

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
STATE OF CALIFORNIA**

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ORDINANCE NO. 2020-01

**AMENDING SCHEDULE OF FEES FOR THE RECOVERY OF
FIRE PREVENTION SERVICES COSTS**

WHEREAS, on April 12, 1983, the Contra Costa County Board of Supervisors (County), acting as previous Boards of Directors for the East Diablo, Oakley, Bethel Island and Riverview Fire Protection Districts, authorized the Riverview Fire District to provide fire prevention services to the east county Fire Districts. The Riverview Fire District subsequently merged with the Contra Costa County Fire Protection District (ConFire) and services continued; and

WHEREAS, on December 15, 1992, the County, acting as previous Boards of Directors, adopted ConFire's Fire Prevention Fees and approved their applicability for the East Diablo, Oakley and Bethel Island Fire Districts. Over the years, various actions have been taken to review and update the fees; and

WHEREAS, most recently, on October 4, 2010, the East Contra Costa Fire Protection District (District) adopted Ordinance 2010-01 which updated Fire Prevention Fees for services provided by ConFire within and on behalf of the District, including plan check, permit issuance, code enforcement, inspections, and investigations; and

WHEREAS, since that time, the District has formed its own Fire Prevention Bureau which performs these services and found that it does not have sufficient revenue to provide the services that it is charged with providing under the Fire Protection District Law of 1987 (California Health and Safety Code Section 13800 *et seq.*); and

WHEREAS, the District is authorized under Health and Safety Code Section 13916 to recover its actual costs reasonably borne in providing its services; and

WHEREAS, in 2019, the District hired NBS Government Finance, Inc. to calculate the costs the District bears in providing fire prevention engineering and code enforcement services; establish the maximum costs that the District could recover for such services without recovering more than the District's actual costs of providing fire prevention services to each person receiving services performed by the District; and compare these costs to other nearby fire districts (Study); and

WHEREAS, the Board of Directors reviewed and accepted the Study at its January 8, 2020 meeting; and

WHEREAS, fees established by this Ordinance are calculated based on the allowable fees calculated in the Study.

NOW, THEREFORE, the Board of Directors of the East Contra Costa Fire Protection District hereby ordains as follows:

SECTION 1. STATUTORY AUTHORITY

This Ordinance is enacted pursuant to California Health and Safety Code Sections 13910 through 13919 and in accordance with Government Code Sections 6066 and 25124.

SECTION 2. APPLICABILITY

This Ordinance establishes the fire prevention services cost recovery fees charged by the East Contra Costa Fire Protection District (District) in accordance with Health and Safety Code Section 13916.

The District hereby repeals and replaces Ordinance 2010-01 in its entirety, and enacts user fees to recover the actual costs associated with providing the services defined in Section 3.

SECTION 3. FIRE PREVENTION SERVICES FEES (ENGINEERING AND CODE ENFORCEMENT FEES)

Each person who applies for, requests, or receives a permit, inspection, plan review or other engineering or code enforcement service furnished by the District shall, at the time of application request or inspection, pay the applicable fee or fees listed in Exhibit A attached to this Ordinance and incorporated herein. As used in this Section, the term "person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, trust or other type of entity. The Board of Directors, based on evidence within the record for its consideration of this matter, finds and determines that the fees in Exhibit A do not exceed the reasonable costs of providing the services for which the fees are charged.

SECTION 4. NO WAIVER OF OTHER MEANS OF COST RECOVERY

This Ordinance does not preclude the District from recovering its fire prevention engineering and code enforcement costs in any other manner authorized by law.

SECTION 5. SEVERABILITY

If any fee or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining fees or provisions, and the Board declares that it would have adopted each remaining part of this Ordinance irrespective of any such invalidity.

SECTION 6. EFFECTIVE DATE

This Ordinance becomes effective 30 days after passage. Within 15 days after passage, this Ordinance or a summary of the Ordinance shall be published, with the names of Directors voting for and against it, once in the Brentwood Press, a newspaper published in this District.

INTRODUCED at a regular meeting of the East Contra Costa Fire Protection District Board of Directors held on the 8th day of January, 2020.

PASSED AND ADOPTED at a regular meeting of the East Contra Costa Fire Protection District Board of Directors held on the 11th day of March, 2020 by the following roll call vote.

AYES: Langro, Nash, Oftedal, Smith, Young

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Brian J Oftedal

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Brian J. Oftedal

President, Board of Directors

ATTEST:

DocuSigned by:

Brian Helmick

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Brian Helmick, Clerk of the Board

EXHIBIT A

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
FIRE PREVENTION SERVICES FEE SCHEDULE
(ENGINEERING AND CODE ENFORCEMENT)**