

RESOLUTION No. 2009-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DIAMOND SPRINGS / EL DORADO FIRE PROTECTION DISTRICT TO AUTHORIZE AN ALTERNATIVE FEE SCHEDULE FOR COST RECOVERY OF DISTRICT SUPPRESSION, INCIDENT RELATED SERVICES

WHEREAS, the Diamond Springs/El Dorado Fire Protection District (“District”) has approved an ordinance adopting the California Fire Code 2007 Edition, and prescribing regulations, appendices and local amendments governing conditions hazardous to life, property and the environment from fire, explosion, hazardous materials and hazardous uses; and

WHEREAS, the District finds a need to offset the costs of the impacts of development related services created by conducting certain inspections, issuing reports, issuing permits and conducting development related planning functions; and

WHEREAS, the District finds the need to recover the costs of the impacts of operational cost of suppression and incident related events; caused by, or occurring from, criminal acts adjudicated by the court requiring restitution analysis; exceptional operational and or chronic impacts caused by grossly negligent acts as determined by the District or adjudication; and/or operational impacts that are determined exceptional and/or chronically reoccurring that occur on properties not within the boundaries of a fire district or on properties not mitigated by tax funding or fee arrangements that support the aforementioned impacts; and

WHEREAS, the District finds the need to periodically adjust these fees to accurately reflect the cost of providing these services;

WHEREAS, the District possesses the authority to recover the costs referenced in the California Code of Regulations, Title 24, Part 9, Sections 13916(a),(b) and 17951.b Health and Safety Code and that the basis for fee structures utilized by fire districts are established for cost recovery purposes utilizing Government Code Section 66016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Diamond Springs/El Dorado Fire Protection District hereby adopts the following practices concerning the use of fees.

- A. **General.** Authority exists for the collection of fees for the aforementioned purposes. The adoption of District Ordinance 2008-01 “California Fire Code 2007” asserts those authorities.

- B. **Policy.** The Diamond Springs-El Dorado Fire Protection District has adopted referenced policies in accordance with Government Code Section 66016.

- C. **Fee Schedule.** The Diamond Springs-El Dorado Fire Protection District has established Standard Operating Procedures 605a. Further, the Board authorizes the Fire Chief to utilize an alternative formula, utilizing a property's "Smoothed Assessed Valuation". The alternative formula may be used when the District determines that property qualifies under Section 4.C of the policy and an annual contract is desired by the property owner.

INTRODUCED at a regular meeting of the Board of Directors of the Diamond Springs/El Dorado Fire Protection District on March 6, 2009

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Diamond Springs/El Dorado Fire Protection District on April 8, 2009 by the following roll call vote:

AYES:

NOES:

ABSENT:

Robert Larsen, Chair
Diamond Springs/El Dorado
Fire Protection District
Board of Directors

ATTEST:

Caroline Falconer, Board Secretary