RESCUE FIRE PROTECTION DISTRICT

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RESCUE FIRE PROTECTION DISTRICT ADOPTING FIRE PREVENTION SERVICE FEES AND CHARGES AND MAKING FINDINGS RELATED THERETO

WHEREAS, the Rescue Fire Protection District ("District") provides fire prevention services to persons and property within the District's jurisdiction; and

WHEREAS, such services include, but are not limited to, plan review, fire code inspections, water supply review, fire apparatus access review, wildfire mitigation review, permit processing, operational permits, and other fire prevention related services; and

WHEREAS, the District has conducted a cost recovery analysis to determine the reasonable costs associated with providing such services; and

WHEREAS, the District desires to recover the costs associated with providing these services from those persons and entities receiving the direct benefit of such services rather than from the District's general taxpayers; and

WHEREAS, the Board of Directors has reviewed the proposed Fire Prevention Fee Schedule, the supporting Cost Recovery Analysis, staff reports, and all public comments received regarding the proposed fees; and

WHEREAS, notice of the public hearing was provided in accordance with Health and Safety Code Section 13916 and all other applicable laws; and

WHEREAS, the Board of Directors has determined that the fees established herein do not exceed the reasonable cost of providing the services for which the fees are imposed.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE RESCUE FIRE PROTECTION DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish and adopt fees for fire prevention services provided by the District and to ensure that the costs associated with such services are recovered from those receiving the benefit of those services.

Such services include, but are not limited to, plan review, permit review, inspections, re-inspections, wildfire mitigation services, community risk reduction programs, defensible space inspections, wildfire resilience inspections, water supply review, fire apparatus

access review, fire code enforcement, operational permits, and related fire prevention activities.

SECTION 2. ADOPTION OF FEE SCHEDULE

The Fire Prevention Services Fee Schedule attached hereto as Exhibit "A" is hereby adopted and incorporated by reference.

SECTION 3. FINDINGS

The Board of Directors finds and determines that:

A. The fees are imposed for specific governmental services, products, permits, inspections, reviews, and regulatory activities provided directly to the applicant, property owner, business owner, or other recipient of the service.

B. The fees do not exceed the reasonable cost incurred by the District in providing the service, permit, inspection, review, product, or regulatory activity for which the fee is imposed.

C. The allocation of costs to applicants and service recipients bears a fair and reasonable relationship to the burdens imposed upon the District and the benefits received by the applicant.

D. The fees are regulatory fees and charges and are not taxes within the meaning of Article XIII C of the California Constitution.

SECTION 4. COST RECOVERY

The Board adopts and incorporates by reference the Cost Recovery Analysis attached as Exhibit "B."

The Cost Recovery Analysis establishes that the fees adopted herein are reasonably related to the District's actual cost of providing services including personnel costs, benefits, retirement contributions, workers' compensation insurance, vehicles, fuel, training, facilities, software, equipment, and administrative overhead.

SECTION 5. ANNUAL REVIEW

The Fire Chief is authorized to review the adopted fees annually and recommend adjustments to the Board of Directors when necessary to maintain cost recovery.

Any modification of fees shall require approval by the Board of Directors in accordance with applicable law.

SECTION 6. FEES NOT LISTED

For services not specifically identified within Exhibit "A," the Fire Chief may assess fees based upon the District's adopted hourly cost recovery rate, actual cost recovery provisions authorized by this Ordinance, or third-party consultant costs when applicable.

SECTION 7. REFUNDS

The Fire Chief may authorize refunds of fees paid in error or for services not performed.

SECTION 8. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9. CEQA

The Board finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15378 of the CEQA Guidelines because adoption of fees for cost recovery purposes is not a project that may result in a direct or indirect physical change to the environment.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 11. THIRD-PARTY REVIEW, CONSULTANT SERVICES, AND EXTRAORDINARY REVIEW

Applicants shall be responsible for reimbursement of all actual costs incurred by the District for specialized services performed by third-party consultants, engineers, fire protection specialists, attorneys, inspectors, plan reviewers, wildfire mitigation specialists, or other professionals retained by the District.

The District may require deposits, advance payment, reimbursement agreements, or other financial assurances prior to initiating such services.

Third-party consultant costs shall be in addition to any fees established within the District's adopted Fire Prevention Services Fee Schedule.

Projects requiring unusually complex review, engineering analysis, legal review, environmental review, multiple review cycles, specialized technical evaluation, consultant

assistance, or extraordinary services may be billed at actual cost in addition to fees established by the adopted Fee Schedule.

The District may withhold permit issuance, approvals, inspections, occupancy approvals, final sign-off, project clearance, or other authorizations until all fees, consultant costs, and reimbursable expenses have been paid in full.

The Fire Chief shall have authority to determine when third-party review or extraordinary review is necessary to protect public safety and ensure compliance with applicable laws, regulations, codes, standards, and District requirements.

SECTION 12. AMENDMENT OF FEE SCHEDULE

The Board of Directors may, by resolution, amend Exhibit "A" of this Ordinance to add, remove, modify, clarify, or update fees and charges, provided that the Board finds that such fees and charges do not exceed the District's reasonable cost of providing the associated governmental service, product, permit, inspection, review, or regulatory activity.

The Board may also adjust fees periodically to reflect changes in the District's actual cost of service, including increases in salaries, benefits, retirement contributions, insurance, supplies, equipment, and administrative overhead.

The Board may add new fire prevention, wildfire mitigation, community risk reduction, inspection, and code enforcement fee categories by resolution when supported by a cost recovery analysis.

Nothing herein shall authorize the Fire Chief to establish new fees without approval of the Board of Directors; however, the Fire Chief may administer the adopted Fee Schedule, determine consultant deposits, and apply actual cost recovery provisions authorized by this Ordinance.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Rescue Fire Protection District on the 14th day of October, 2026.

AYES: 5

NOES: Ø

ABSENT: Ø

ABSTAIN: Ø

MBKoht

BOARD PRESIDENT – Matt Koht

ATTEST:

Debi Anderson

BOARD CLERK – Debi Anderson