



RESOLUTION 24-04

RESOLUTION OF THE DEER SPRINGS 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 Deer Springs Fire Protection District requires long-term fire protection facilities and equipment (Facilities) to provide fire suppression and emergency medical services within the District's boundaries; and

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; and

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

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; and

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; and

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); and

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

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; and

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 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, BE IT RESOLVED that the Board of Directors of the Deer Springs Fire Protection District:

1. Shall participate in the County’s Fire Mitigation Fee (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; and
2. 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; and
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; and
4. 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; and
5. 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; and
6. Shall make its records justifying the basis for the FMF amount available to the public on request; and
7. That the five-year Capital Improvement Plan for use of Fire Mitigation Fee revenue within the District is as follows:
 - a. Fiscal Year 2024-2025
Repayment of General Fund loan for Station 3 \$60,000

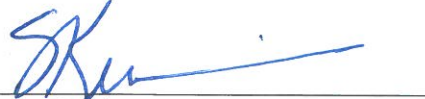
- b. Fiscal Year 2025-2026
 Repayment of General Fund loan for Station 3 \$25,000
- c. Fiscal Year 2026-2027
 Repayment of General Fund loan for Station 3 \$25,000
- d. Fiscal Year 2027-2028
 Repayment of General Fund loan for Station 3 \$25,000
- e. Fiscal Year 2028-2029
 Repayment of General Fund loan for Station 3 \$25,000

Passed and Adopted by the Board of Directors of the Deer Springs Fire Protection District, County of San Diego, State of California, on this 13th day of March, 2024, by the following vote:

AYES:
NAYS:
ABSENT:
ABTAIN:

Approved: 

Bret A. Sealey
President

Attested: 

Steve Kerrin
Secretary/Treasurer



MEMORANDUM

TO: Kat Anady, County of San Diego
FROM: Stephen Cook, TE, Intersecting Metrics
DATE: March 20, 2023
RE: County of San Diego Fire Mitigation Fee – Permissible Program Expenditures

The purpose of this memo is to document the types of capital infrastructure in which the funds generated from the County of San Diego Fire Mitigation Fee (FMF) can be expended on.

Mitigation Fee Act

The following two sections of the California Government Code (CGC) regulate how funds generated from mitigation fee programs, such as the FMF, can be expended:

- *CGC §66001(a)(2)* - Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.
- *CGC §66001(g)* - A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.

Capital Improvement Categories

The FMF allows for funds generated from the program to be expended on four types of infrastructure (fire stations, engines, aerial trucks, and chief's vehicles). Based on the government code sections outlined above, funds from the FMF can be used to fund up to 100% of the purchase cost of these infrastructure types, as long as the infrastructure is needed to adequately service new development. The following discusses how and when FMF funds can be expended each infrastructure type within the program.

Fire Stations – Funds generated through the FMF may be spent on the construction, furnishing, and equipping of new or expanded fire stations. Additionally, as outlined in CGC §66001(g), funds generated

through the FMF may also be used to refurbish existing facilities as long as the investment will help to expand coverage and/or is needed to provide or maintain adequate service to new development. FMF funds may be used to pay for up to 100% of the improvement costs as long as the resulting infrastructure will be fully used to support new development, as outlined in CGC §66001(a)(2). If the resulting infrastructure will support both existing and future needs, then only the portion attributable to the burden of new development may be contributed toward the improvement costs. The burden and apportionment of cost that is attributable to new development should be developed based on the professional judgement of fire staff. Any calculations and/or assumptions used to develop the apportionment of cost attributable to new growth should be documented in the annual FMF reports published each year.

Fire Engines - Funds generated through the FMF may be spent on the purchase and equipping of new fire engines (Type 1 - 4). The type of fire engine purchased should be based on the needs of the District to adequately service new development. Additionally, as outlined in CGC §66001(g), Funds generated through the FMF may also be used to upgrade or replace existing engines, as long as the investment will help to expand coverage and/or is needed to provide or maintain adequate service to new development. FMF funds may be used to fund up to 100% of the purchase and equipping cost of new fire engines as long as it can be justified that the engine is needed to adequately serve new development, as outlined in CGC §66001(a)(2). Should only a portion of the engine be needed to service new development, a fair and equitable portion of the total, as determined based on the professional judgment of fire personnel, of the FMF funds may be allocated to the purchase cost of the engine. Any calculations and assumptions used to develop the apportionment of the cost attributable to new development should be documented in the annual FMF reports published each year.

Aerial Trucks - Funds generated through the FMF may be spent on the purchase and equipping of new aerial trucks if new development, which requires aerial trucks to provide adequate service, occurs in areas in which an existing aerial truck cannot ensure an adequate response time. Additionally, FMF funds may be spent on the of replacement aerial trucks if the existing aerial trucks are not fit to service new development that is constructed within the district.

Chief Vehicles – Funds generated through the FMF may be spent on the purchase and equipping of chief vehicles as they are needed to adequately serve new development. Additionally, as outlined in CGC §66001(g), funds generated through the FMF may also be used to upgrade or replace existing vehicles, as long as it can be justified that a new vehicle is needed to expand coverage or is needed to maintain adequately service to new development, as outlined by the Nexus study. FMF funds may fund up to 100% of the cost to purchase and equip of new vehicles as long as it can be justified that the engine is needed to adequately serve new development, as outlined in CGC §66001(a)(2). Should only a portion of the vehicle be needed to service new development, a fair and equitable portion of the total, as determined based on

the professional judgment of fire personnel, of the FMF funds may be allocated to the purchase cost of the engine. Any calculations and assumptions used to develop the apportionment of the cost attributable to new development should be documented in the annual FMF reports published each year.