

ORDINANCE NO. 99-3

**AN ORDINANCE OF THE NOVATO FIRE PROTECTION DISTRICT
ESTABLISHING A FEE FOR SERVICES PROVIDED BY THE NOVATO FIRE
PROTECTION DISTRICT.**

THE NOVATO FIRE PROTECTION DISTRICT DOES HEREBY ORDAIN AS
FOLLOWS:

Section 1. Findings and Intent

(a) Pursuant to Article XIII B of the California Constitution, it is the intent of the Board of Directors of the Novato Fire Protection District to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefore in providing the regulation, products or services hereinafter enumerated in this Ordinance.

(b) The fee and service charge revenue/cost comparison system set forth in this Ordinance provides a mechanism for ensuring that fees adopted by the District for services rendered do not exceed the reasonable estimated cost of providing the services for which the fees are charged.

(c) The adoption of this Ordinance is exempt from the California Environmental Act (Public Resources Code Sections 21080 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of the District.

Section 2. Delegation of Authority and Direction to Fire Chief

(a) The Fire Chief is hereby delegated the authority and directed to provide documents to the Board of Directors to implement its herein enumerated policy to set fees and charges to recover the fully burdened hourly rate of costs reasonably borne as established hereby, in providing the regulations, products and services enumerated in this Ordinance.

(b) The Fire Chief is hereby delegated authority to define terms, create administrative, fee collection, and financial procedures, and establish effective dates of all fees set by the Board of Directors by resolution.

(c) "Fully Burdened Hourly Rate" is defined in Section 3. In adjusting fees and charges, the Fire Chief shall consider only the standards and criteria established by this Ordinance, and the procedures set hereby and by applicable State law. All decisions hereunder shall comply in all respects with this Ordinance, and the schedule of fees set by the Board by resolution.

Section 3. “Fully Burdened Hourly Rate” Defined

Fully Burdened Hourly Rate shall reflect the costs reasonably borne by the Fire District in providing the listed regulation, product, or services and shall include the following documents:

- (a) All applicable direct costs including, but not limited to salaries, wages, overtime, employee fringe benefits, services and supplies, maintenance and operation expenses, contracted services, special supplies, and any other direct expense incurred.
- (b) All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communications expenses, computer costs, printing and reproduction, vehicle expenses, insurance, debt service, and like expenses when distributed on an accounted and documented rational proration system.
- (c) Fixed asset recovery expenses, consisting of depreciation of fixed assets, and additional fixed asset expense recovery charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement, also shall be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset.
- (d) General overhead, expressed as a percentage, distributing and charging the expenses of all staff and support service provided to the District. Overhead shall be prorated between tax-financed services and fee-financed services on the basis of said percentage so that each of taxes and fees and charges shall proportionately defray such overhead costs.
- (e) Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses as enumerated in subsections (a), (b), (c) and (f) of this Section.
- (f) Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, or securities issues or loans of whatever nature or kind. Any required coverage factors and required or established reserves behind basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the District.

Section 4. Schedule of Fees and Service Charges

- (a) The Fire Chief shall review no less than annually the fees and service charges listed below, and prepare a proposed “Master Fee Schedule” for adoption by the Board of

Directors, as originally proposed or as modified in the form of a resolution, so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, product or service.

<u>Product or Service</u>	<u>% of Cost Recovery</u>
Fire Sprinkler Check	100%
Fire System Inspection	100%
Uniform Fire Code Permits	100%

(b) The services listed above are described in a detailed revenue/cost study dated March, 1999, produced by DMG-MAXIMUS of Sacramento, California, a copy of which is on file with the District.

(c) The fees for services described herein may be increased on a yearly basis following the adoption of this Ordinance in an amount determined reasonable and necessary, following public hearing in connection with same by the Fire District Board.

(d) The Fire Chief may vary the review schedule listed in this Section if, in the judgment of the Fire Chief, equity requires revising the "Master Fee Schedule."

Section 5. Statutory Public Meeting

Pursuant to California Government Code Section 66016 and 66018, the District shall cause notice to be provided as set forth in Government Code Section 6062a, and the District Board periodically, at least annually, shall receive at a regularly scheduled meeting oral and written presentations concerning fees and charges proposed to be increased or added. Such notice, oral and written presentation, and public meeting shall be provided prior to the Board taking any action on any new or increased fees or charges with respect to the "Master Fee Schedule." Commencing in 2000, at least one such public hearing shall be held annually, in conjunction with the District annual budget process and hearing per the requirements of Government Code Section 66018.

Section 6. Provision of Data

Pursuant to the California Government Code, at least ten (10) days prior to the required public hearing set forth herein, the District shall make available to the public appropriate data indicating the cost, or estimated cost required to support the fees and charges for which changes are proposed to be made or fees or charges imposed. The District also shall provide a summary of the present fee and charge schedules and those proposed at such annual public hearing.

Section 7. Appeal to the District

(a) Any person who feels that any fee or charge determined and set in the “Master Fee Schedule” is in excess of the percentage of costs reasonably borne to be recovered as set out in this Chapter, or that in adopting such “Master Fee Schedule” the provisions of this Ordinance have not been followed, may appeal in writing to the District. Appeals under this section must be filed within 90 days of the adoption of the “Master Fee Schedule.”

(b) No fee or charge for which an appeal has been filed shall take effect until heard by the Board of Directors or its designee. Such appeal shall be heard within 45 days of the filing of the appeal. Such appealed fee or charge shall take effect, as originally imposed or as modified, immediately upon the decision following the hearing by the Board of Directors or its designee.

Division 2. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Division 3. Repeal

All Ordinances, Resolutions, and all actions of the District in conflict herewith are hereby repealed. The fees and charges established by this Chapter shall supersede all previously established fees or charges for the same regulation, product or service, and all such previous fees and charges are hereby repealed on the effective date of the Resolution adopting the “Master Fee Schedule.”

Division 4. Effective Date

This Ordinance shall take effect and be enforced from and after its adoption by a majority of the Board of Directors.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Novato Fire Protection District on _____, 1999, by the following vote:

AYES:

NOES:

ABSENT:

NOVATO FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS

President

ATTEST:

Clerk