

BOARD OF FIRE COMMISSIONERS
YOLO FIRE PROTECTION DISTRICT

RESOLUTION NO. 90517

(Resolution Approving Updated Fire District Capital Improvement Plan and Development Impact Fee Study)

WHEREAS, pursuant to the Development Mitigation Fee Act (Section 66000 of the Government Code) the County of Yolo ("County") has adopted a Fire District Development Impact Mitigation Fee Ordinance (Yolo County Code Sections 3-16.01 and following) authorizing the imposition of development impact fees to mitigate the impacts of new development on fire districts within the County; and

WHEREAS, a development fee impact study is required to determine the impacts of new development on a district's need for facilities and equipment, the costs of facilities and equipment necessitated by new development, and a fair and reasonable allocation of those costs to new development; and

WHEREAS, a capital improvement plan can be helpful in evaluating the need for fees to mitigate the impacts of new development, by identifying new facilities, equipment, and related costs that are anticipated to be necessary in the future; and

WHEREAS, on March 3, 2004, this Board of Fire Commissioners of the Yolo Fire Protection District ("District") approved a Fire District Capital Improvement Plan and Development Impact Fee Study at a noticed public hearing and consistent with Government Code Section 66002; and

WHEREAS, on April 7, 2004, the Yolo County Board of Supervisors approved and imposed on the District's behalf, development impact fees in the amounts set forth in the adopted fee schedule upon all applicants for building permits or other permits for development; and

WHEREAS, the District Fire Chief has undertaken an administrative review of the studies and plans described in the foregoing recitals and prepared a draft update, a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the draft updated Fire District Capital Improvement Plan and Development Impact Study attached as Exhibit A includes: 1) a capital improvement plan identifying the approximate location, size, time

of availability, and estimated cost for all facilities or improvements that are anticipated to be necessary in the future; 2) documents how much of these costs are attributable to new development; and 3) identifies a fee structure that fairly apportions these costs to new development; and

WHEREAS, notice was previously given, at the times and in the manner set forth in Government Code Sections 66002 and 65090, that this Board would hold a public hearing during its public meeting on Tuesday, September 5, 2017 at 5:30 PM at 37720 Sacramento Street, Yolo, 95697, to consider the draft updated Development Impact Study; and

WHEREAS, consistent with Government Code Sections 65090 and 66002, said Notice contained the date, time, and place of the public meeting and public hearing as set forth above, the name of this Board, a general explanation of the matter to be considered, and a general description of the location of all real property that could be subject to the draft updated Capital Plan and Development Impact Study, and stated that the draft updated Capital Improvement Plan and Development Impact Study and all supporting information was available for inspection by any interested party at the District Offices located at 37720 Sacramento Street, Yolo, 95697; and

WHEREAS, consistent with Government Code Sections 65090 and 66002, not less than 10 days before the hearing, said Notice was published once in a newspaper of general circulation, posted in three (3) places within the District, and mailed to any interested party who had filed a written request for such notice and to the County of Yolo and to any city that may be significantly affected by the proposed draft updated Capital Improvement Plan and Development Impact Study; and

WHEREAS, on August 7, 2017, the draft updated Capital improvement Plan and Development Impact Study came on regularly for hearing before this Board during its regular public meeting, at the time and place specified in the notice; and

WHEREAS, at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the draft updated Capital Improvement Plan and Development Impact Study, and all related matters; and

WHEREAS, at said hearing, this Board reviewed and considered the draft updated Capital Improvement Plan and Development Impact Study, each of the factors set forth in Government Code Sections 66002, and all other related matters; and

WHEREAS, it appears to be in the best interests of the District, its residents, taxpayers and other customers, to adopt the updated Capital Improvement Plan and Development Impact Study attached hereto as Exhibit A.

NOW, THEREFORE, IT IS HEREBY RESOLVED, ORDERED AND FOUND by the Board of Fire Commissioners of the Yolo Fire Protection District, as follows:

1. The foregoing recitals, and each of them, is true and correct.
2. The Capital Improvement Plan and Development Impact Study attached hereto as Exhibit A is hereby approved.
3. The District does not have existing fire protection facilities and equipment that could be used to provide adequate level of services to new development within the District's boundary.
4. The District does not have sufficient funds available to construct additional facilities from fund balances, capital facility funds, property taxes, fire suppression assessments, or any other appropriate sources.
5. The lack of fire protection facilities and equipment to serve new development would create a situation perilous to the public health and safety if fire mitigation fees are not levied within the District.
6. The annexation fees and plan check fees charged by the District do not include a payment toward the costs of the capital facility and equipment expansion as a component of the fees.
7. Based upon the foregoing, it appears to be in the best interests of the District, its residents, taxpayers and other customers, to consider having development impact mitigation fees imposed on new development within the District.
8. All such mitigation fees shall only be used to expand the availability of capital facilities and equipment to serve new development as described in the updated Capital Improvement Plan and Development Impact Study.

9. The District shall place all such mitigation fees, and all interest subsequently accrued by the District on these funds, in a separate budget accounting category entitled “Yolo County Fire District Mitigation Fees” or similar.
10. The District shall expend funds from said “Yolo County Fire Mitigation Fees” budget accounting category only for the purpose of providing capital facilities and equipment to serve new development.
11. The District shall submit a Fire District Development Impact Mitigation Fee Annual Report no later than October 31 of each year to the Clerk of the Board of Supervisors. Said report shall include, but not be limited to, the matters set forth in Yolo County Code Section 3-16.05(c)(5), including: the balance in the Mitigation Fee account at the end of the previous fiscal year, the fee revenue received, the amount and type of expenditures made, and the ending balance in the account. In addition, the report shall set forth the actions the District plans to take to alleviate the facility and equipment needs described in its adopted Capital Improvement Plan.
12. The District shall make its records available to the public on request that justify the basis for the fee amount.
13. The District shall defend, indemnify and hold harmless, the County, its officers, elected 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 attorneys’ fees) that are based in whole or in part upon the levy, imposition, collection or payment of the fees, or the denial of a permit until the fee is paid, excepting only matters that are based upon the County’s gross negligence or willful misconduct.
14. The District shall make findings with respect to any portion of the fee remaining unexpended or uncommitted in its Yolo County Fire District Mitigation Fee account five (5) or more years after deposit of the fee, to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The district shall refund to the then current record owner or owners of the development project or projects on a prorated basis the unexpended or

uncommitted portion of the fee and any interest accrued thereon for which need cannot be demonstrated.

15. The Clerk of this Board of Fire Commissioners shall send a certified copy of this Resolution to the Clerk of the Board of Supervisors.

PASSED AND ADOPTED by the Board of Fire Commissioners of the Yolo Fire Protection District,

County of Yolo, State of California, this 5th day of September, 2017, by the following vote:

AYES: 2
NOES: 0
ABSENT: 1
ABSTAIN:

 9/5/17

Steve Weiss, Treasurer
Board of Fire Commissioners
Yolo Fire District

Attest:



Sheryl Hardy, Board Clerk

Approved as to Form:
Phil Pogledich, County Counsel

By  _____