

## **Ordinance 24-01**

### **An Ordinance of the San Miguel Consolidated Fire Protection District Which Adopts New and Increased Miscellaneous Fees and Charges, and Making Certain Finding and Taking Certain Actions Relating Thereto**

**WHEREAS**, the San Miguel Consolidated Fire Protection District (the "District") provides certain fire and emergency response services to persons and property within the District's service area; and

**WHEREAS**, the District is proposing to adopt a schedule containing new and/or increased fees and charges (the "fees") for various services provided by the District; and

**WHEREAS**, the District provided notice and held a public hearing in accordance with the requirements set forth under Health and Safety Code section 13916; and

**WHEREAS**, the District conducted a cost-of-service analysis in order to determine the amount of each fee and has made its findings available to the public for inspection at least ten (10) days prior to the date of the public hearing; and

**WHEREAS**, based on the findings of the District's analysis, the proposed fees do not exceed the District's reasonable costs of providing services, products, or regulatory activity (including inspections for permitting) for which they are imposed, and the fees will only be imposed on persons who are provided such services, products, or regulatory activities; and

**WHEREAS**, at the public hearing, the Board of Directors considered the proposed fees and the data supporting such fees, heard and considered all oral testimony, written materials, and written protests or objections concerning the establishment and imposition of the new or increased fees;

**NOW THEREFORE**, the Board of Directors of the San Miguel Consolidated Fire Protection District do ordain as follows:

**SECTION 1. Recitals.** The Recitals set forth above are true and correct statements and are incorporated as an operative part of this Ordinance and made findings and determinations to the Board of Directors by this reference.

**SECTION 2. Adoption.** The Board of Directors hereby adopts the fees set forth in Exhibit "A" hereto.

**SECTION 3. Findings.** The Board of Directors Council hereby finds and determines that the Fees adopted pursuant to this Ordinance (1) are imposed for a specific government activity, service, or product, provided directly to the payor; (2) are no more than necessary to recover the estimated reasonable costs of the governmental activity, service, or product, for which the Fees are imposed; and (3) the manner in which those costs are allocated to the payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity, service, or product, for which the Fees are imposed. The Fees are not taxes within the meaning of the California Constitution, article XIII C, §1(e).

**SECTION 4. Rules and Regulations.** The Board of Directors may make rules or regulations and, from time to time, may amend, revoke, or add rules and regulations not consistent with this

The ordinance, as they may deem necessary or expedient in respect to billing for the Fees adopted hereby; provided, however, that no such action shall result in any Fee being increased or exceeding the cost of providing the service, product, or regulatory activity for which it is imposed.

**SECTION 5. Severability.** If any section, subsection, clause, or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provision to other persons or circumstances shall not be affected thereby. The District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

**SECTION 6. Implementation of Fees** The Board of Directors authorizes the Administrative Officer/Finance Officer, and any other appropriate District Staff as designated by the Administrative Officer/Finance Officer, to take all actions necessary to effectuate the intent of this Ordinance and to implement the Fee Schedule adopted pursuant to this Ordinance.

**SECTION 7. Further Action.** The Board Clerk is hereby ordered and directed to cause this ordinance to be published. First read at a regular meeting of the Board of Directors of the San Miguel Consolidated Fire Protection District, held on May 8, 2024. A second reading occurred at a regular meeting on June 12, 2024.

**BE IT FURTHER RESOLVED** that this Ordinance supersedes Ordinance 2023-2 adopted July 12, 2023.

**PASSED AND ADOPTED**, and ordered published in the manner required by law, at the hearing and meeting on the 12<sup>th</sup> day of June, 2024 by the following vote:

AYES: **Directors McKenna, Muns, Nelson, Raddatz, Robles and Woodruff**

NOES: **None**

ABSTAIN: **None**

ABSENT: **Director Pierce**

Upon its passage and ratification by the County of San Diego, the Board Clerk shall transmit a copy of this Ordinance to the California Department of Housing and Community Development pursuant to Health and Safety Code Section 13869.7.

That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption.

ATTEST

  
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Shayna Rians, Board Clerk

  
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Jesse A. Robles, Board President