

ORDINANCE NO. 2025-2

AN ORDINANCE OF THE NOVATO FIRE PROTECTION DISTRICT REPEALING RESOLUTION NO. 2008-5, WHICH ADOPTED A FIRE PREVENTION FEE SCHEDULE, AND ESTABLISHING A NEW MASTER FEE SCHEDULE FOR SERVICES PROVIDED BY THE NOVATO FIRE PROTECTION DISTRICT.

WHEREAS, the Novato Fire Protection District wishes to comply with both the letter and the spirit of Article XIII B of the California Constitution and limit the growth of taxes; and

WHEREAS, the District desires to establish a policy of recovering the full costs reasonably borne of providing special services of a voluntary and/or limited nature, such that general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, pursuant to California Health and Safety Code 13916 (b), it is the intention of the Novato Fire Protection District Board to establish a schedule of fees and charges based on the District's budgeted and projected costs reasonably borne.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NOVATO FIRE PROTECTION DISTRICT THE FOLLOWING:

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) Pursuant to California Health and Safety Code, Division 12, Part 2.7, Chapter 8, §13916 (a), A district board may charge a fee to cover the cost of any service which the district provides or the cost of enforcing any regulation for which the fee is charged. No fee shall exceed the costs reasonably borne by the district in providing the service or enforcing the regulation for which the fee is charged.
- c) The fee and service cost study evaluation procedure 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.
- d) The adoption of this Ordinance is exempt from the California Environmental Quality 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.

- e) This Ordinance shall repeal Resolution No.2008-5 in its entirety.

Section 2. Delegation of Authority and Direction

- 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 this ordinance.
- c) “Fully Burdened Hourly Rate” is defined in Section 4. In recommending the adjustment of 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.

Section 3. Fee Schedule

Fee Schedule The fees established and adopted by this ordinance are attached hereto as “Exhibit A” entitled Novato Fire Protection Fire District, Fee Schedule Fiscal Year 2025/2026.

Pursuant to Health & Safety Code section 13918, the fees established and adopted by this ordinance are charged against public agencies as well as private persons and entities.

Pursuant to Health and Safety Code section 13919, payment of any fee established by this ordinance may be waived when payment would not be in the public interest, as determined in accordance with policies and procedures governing such waivers adopted by resolution of the District Board of Directors.

Section 4. Definitions

- a) Direct Cost: Direct Cost is defined as the direct cost incurred by the District in performing a service, including the direct wages and benefits calculated as the productive hourly rate for employee(s) providing the service, actual equipment cost directly attributable to the service provided, and any actual discrete costs incurred by the District in performing the service (e.g., payment to vendor or contractor for services provided).
- b) Indirect Cost: Indirect cost is defined as the actual cost incurred by the District in support of a service, including, but not limited to, service contracts for electronic

equipment, professional memberships, vehicle maintenance, vehicle operating expenses, vehicle insurance, communications expenses, computer costs, printing and reproduction, code subscription services and like expenses.

- c) Full Cost: Full Cost is defined as the full cost incurred by the District in performing a service including, but not limited to, the fully burdened rate (defined below) for staff time, fully burdened overtime rate (defined below) for staff services performed after normal working hours, the cost for materials, vehicles, equipment, and contracts. Material costs include any supplies used (i.e. paper, printing, electronic data collection or archive software or equipment, etc.). Vehicle costs are based on hourly vehicle rates that include operation, maintenance, and replacement costs of the vehicle, overhead/administrative costs, insurance, accident repair costs, and fuel. Contract costs are the cost for a contractor to perform work on behalf of the District.

- i. Full Costs are subject to a minimum of 1/2 hour of the Fully Burdened Rate for positions performing service.

- d) Fully Burdened Rate: a billable rate that captures all costs associated with employees, over and above gross compensation or payroll costs. Typical costs associated with the burdened rate include payroll taxes, worker's compensation, health insurance, paid time off, pension contributions, other benefits, and indirect costs including departmental and Districtwide administrative overhead allocations.

Section 5. Schedule of Fees and Service Charges

- a) The Fire Chief shall 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. The Fire Chief shall review the "Master Fee Schedule" annually and propose any modification to be adopted in the form of a resolution.
- b) The fees for services described in the Master Fee Schedule 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 Board of Directors.
- c) 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 6. Statutory Public Meeting

Pursuant to the California Health and Safety Code Section 13916, the District shall cause notice to be provided as set forth in Government Code Section 6066, and the Board of Directors 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 of Directors taking any action on any new or increased fees or charges with respect to the "Master Fee Schedule."

Section 7. 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 8. 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 an 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.

Section 9. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors 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.

Section 10. Repealer

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.”

Section 11. Effective Date

This Ordinance shall take effect and be enforced 30 days after its adoption by a majority of the Board of Directors. Within fifteen (15) days of passage, this Ordinance and Fee Schedule shall be published as authorized by law once with the names of the Directors voting for and against it, in the Marin Independent Journal, a newspaper of general circulation in this District.

PASSED AND ADOPTED by the Board of Directors, Novato Fire Protection District, on the 2nd day of July 2025, by the following vote:

AYES: Board Members: Davis, Goines, Hadfield, Silverman

NOES: Board Members: NA

ABSTAIN: Board Members: NA

ABSENT: Board Members: Francisco

Bruce Goines

Bruce Goines, President of the Board of Directors

Attest: Jennifer Crayne

Jennifer Crayne, Novato Fire Protection District, Clerk of the Board

