

**ORDINANCE NO. 2017-02**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
CHINO VALLEY INDEPENDENT FIRE DISTRICT, COUNTY OF SAN BERNARDINO,  
STATE OF CALIFORNIA, UPDATING FEES RECOVERABLE FOR SERVICE AND  
ENFORCEMENT OF REGULATIONS.**

**WHEREAS**, the Chino Valley Independent Fire District ("District") has the legal authority pursuant to California Health and Safety Code Section 13916 to charge fees to cover the cost of any service which the District provides or the cost of enforcing any regulation for which a fee is charged ("user fees"), and;

**WHEREAS**, the Board last updated its user fees by adoption of Ordinance No. 2010-01, and good business practice recommends periodic examination of the actual cost for the District to provide a service or enforce a regulation and adjust fees accordingly; and,

**WHEREAS**, a cost allocation plan, a process that determines how to appropriately allocate indirect costs was completed prior to a user fee study, and in accordance with the federal Office of Management and Budget Circular A-87; and,

**WHEREAS**, a qualified and experienced professional services firm, NBS, was selected by the District in a competitive bid process to conduct a comprehensive study of the District's user fees; and,

**WHEREAS**, District staff worked closely with NBS in the comprehensive study and update of fees and charges per the Master Fee Schedule ("Fee Schedule"), as set forth in Exhibit "A" of this Ordinance; and,

**WHEREAS**, all fees and charges contained in the Fee Schedule are equal to or less than the estimated reasonable costs to the District of providing the subject services, as required by Article XIII C and XIII D of the California Constitution; and,

**WHEREAS**, the fees set out in this Ordinance are not fees on new construction or development for the construction of public improvements or facilities in the acquisition of equipment; and

**WHEREAS**, the Board held a duly noticed public hearing on the proposed changes to the Fee Schedule on October 11, 2017, at which time the public had the opportunity to submit oral and written comments; and,

**WHEREAS**, the District has provided and published notice of the meeting and public hearing pursuant to the requirements of Government Code Sections 6066 and 66016 through 66018; and,

**WHEREAS**, the District made the comprehensive study and Fee Schedule available for public review at least 14 days prior to the public hearing; and,

**NOW, THEREFORE**, be it ordained by the Board of Directors of the Chino Valley Independent Fire District as follows:

**SECTION 1. Findings.** The Recitals stated above are true and correct.

**SECTION 2. Schedule of Fees.** The Board hereby approves the following Fee Schedule as set forth in Exhibit "A" pursuant to Health and Safety Code Section 13916 et seq. The fees and charges imposed by this Ordinance are either: (a) for the purpose of meeting operating expenses and are found by the Board to be reasonably related to the actual expenses incurred by the District for the services and expenses described in Exhibit "A"; or (b) fines and penalties. The fees and penalties may be amended from time to time by Board resolution, to the extent permitted by State law. The user fees and charges may be amended from time to time by Board resolution, which amendments shall be based on the percentage change in the Consumer Price Index – All Items (Los Angeles-Riverside-Orange County), as published by the Bureau of Labor Statistics.

**SECTION 3. Fee Waiver.** The Board hereby approves the following Fee Waivers as set forth in this Section:

- A. Permit and inspection fees, as well as other miscellaneous fees and charges, required by the District from other public agencies may be forgiven or waived by the Fire Chief or a representative to the extent that the public agency waives, forgives or offsets fees or charges the District otherwise would owe to that agency.
- B. Payment of fees and charges authorized under this ordinance may be waived by the Fire Chief or his designee, if it is determined that payment would not be in the public interest.

This Ordinance does not preclude the District from pursuing any additional means of cost recovery.

**SECTION 4. Effective Date.**

The revised and amended Fee Schedule for User Fees shall go into effect on January 1, 2018.

**SECTION 5. Repeal of Ordinance No. 2010-01.**

This Ordinance supersedes Ordinance No. 2010-01 which shall be repealed in its entirety as of the date this Ordinance becomes effective. If this Ordinance does not become effective, Ordinance No. 2010-01 shall remain in full force and effect. Nothing herein shall affect any fees owing under Ordinance No. 2010-01.

**SECTION 6. Publication.**

The Clerk of the Board shall certify to the adoption of this Ordinance and shall publish the Ordinance as required by law.

**SECTION 7. CEQA.**

District staff has determined that adoption of the Schedule of Fees is exempt from the requirements of the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines Section 15378(b), because such adoption constitutes a funding mechanism or other fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The District staff is hereby directed to file a Notice of Exemption within five (5) days of adoption of this Ordinance.

**REVIEWED, APPROVED AND ADOPTED** this 11th day of October 2017.

**AYES: BOARD MEMBERS: Ramos-Evinger, Kreeger, DeMonaco, Gray and Luth.**  
**NOES: BOARD MEMBERS: None.**  
**ABSTAIN: BOARD MEMBERS: None.**  
**ABSENT: BOARD MEMBERS: None.**



**SARAH RAMOS-EVINGER, PRESIDENT**



**SANDRA HENEY**  
**CLERK OF THE BOARD**