

**RESOLUTION NO. 23-02
OF THE
DUNNIGAN FIRE PROTECTION DISTRICT**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DUNNIGAN FIRE
PROTECTION DISTRICT RECOMMENDING TO THE YOLO COUNTY BOARD OF
SUPERVISORS THE ADOPTION OF THE DEVELOPMENT IMPACT FEE STUDY AND
INCREASING THE DEVELOPMENT IMPACT FEES FOR ALL DEVELOPMENT WITHIN
THE BOUNDARIES OF THE DUNNIGAN FIRE PROTECTION DISTRICT**

RESOLVED, by the Board of Directors of the Dunnigan Fire Protection District (the "District") as follows:

WHEREAS, pursuant to Government Code section 66001 the District, through the County of Yolo, may levy a fee on all new residential, commercial, and industrial development within the District boundaries, to fund the capital equipment and facilities construction needs of the District;

WHEREAS, the County of Yolo ("County") has adopted a Fire District Development 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;

WHEREAS, the District has a plan which states an overall vision for the construction and equipping of stations in order to meet the demands of the citizens within the District;

WHEREAS, the District has performed a study to assess the impact on the District's facilities from residential, commercial, and industrial development and established a nexus between such development and the need for funding to construct facilities;

WHEREAS, the impact fees collected shall be used to finance the public facilities described or identified in the *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities* or other public facility master plans as may from time to time be adopted by the Governing Board of the District;

WHEREAS, the *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities* 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;

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 Thursday, January 12, 2023 at 6:30 PM at 29145 Main Street, Dunnigan, 95937, to consider the draft updated Development Impact Study;

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 Dunnigan Fire Protection District *Development Impact Fee Study Fire Facilities*, and stated that the draft updated Dunnigan Fire Protection District *Development Impact Fee Study Fire Facilities* and all supporting information was available for inspection by any interested party at the District Offices located at 29145 Main Street, Dunnigan, 95937;

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 *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities*;

WHEREAS, on January 12, 2023, the draft updated *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities* came on regularly for hearing before this Board during its regular public meeting, at the time and place specified in the notice;

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 *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities*, and all related matters;

WHEREAS, at said hearing, this Board reviewed and considered the draft updated *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities*, each of the factors set forth in Government Code Sections 66002, and all other related matters.

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

1. The *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities* is hereby adopted by the District.
2. 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.
3. 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.
4. 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.
5. The Board of the District recommends to the Board of Supervisors of the County of Yolo the adoption and implementation of an increase in the Fire Mitigation Fee on behalf of the District as set forth in the *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities* under the police powers granted to the County in order to support public services.

6. The fee shall be solely used (1) for the purposes described in the *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities*, or (2) for reimbursing the District for the new development's fair share of those capital improvements already constructed by the District.

7. Annually, as part of the budget process, the Fire Chief shall review the estimated cost of the described capital improvements, the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which the fee is charged.

8. The development impact fees, including any increases for inflation per the *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities* as authorized by the State, shall be collected prior to the issuance of a building permit on each eligible unit, based on the habitable and enclosed square footage of the building.

9. 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.

10. 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 *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities*.

11. 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 "Dunnigan Fire Protection District Mitigation Fees "or similar.

12. The District shall expend funds from said "Dunnigan Fire Protection Mitigation Fees" budget accounting category only for the purpose of providing capital facilities and equipment to serve new development.

13. 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 *Dunnigan Fire Protection District Development Impact Fee Study Fire Facilities*.

14. The District shall make its records available to the public on request that justify the basis for the fee amount.

15. 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.

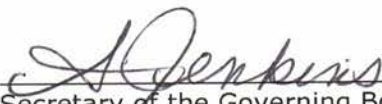
I, the undersigned Secretary of the Dunnigan Fire Protection District, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of

the Dunnigan Fire Protection District at a meeting thereof on the 12th day of January, 2023,
by the following vote of the members thereof:

AYES: ANITA TATUM, NEIL BUSCH, TIM HORNBUCKLE, JOHN REYES

NOES: 0

ABSENT: John Keeble


Secretary of the Governing Board
Dunnigan Fire Protection District