



## RESOLUTION 22-03

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEER SPRINGS FIRE PROTECTION DISTRICT TO PARTICIPATE IN THE COUNTY OF SAN DIEGO FIRE MITIGATION FEE PROGRAM FOR FISCAL YEAR 2022-2023

WHEREAS, the Deer Springs Fire Protection District requires long-term fire protection facilities and equipment (Facilities) to provide fire suppression or emergency medical services within the District's boundaries;

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;

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

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;

WHEREAS, pursuant to California Government Code Section 66000, et seq. (Mitigation Fee Act), the County of San Diego (County) is authorized to collect mitigation fee from applicants for new development to defray costs related to Facilities that are incurred due to the development;

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 (FMF Ordinance); and

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

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DEER SPRINGS FIRE PROTECTION DISTRICT HEREBY RESOLVES AS FOLLOWS:

1. The District shall participate in the County's FMF Program for Fiscal Year 2022-2023 and agrees to comply with all applicable requirements of the County's FMF Ordinance and the Mitigation Fee Act.

2. The District requests that the County collect 100% of the FMF ceiling on the District's behalf from applicants for building permits within the District's boundaries. The percent of the ceiling fee is equal to or less than the Facilities needs caused by new development.
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.
4. The District 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."
5. The District 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.
6. The District shall make its records justifying the basis for the FMF amount available to the public on request.

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution No. 21-01 adopted March 10, 2021 to participate in the FMF program.

**PASSED AND ADOPTED** by the Board of Directors of the Deer Springs Fire Protection District County of San Diego, State of California, on this 9<sup>th</sup> day of February 2022, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

APPROVED:



Bret Sealey, President

ATTESTED:



Mark Jackson, Secretary-Treasurer