

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

April 7, 2020

FROM

DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District

SUBJECT

Introduction of Proposed Ordinance relating to the 2020-21 Fees for the San Bernardino County Fire Protection District

RECOMMENDATION(S)

CONTINUED FROM TUESDAY, MARCH 24, 2020, ITEM NO. 75:

Acting as the governing body of the San Bernardino County Fire Protection District (SBCFPD):

1. Conduct a public hearing on the proposed ordinance repealing Ordinance No. FPD 19-01 and establishing fees for SBCFPD as shown on the attached 2020-21 Fee Schedule (Attachment A).
2. Make alterations, if necessary, to the proposed ordinance, including:
 - a. Amend Section M - Waiver/Refund of Fees to include language to defer payment, eliminate the fee cap associated with the waiving of fees other than by the Board of Directors in the event of a disaster or other good cause shown to serve a public purpose, and to require approval by the County Chief Executive Officer, when obtaining Board of Directors' approval is not immediately feasible.
3. Approve introduction of proposed ordinance.
4. Read title only of proposed ordinance, waive reading of the entire text, and SCHEDULE FOR FINAL ADOPTION ON TUESDAY, APRIL 21, 2020 on the Consent Calendar.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). SBCFPD fees, as listed on the attached fee schedule (Attachment A), are projected to generate approximately \$14.2 million in revenue for 2020-21 to recover the cost of providing services. In addition, \$7.0 million in fee revenue is estimated to be collected for ambulance operations through Inland Counties Emergency Medical Agency (ICEMA) fees. Appropriation and revenue related to the fees will be included in the 2020-21 Recommended Budget for SBCFPD.

BACKGROUND INFORMATION

The SBCFPD fee ordinance is submitted annually to the Board of Directors (Board) for approval. The proposed ordinance for 2020-21 includes several recommended changes that are incorporated in the attached SBCFPD Fee Schedule. These changes, which include those

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enacted to properly address fees mandated by California State Fire Code and Health and Safety Code, are as follows:

- **Community Safety Division:** SBCFPD contracted with a private consulting firm to review the Community Safety Division's Construction Permits and Mandated/Required Occupancy Inspection fees. The consultant's review resulted in several fee recommendations to ensure appropriate cost recovery for services provided. These recommendations include the following:
 - Revision of 131 existing fees.
 - Addition of 26 new fees.
 - Deletion of three current fees as the costs are recoverable through another fee.

The vast majority of fee revisions for the Community Safety Division reflects an increase between 13% and 20%. This increase is primarily due to completion of updated time studies and recognition that these fees were last revised three years ago.

- **Employee Classification Hourly Rates:** Recommended changes include:
 - Revision of 16 existing fees.
 - Addition of two new fees.
 - Deletion of two current fees.

The fee revisions, which mostly reflect an increase of approximately 9%, are primarily due to the projected increased salary and benefit costs resulting from the Memorandum of Understanding with the San Bernardino County Professional Firefighters Local 935 Union that was approved by the Board on August 20, 2019 (Item No. 66).

The new fees are for the addition of two employee classifications (Finance Officer and Chief Financial Officer) approved by the Board in the 2018-19 First Quarter Budget Report.

The deleted fees pertain to two employee classifications (Finance Manager and Principal Budget Officer) that are no longer applicable to the department.

- **Hazardous Materials Division:** Recommended changes include:
 - Addition of one new fee.
 - Deletion of one existing fee.

Pursuant to AB 2902, effective January 1, 2019, new definitions for the Aboveground Petroleum Storage Act (APSA) program were added to existing statute. As a result, SBCFPD must now determine if existing tanks meet Tanks in Underground Area (TIUGA) requirements and are assigned the appropriate permit. Therefore, establishing a new fee is needed to recover the cost of fulfilling this responsibility.

The Request for Certified Hazardous Materials Records Search Finding Report fee is deleted as the cost of service is recovered through a separate fee.

SBCFPD ensures that the recommended fee amounts comply with Proposition 26. Proposition 26 generally requires fees not to be higher than the cost of the activity and/or service provided,

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unless an exception applies as indicated in the proposition. Upon review, SBCFPD has adjusted its fees as necessary to reflect the current costs of providing services.

On February 25, 2020 (Item No. 2), a fee workshop with the Board was conducted to discuss the 2020-21 proposed fees. No changes to SBCFPD fees were recommended at that time. In response to the current COVID-19 pandemic, a revision to Fee Ordinance Section M - Waiver/Refund of Fees is recommended to allow the Fire Chief to defer payment of, waive, or refund any fee in the event of a disaster, or other good cause shown to serve a public purpose if the following conditions are met:

1. Exigent conditions exist whereby obtaining Board approval of the fee waiver/refund/deferral would not be immediately feasible; and
2. County Fire receives concurrence from the County Chief Executive Officer.

This proposed language change eliminates the \$3,000 fee amount threshold, offers the ability to defer payment, and requires concurrence by the County Chief Executive Officer.

The proposed ordinance will take effect 30 days from adoption; however, repeal of Ordinance No. FPD 19-01 and establishment of the 2020-21 fees will be effective July 1, 2020.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Deputy County Counsel, 387-5455 and Kenneth Hardy, Supervising Deputy County Counsel, 387-5401) on March 25, 2020; Finance (Wen Mai, Principal Administrative Analyst, 387-4020 and Tom Forster, Administrative Analyst, 387-4635) on March 25, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on March 25, 2020.

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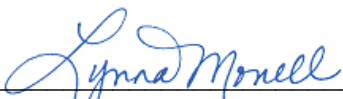
Record of Action of the Board of Directors
San Bernardino County Fire Protection District

Hearing Opened
Public Comment: None
Hearing Closed

APPROVED

Moved: Josie Gonzales Seconded: Dawn Rowe
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, SECRETARY OF THE BOARD

BY 
DATED: April 7, 2020



cc: File-SDD/SBCFPD Continue to Final BAI 4/21/20
jrh