facilities and/or construct or acquire new Facilities;

WHEREAS, the District lacks sufficient funds for new or improved Facilities from fund balances, capital facility funds, property tax sources, or any other appropriate source, and annexation and plan check fees charges by the District do not include a payment toward the costs of Facilities as a component of those fees;

WHEREAS, pursuant to California Government Code Section 66000, et seq. (Mitigation Fee Act), the County of San Diego (County) is authorized to collect a mitigation fee from applicants for new development to defray costs related to Facilities that are incurred due to the development;

WHEREAS, the County has established fee ceilings for types of construction by Chapter 3 of Division 10 of Title 8 (commencing with Section 810.301) of the County Code of Regulatory Ordinances (Fire Mitigation Fee Ordinance);

WHEREAS, the District desires to participate in the County's Fire Mitigation Fee (FMF) program;

WHEREAS, pursuant to Section 66002 of the Mitigation Fee Act, the governing body of a local agency that levies a mitigation fee may adopt a capital improvement plan, which shall be adopted by and annually updated by a resolution at a noticed public hearing;

WHEREAS, the County's Fire Mitigation Fee (FMF) Ordinance requires that fire agencies participating in the FMF Program adopt a five-year Capital Improvement Plan indicating the approximate location, size, time of availability, and cost estimates for long-term Facilities to be financed with the FMF revenue; and

WHEREAS, notice of the hearing to update the District's Capital Improvement Plan was given, as required by law, as shown by the affidavit of publication on file herein.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTIONS DISTRICT HEREBY RESOLVES AS FOLLOWS:

1. The District shall participate in the County’s FMF Program for Fiscal Year 2024-2025 and agrees to comply with all applicable requirements of the County’s FMF Ordinance and the Mitigation Fee Act.
2. The District requests that the County collect 100% percent of the FMF ceiling on the District’s behalf from applicants for building permits or other permits for development within the District’s boundaries. The percent of the ceiling fee is equal to or less than the Facilities needs caused by new development.
3. Except as otherwise provided in the County Code or state law, all FMF revenue shall be used only to expand the availability of Facilities to serve new development within the District’s boundaries. FMF revenue shall not be used to address existing deficiencies, but may be used in response to increased demand reasonably related to the new development to refurbish existing facilities to maintain an existing level of service or achieve an adopted level of service.
4. The District shall deposit all FMF revenue received from the County and all interest subsequently accrued by the District on these funds in a separate account to be known as the “San Diego County Fire Mitigation Fee.”
5. The District shall defend, indemnify, and hold harmless the County, its officers, officials, employees, agents, and volunteers, from and against any and all demands, claims, actions, litigation, or other proceedings, liability, damages, and costs (including, but not limited to, attorney fees) that are based in whole or in part upon the levy, imposition, collection, or payment of FMF, or the denial of a permit until the FMF is paid, excepting only matters that are based upon the County’s gross negligence or willful misconduct.
6. The District shall make its records justifying the basis for the FMF amount available to the public on request.
7. The District resolves that five-year Capital Improvement Plan for use of Fire Mitigation Fee revenue within the District is as follows:

Fiscal Year 2024-2025

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2025-2026

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|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2026-2027

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|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2027-2028

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2028-2029

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution 23-16 adopted June 14, 2023, to participate in the FMF program.

PASSED AND ADOPTED by the Board of Directors of the San Miguel Consolidated Fire Protection District, City of Spring Valley, County of San Diego, State of California, this 8th day of May 2024, by the following vote:

MOTION BY:

SECONDED BY:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

Affidavit of Publication Attached _____