



San Miguel Consolidated Fire Protection District
Regular Meeting of the Board of Directors
2850 Via Orange Way, Spring Valley, CA 91978

AGENDA

Wednesday, May 8, 2024 - 5:30 p.m.

MEETINGS - The Board meets regularly on the second Wednesday of each month at 5:30 p.m. The District reserves the 4th Wednesday of each month for an additional Regular Meeting if needed. Special and Emergency meetings may be scheduled as needed, and cancelled meetings will be noticed by posting on the District website.

AGENDA - Agenda items shall be addressed in the published order unless a member of the Board or a member of the public requests a specific item to be taken out of order, and the Board agrees to do so.

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (US CODE TITLE 42) - If you need accommodation to participate in the meeting, please call or email and Board Clerk Shayna Rians will coordinate arrangements: (619) 670-0500 or info@sanmiguelfire.org

PUBLIC COMMENT - The public may attend meetings in person, complete a speaker slip, and bring an item not on the agenda forward; however, the Board will not be able to take any action at this meeting. If appropriate, the item will be referred to the Board and/or Fire Chief to determine if the item will be placed on a future Board agenda. The Board may not discuss items from Board members or Staff, but, if appropriate, will be placed on a future Board agenda. A three (3) minute period shall be allotted to each person addressing the Board to facilitate business proceedings.

MEETING MATERIALS (GOVERNMENT CODE §54957.5 AND AB 2647) - Documents provided to members of a Brown Act body in the 72 hours before a meeting (i.e., after the agenda is typically posted) are available to the public at the same time they are provided to the board members. The agenda and supporting documents are available online at <https://www.sanmiguelfire.org/board-meetings>

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENT

SPECIAL PRESENTATIONS

- The Prop E Committee will present their Annual Report to the Board.
- Michaela Peters, Local Government Analyst from LAFCO, will provide a presentation on Property Tax Exchange.
- San Miguel Leadership will acknowledge recent retirements.

1. CONSENT AGENDA ITEMS

1.1 Approval of the Minutes - Regular Meeting of April 10, 2024.

1.2 Approval of Board Member Stipends.

2. INFORMATIONAL AGENDA ITEMS

- 2.1** Jamacha Sleeping Cabins Project – The Board of Directors will hear information on the Jamacha Sleeping Cabins Project.
- 2.2** Station 18 Update – Division Chief Quinlan will provide an update on the progress of new Station 18.
- 2.3** Fire Prevention Update – Fire Marshal Newman will provide an update to the Board.

3. ACTION AGENDA ITEMS

- 3.1** Public Hearing 1 of 1 pertaining to Resolution 24-08 – The Board of Directors will conduct a public hearing and may adopt Resolution 24-08, which affirms participation in the County of San Diego Fire Mitigation Fee Program and adopts a Capital Improvement Plan for Fiscal Year 2024-25.
- 3.2** Public Hearing 1 of 2 and First Reading pertaining to Ordinance 24-01 – The Board of Directors will conduct a public hearing regarding the Proposed Fire Prevention Fee Schedule Update.
- 3.3** Resolution 24-09 & 24-16 – The Board Directors will consider adopting Resolutions 24-09 and 24-16, allowing the District to participate in the County of San Diego’s Neighborhood Reinvestment and Community Enhancement Programs.
- 3.4** Special Benefit Tax Assessment
 - 3.4.1** Resolution 24-10 – The Board of Directors will consider adopting Resolution 24-10, Ordering the Levy of the Special Benefit Tax for Fire Suppression and Emergency Services (Crest Area) for Fiscal Year 2024/2025.
 - 3.4.2** Resolution 24-11 – The Board of Directors will consider adopting Resolution 24-11, Ordering the Levy of the Special Benefit Tax for Fire Protection and Emergency Medical Services (Bostonia Area) for Fiscal Year 2024/2025.
 - 3.4.3** Resolution 24-12 – The Board of Directors will consider adopting Resolution 24-12, Ordering the Levy of the Special Benefit Tax for the Provision of Advanced Life Support (Paramedic/Firefighter – Crest and Bostonia Area) Engines for Fiscal Year 2024/2025.
 - 3.4.4** Resolution 24-13 – The Board of Directors will consider adopting Resolution 24-13, Ordering the Levy of the Special Tax for Fire Suppression, Protection and Emergency Medical Response Services (Proposition E - Crest and Bostonia Area) for Fiscal Year 2024/2025.
- 3.5** CFD Annexations—The Board of Directors will consider adopting Resolutions declaring intent to annex properties into the existing CFD 2022-1.
 - 3.5.1** CFD 2022-1 Annexation 2, Parcel 584-440-66-00, Resolution 24-14
 - 3.5.2** CFD 2022-1 Annexation 3, Parcel 483-101-08-00, Resolution 24-15

4. REPORTS

- 4.1** Committee Reports
- 4.2** Directors' Reports
- 4.3** Fire Chief Report
- 4.4** Association of San Miguel Chief Officers Communications
- 4.5** Association of San Miguel Firefighters Communications
- 4.6** Correspondence

5. CLOSED SESSION

5.1 Conference with Labor Negotiator (GOV §54957.6)

Agency Negotiators: Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
Employee Organization: Association of San Miguel Firefighters IAFF Local 1434

5.2 Conference with Labor Negotiator (GOV §54957.6)

Agency Negotiators: Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
Employee Organization: Chief Officer’s Association of San Miguel

5.3 Conference with Labor Negotiator (GOV §54957.6)

Agency Negotiators: Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
Unrepresented Employees: Division Chief, Deputy Fire Marshal, Administrative Officer/Finance Officer, Administrative Analyst, Human Resources Specialist, Accounting Specialist, Administrative Assistant, Fire Inspector(s), Fire Services Officer

ACTION PLAN RECAP

NEXT MEETING – Regular Meeting, June 12, 2024, 5:30 p.m., District Headquarters

ADJOURNMENT

CERTIFICATION OF POSTING I certify that on May 3, 2024, a copy of the foregoing agenda was posted on the District’s website and near the meeting place of the Board of Directors of the San Miguel Consolidated Fire Protection District, said time being at least 72 hours in advance of the Board of Directors meeting (Government Code §54954.2). Executed at Spring Valley, California on May 3, 2024

/s/ *Shayna Rians* _____ Shayna Rians, Board Clerk

San Miguel Consolidated Fire Protection District

Regular Meeting of the Board of Directors

MINUTES

Wednesday, April 10, 2024 - 5:30 p.m.

Director McKenna called the meeting to order at 5:30 p.m.

BOARD MEMBERS PRESENT Directors McKenna, Muns, Nelson, Pierce, Raddatz, Robles and Woodruff

BOARD MEMBERS ABSENT None

STAFF PRESENT Fire Chief Lawler, Division Chiefs Durrell and Quinlan, Administrative Officer/Finance Officer Harris, and Executive Assistant/Board Clerk Rians

Director Muns led the Pledge of Allegiance

APPROVAL OF AGENDA

Agenda Item 1.2 reflects an error on Director Raddatz's stipend form. The Board Clerk is aware and has made the correction, but the packet posted on 4/5/2024 reflects the error.

By Board Consensus, the agenda was approved.

The Agenda for the Regular Meeting of April 10, 2024, was posted at District Headquarters on Friday, April 5, 2024, at 5:00 p.m.

PUBLIC COMMENT

None.

1. CONSENT AGENDA ITEMS

Action Agenda Item 1.2 correction as noted under Approval of Agenda. Upon a motion by Director Raddatz, second by Director Nelson, and vote (unanimously in favor with Director Robles absent), the Consent Agenda was approved.

1.1 Approval of the Minutes - Regular Meeting of March 13, 2024.

1.2 Approval of Board Member Stipends.

1.3 Review the Quarterly Information Technology Access Log.

1.4 Resolution 24-05 – The Board of Directors will consider adopting Resolution 24-05, Authorizing the Liquidation of Surplus Equipment (Apparatus 1111, 1119 and 1121).

1.5 Resolution 24-06 – The Board of Directors will consider adopting Resolution 24-06, Amending and Adopting Local Guidelines for Implementing the California Environmental Quality Act.

2. INFORMATIONAL AGENDA ITEMS

2.1 Station 18 Update – Division Chief Quinlan provided an update on the progress of the new Station 18. A community barbeque is being planned to kick off the project, currently slated for the weekend prior to the start of demolition.

Director Robles arrived at 5:42 p.m.

3. REPORTS

3.1 Committee Reports

Director McKenna stated that the Board Policy Manual Committee has revisions coming to the full Board in the near future.

3.2 Directors' Reports - Director Nelson attended the annual St. Patrick's Day Parade and acknowledged that it was well attended. Director Robles shared that the potential mold at Station 16 that was discussed at the last meeting was tested and came back negative. Director Robles thanked the staff for following up on this request.

3.3 Chief's Report

Chief Lawler shared that the Strategic Planning Committee met, which included Ron Nehring. Future meetings are being planned to include Local 1434, all ranks, Headquarters staff, and Board members. Chief Lawler is meeting with County Supervisor Anderson tomorrow regarding Station 18 funding and continues to discuss the slated sleeping cabins with Chair Vargas. He also discussed three significant incidents and commended Division Chief Quinlan, Fire Services Officer Camarena, and Consultant Tockstein on the Facilities management with the many projects happening in the District.

3.4 Association of San Miguel Chief Officers Communications

Training Division Battalion Chief Christiansen shared that Probationary Firefighter Paramedics finished their second quarter testing and did well, and personnel completing State Firefighter 1 and 2 testing are doing well.

The Reserve Academy will begin on April 15, 2024, and the new hire Firefighter Paramedic Academy, a joint academy with the Santee Fire Department, will start on April 25, 2024, with graduation planned for 6/6/2024. Battalion Chiefs Christian, Nava, and Riley attended the Fresno Leadership symposium last month, and Christiansen attended Vector Solutions training with Division Chief Quinlan.

3.5 Association of San Miguel Firefighters Communications

Captain Hays shared that three members (Marin, Gilman, Burkard) are in Hawaii for the International Association of Fire Fighters (IAFF) training. The St. Patrick's parade was successful. Firefighter Paramedic Arteaga is on the Urban Search and Rescue California Task Force 8 (CA-TF8) and has been training with his search-and-rescue dog. Hays has been working with the retiree group on the memorial project and a separate memorial for Bob Huston. The Local is participating in Spring Valley Day and is looking forward to the annual Golf Tournament.

3.6 Correspondence

None.

President Robles adjourned the meeting to Closed Session at 5:52 p.m.

4. CLOSED SESSION

4.1 Fire Chief's Performance Evaluation (GOV §54957)

4.2 Liability Claim (GOV §54956.95) – Brian Komp

4.3 Conference with Legal Counsel – Existing Litigation (GOV §54956.9(b))

1 Case (Case Number 21-157174)

4.4 Conference with Labor Negotiator (GOV §54957.6)

Agency Negotiators:	Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
Employee Organization:	Association of San Miguel Firefighters IAFF Local 1434

4.5 Conference with Labor Negotiator (GOV §54957.6)

Agency Negotiators: Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
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Agency Negotiators: Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
Unrepresented Employees: Division Chief, Deputy Fire Marshal, Administrative Officer/Finance Officer, Administrative Analyst, Human Resources Specialist, Accounting Specialist, Administrative Assistant, Fire Inspector(s), Fire Services Officer

President Robles reconvened the meeting to Open Session at 8:15 p.m.

5. ACTION AGENDA ITEMS

5.1 Resolution 24-07 – The Board of Directors will consider adopting Resolution 24-07 pertaining to the Industrial Disability Retirement of Brian Komp.

Upon a motion by Director Nelson, second by Director Muns, and vote (unanimously in favor), Resolution 24-07 was approved.

ACTION PLAN RECAP

None.

*The next Board Meeting will be a Regular Meeting on **May 8, 2024, at 5:30 p.m.**, District Headquarters.*

President Robles adjourned the meeting at 8:16 p.m.

Minutes approved at the Regular Meeting of the Board of Directors, San Miguel Consolidated Fire Protection District, on May 8, 2024.

Jesse A. Robles, Board President

Attest:

Shayna Rians, Board Clerk



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Shayna Rians, Executive Assistant/Board Clerk
SUBJECT: Board Member Stipends

BACKGROUND

Effective January 1, 2015, a formal payment procedure was established to pay board members their monthly meeting stipends. To initiate the payment process, a stipend form for board meetings, training, and local meetings/events will be submitted.

DISCUSSION

Meetings attended during the month of April 2024 include:

Meeting	Date	Attended By
Board – Regular	04/10/2024	McKenna, Muns, Nelson, Pierce, Raddatz, Robles and Woodruff
Heartland Training	04/11/2024	Pierce

RECOMMENDATION

Approve the attached board member monthly meeting stipend forms for meetings that took place during the month of April 2024.

San Miguel Consolidated Fire Protection District

Board Member Monthly Meeting Stipend Form

Name: Theresa McKenna

Month/Year: April 2024

Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
04/10/24	Regular Board Meeting	\$173.25	x
TOTAL MEETING STIPEND		\$0.00	

Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
TOTAL MILES			0	\$0.00

Section III - Expense Claim Summary (Expense Report Form must be attached)

Date	Description	Amount

Section IV - Summary

Signature: _____ Date: _____	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Total Stipend Paid:</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">Total Expense Claim:</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">Total Mileage:</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">Total Amount Due:</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> </table>	Total Stipend Paid:	\$0.00	Total Expense Claim:	\$0.00	Total Mileage:	\$0.00	Total Amount Due:	\$0.00
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Total Mileage:	\$0.00								
Total Amount Due:	\$0.00								
Approved at Board Meeting on: <u>5/8/2024</u>									

MAXIMUM OF 4 MEETINGS PAID PER MONTH

Forms are due the 1st of each month

Please submit to Shayna Rians

srians@sanmiquelfire.org

San Miguel Consolidated Fire Protection District

Board Member Monthly Meeting Stipend Form

Name: Harry Muns

Month/Year: April 2024

Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <i>not</i> want to be paid Stipend
04/10/24	Regular Board Meeting	\$173.25	x
TOTAL MEETING STIPEND		\$0.00	

Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
TOTAL MILES			0	\$0.00

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San Miguel Consolidated Fire Protection District

Board Member Monthly Meeting Stipend Form

Name: Jeff Nelson

Month/Year: April 2024

Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
04/10/24	Regular Board Meeting	\$173.25	
TOTAL MEETING STIPEND		\$173.25	

Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
TOTAL MILES			0	\$0.00

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srians@sanmiquelfire.org

San Miguel Consolidated Fire Protection District

Board Member Monthly Meeting Stipend Form

Name: Christopher Pierce

Month/Year: April 2024

Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
04/10/24	Regular Board Meeting	\$173.25	
04/11/24	Heartland Training Facility (paid by Commission)		
TOTAL MEETING STIPEND		\$173.25	

Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
TOTAL MILES			0	\$0.00

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San Miguel Consolidated Fire Protection District

Board Member Monthly Meeting Stipend Form

Name: Kim Raddatz

Month/Year: April 2024

Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
04/10/24	Regular Board Meeting	\$173.25	
TOTAL MEETING STIPEND		\$173.25	

Section II - Training and Local Meetings/Events

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srians@sanmiquelfire.org

San Miguel Consolidated Fire Protection District

Board Member Monthly Meeting Stipend Form

Name: Jesse A. Robles

Month/Year: April 2024

Section I - Board/Committee Meetings

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San Miguel Consolidated Fire Protection District

Board Member Monthly Meeting Stipend Form

Name: Ed Woodruff

Month/Year: April 2024

Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
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Please submit to Shayna Rians

srians@sanmiquelfire.org



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Jon Newman, Fire Marshal
SUBJECT: Resolution 24-08 – Fire Mitigation Fee Program

BACKGROUND

Resolution 24-08 facilitates the District's continued participation in the County Fire Mitigation Fee Program. The Fire Mitigation Fee Program provides financing for projects such as station construction and expansion and the purchase of additional fire or emergency apparatus to allow fire departments to provide adequate protection to areas impacted by new growth and development. To establish participation in the Fire Mitigation Fee Program, resolutions must be adopted annually, indicating each department's need for funds to provide sufficient funding through other sources to accommodate the increased need for protection due to new developments. The current fee is .58 cents per square foot and there is no increase from the previous year.

The county of San Diego Fire Protection District has secured financing and a consultant to prepare a nexus study and provide recommendations for comprehensive updates to the FMF Program pursuant to the requirements of the Mitigation Fee Act set forth in California Government Code section 66000 – 66025. The statute regulates how public agencies collect, maintain, and spend development impact fees, including reporting requirements. The Mitigation Fee Act requires a nexus between the impact of new development, the amount of fire services needed to serve the public, and the amount of in-lieu fees required. This is due to a request to increase the fee.

DISCUSSION

FISCAL IMPACT

\$83,980.26 in fire mitigation fees revenue calculated so far in Fiscal Year 2023/2024.

ATTACHMENTS

- A. Resolution 24-08

RECOMMENDATION

Conduct Public Hearing 1 of 1 today (May 8, 2024) to collect input from our constituents. After the public hearing, it is recommended that the Board adopt Resolution 24-08 to continue participation in the County Fire Mitigation Fees Program.

Resolution 24-08

**A Resolution of the Board of Directors of the
San Miguel Consolidated Fire Protection District
to Participate in the County of San Diego Fire Mitigation Fee Program for
Fiscal Year 2024-2025 and Adopt a Capital Improvement Plan for
the Use of Fire Mitigation Fee Revenue**

WHEREAS, the San Miguel Consolidated Fire Protection District requires long-term fire protection facilities and equipment (Facilities) to provide fire suppression or emergency medical services within the District's boundaries;

WHEREAS, new development is anticipated in the District, and existing Facilities will be inadequate to provide fire suppression or emergency medical services, creating a situation perilous to public health and safety;

WHEREAS, to mitigate the impacts caused by new development, the District must improve or expand existing Facilities and/or construct or acquire new Facilities;

WHEREAS, the District lacks sufficient funds for new or improved Facilities from fund balances, capital facility funds, property tax sources, or any other appropriate source, and annexation and plan check fees charges by the District do not include a payment toward the costs of Facilities as a component of those fees;

WHEREAS, pursuant to California Government Code Section 66000, et seq. (Mitigation Fee Act), the County of San Diego (County) is authorized to collect a mitigation fee from applicants for new development to defray costs related to Facilities that are incurred due to the development;

WHEREAS, the County has established fee ceilings for types of construction by Chapter 3 of Division 10 of Title 8 (commencing with Section 810.301) of the County Code of Regulatory Ordinances (Fire Mitigation Fee Ordinance);

WHEREAS, the District desires to participate in the County's Fire Mitigation Fee (FMF) program;

WHEREAS, pursuant to Section 66002 of the Mitigation Fee Act, the governing body of a local agency that levies a mitigation fee may adopt a capital improvement plan, which shall be adopted by and annually updated by a resolution at a noticed public hearing;

WHEREAS, the County's Fire Mitigation Fee (FMF) Ordinance requires that fire agencies participating in the FMF Program adopt a five-year Capital Improvement Plan indicating the approximate location, size, time of availability, and cost estimates for long-term Facilities to be financed with the FMF revenue; and

WHEREAS, notice of the hearing to update the District's Capital Improvement Plan was given, as required by law, as shown by the affidavit of publication on file herein.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTIONS DISTRICT HEREBY RESOLVES AS FOLLOWS:

1. The District shall participate in the County’s FMF Program for Fiscal Year 2024-2025 and agrees to comply with all applicable requirements of the County’s FMF Ordinance and the Mitigation Fee Act.
2. The District requests that the County collect 100% percent of the FMF ceiling on the District’s behalf from applicants for building permits or other permits for development within the District’s boundaries. The percent of the ceiling fee is equal to or less than the Facilities needs caused by new development.
3. Except as otherwise provided in the County Code or state law, all FMF revenue shall be used only to expand the availability of Facilities to serve new development within the District’s boundaries. FMF revenue shall not be used to address existing deficiencies, but may be used in response to increased demand reasonably related to the new development to refurbish existing facilities to maintain an existing level of service or achieve an adopted level of service.
4. The District shall deposit all FMF revenue received from the County and all interest subsequently accrued by the District on these funds in a separate account to be known as the “San Diego County Fire Mitigation Fee.”
5. The District shall defend, indemnify, and hold harmless the County, its officers, officials, employees, agents, and volunteers, from and against any and all demands, claims, actions, litigation, or other proceedings, liability, damages, and costs (including, but not limited to, attorney fees) that are based in whole or in part upon the levy, imposition, collection, or payment of FMF, or the denial of a permit until the FMF is paid, excepting only matters that are based upon the County’s gross negligence or willful misconduct.
6. The District shall make its records justifying the basis for the FMF amount available to the public on request.
7. The District resolves that five-year Capital Improvement Plan for use of Fire Mitigation Fee revenue within the District is as follows:

Fiscal Year 2024-2025

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2025-2026

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2026-2027

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2027-2028

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

Fiscal Year 2028-2029

- | | |
|--|----------------|
| 1. Fleet Request | \$150,000 |
| (3) Light Fleet Replacement (Operations/Fire Prevention) | 75% of Project |
| 2. Capital Improvements Project 1 | 75% of bond |
| Payment of Headquarters Facility and Station 22 | |
| Prior Years Catch-Up | |
| <i>Paid through debt service payback</i> | |

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution 23-16 adopted June 14, 2023, to participate in the FMF program.

PASSED AND ADOPTED by the Board of Directors of the San Miguel Consolidated Fire Protection District, City of Spring Valley, County of San Diego, State of California, this 8th day of May 2024, by the following vote:

MOTION BY:

SECONDED BY:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

Affidavit of Publication Attached _____



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Jon Newman, Fire Marshal
SUBJECT: Fire Prevention Fee Schedule – Update Proposal

BACKGROUND

The Fire Prevention Division's purpose is to ensure the public's health and safety by enforcing compliance with fire and building codes. This is accomplished through plan review of all new construction projects and annual inspections of businesses and state-mandated inspection occupancies. The San Miguel fee schedule for fire prevention-related services was updated in 2021 and amended for updated fees on December 8, 2021, which took effect in January 2022. To attempt to recover as many of the costs of delivering these services, we review them on an annual basis.

DISCUSSION

Fees have been updated based on salary and benefits costs, operating costs specific to Fire Prevention, and administrative costs. A cost analysis has been included for justification of the increase in fees.

The primary purpose of reviewing architectural, engineering, and life safety system plans is to ensure all new construction is designed and built in compliance with adopted codes and standards. Plan review fees consist of an initial plan review and all associated site inspections to obtain final occupancy certification. Annual business and multi-family residential inspection fees consist of an initial site inspection and one additional reinspection to correct violations. The primary purpose of annual inspections is to educate the community about the benefits of proper safety practices and identify and eliminate hazardous conditions which pose a threat to life and property.

FISCAL IMPACT

The fiscal impact is unknown and cannot be accurately predicted due to fluctuations in the construction industry and economy, but it is anticipated that the District will see an increase in revenue if this fee schedule is adopted. With these increases in revenue, based on the analysis, Fire Prevention would be closer to cost-neutral. A continuous cost-of-service analysis will be provided each year when reviewing the fee schedule.

ATTACHMENTS

- A. Cost-of-Service Analysis (Revenue over Expense)
- B. Proposed Fire Prevention Fee Schedule
- C. Ordinance 24-01 Draft

RECOMMENDATION

Conduct Public Hearing and Reading 1 of 2 today (May 8, 2024) to collect input from our constituents. After the public hearing, the Board may direct staff to schedule Public Hearing and Reading 2 of 2 for the next Board Meeting (June 12, 2024). After the second hearing/reading, the Board may vote to approve Ordinance 24-01, which adopts the updated Fire Prevention Fee Schedule.

**Fire Prevention
Revenue vs. Expense
FY 2021 through 2023**

	FY2021	FY2022	FY2023
Revenue:			
Plans	\$108,877.00	\$190,795.00	\$282,193.98
Inspections	\$70,229.00	\$110,831.00	\$134,234.46
Total Income:	\$179,106.00	\$301,626.00	\$416,428.44
Expenses:			
Deputy Fire Marshal			
Salary	\$92,520.00	\$96,240.00	\$100,092.00
Benefits	\$75,813.00	\$80,409.00	\$84,000.00
Total Deputy Fire Marshal	\$168,333.00	\$176,649.00	\$184,092.00
Fire Inspector (2)			
Salary	\$160,920.00	\$167,376.00	\$174,072.00
Benefits	\$136,336.00	\$144,946.00	\$151,484.00
Total Fire Inspector	\$297,256.00	\$312,322.00	\$325,556.00
Accounting Specialist (25%)			
Salary	\$15,600.00	\$16,224.00	\$16,875.00
Benefits	\$13,933.25	\$15,077.50	\$15,494.25
Total Accounting Specialist	\$29,533.25	\$31,301.50	\$32,369.25
Administrative Assistant (25%)			
Salary	\$14,430.00	\$15,009.00	\$18,600.00
Benefits	\$13,191.50	\$14,309.25	\$16,585.25
Total Administrative Asst.	\$27,621.50	\$29,318.25	\$35,185.25
Total Salaries and Benefits:	\$522,743.75	\$549,590.75	\$577,202.50
Other Expenses:			
Minor Equipment	\$3,990.05	\$6,966.40	\$1,546.35
Office Supplies	\$675.40	\$597.85	\$859.00
Personnel Development	\$1,209.85	\$2,009.90	\$3,100.51
Publications and Media	\$2,233.00	\$688.00	\$5,570.79
Special District Expenses	\$2,350.00	\$25,857.00	\$30,278.15
Travel and Subsistence	\$15.00		\$250.00
Vehicle	\$2,369.00	\$2,371.00	\$2,568.25
Utilities	\$728.00	\$1,073.25	\$4,295.71
Total Other Expenses:	\$13,570.30	\$39,563.40	\$48,468.76
Total Expenses:	\$536,314.05	\$589,154.15	\$625,671.26
Net Profit/Loss:	-\$357,208.05	-\$287,528.15	-\$209,242.82
Fire Mitigation Fees:	\$328,815.00	\$504,030.00	\$265,444.00
Related to Growth			



San Miguel Fire & Rescue
Proposed 2024 Fee Schedule
New Fee Proposals
Exhibit "A"

Basic Description		Duty	Hours to Complete	Hourly Staff Rate	Hourly Rate x Hours	Proposed Operating Expense (10% Fee)	Admin Fee	Current Fee Total (Admin Fee Included)	Proposed Fee (Admin Fee Included)	Proposed New Fee vs Present Fee	Proposed New Fee vs Present Fee
1	Mapping	Fire Marshal	N/A	\$129.62	N/A	N/A	N/A	\$16	\$16	N/A	N/A
2	Fair Share (\$0.20 per square foot)	Fire Marshal	N/A	N/A	N/A	N/A	N/A	20¢/sq ft	20¢/sq ft	N/A	N/A
3	Letters	Fire Marshal	1	\$129.62	\$129.62	\$12.96	\$27.97	\$124	\$171	\$47	38%
4	Project Availability Form for Minor Subdivision or Minor Use Permit	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%
5	Project Availability Form for Major Subdivision	Fire Marshal	3.5	\$129.62	\$453.67	\$45.37	\$27.97	\$368	\$527	\$159	43%
6	TPM or Minor Subdivision Service Letter Renewal	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%
7	TM or Major Subdivision Service Letter Renewal	Fire Marshal	3.5	\$129.62	\$453.67	\$45.37	\$27.97	\$368	\$527	\$159	43%
8	Final Map / Mylar Review	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%
9	Release of Map Covenants	Fire Marshal	2.5	\$129.62	\$324.05	\$32.41	\$27.97	\$270	\$384	\$114	42%
10	Cellular Sites	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%
11	Major Use Permit (P or MUP) or Site Plan (S or STP)	Fire Marshal	3.5	\$129.62	\$453.67	\$45.37	\$27.97	\$368	\$527	\$159	43%
12	Fuel Modification Plans or Environmental Review – Mitigated Negative Declaration	Fire Marshal	3.5	\$129.62	\$453.67	\$45.37	\$27.97	\$368	\$527	\$159	43%
13	Minor Grading Plan (5 acres or less)	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%
14	Administrative (AD), Variance (VAR), Vacation Review (VAC), or Zoning (ZAP) Service Letter	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%
15	Improvement Plans – Planned Residential Development (PRD) Service Letter	Fire Marshal	2.5	\$129.62	\$324.05	\$32.41	\$27.97	\$270	\$384	\$114	42%
16	Site Plan Review (single occupancy) conceptual and consultation	Fire Marshal	2.5	\$129.62	\$324.05	\$32.41	\$27.97	\$270	\$384	\$114	42%
17	Grading Plan (more than 5 acres)	Fire Marshal	2.5	\$129.62	\$324.05	\$32.41	\$27.97	\$270	\$384	\$114	42%
18	New Residential Construction	Fire Marshal	4.25	\$129.62	\$550.89	\$55.09	\$27.97	\$441	\$634	\$193	44%
19	Residential Addition or Remodel	Fire Marshal	3	\$129.62	\$388.86	\$38.89	\$27.97	\$319	\$456	\$137	43%
20	Residential Plan Resubmittal/Stamp Transfer (new or remodel)	Fire Marshal	1.5	\$129.62	\$194.43	\$19.44	\$27.97	\$173	\$242	\$69	40%
21	Residential Building Plans for Planned Residential Developments	Fire Marshal	4.75	\$129.62	\$615.70	\$61.57	\$27.97	\$489	\$705	\$216	44%
22	Residential Building Plans for Planned Residential Developments (each additional unit)	Fire Marshal	2.5	\$129.62	\$324.05	\$32.41	\$27.97	\$270	\$384	\$114	42%
23	Tenant Improvement	Fire Marshal	3.25	\$129.62	\$421.27	\$42.13	\$27.97	\$343	\$491	\$148	43%
24	Detached Garages & Outbuildings	Fire Marshal	3.25	\$129.62	\$421.27	\$42.13	\$27.97	\$343	\$491	\$148	43%
25	Commercial, Industrial & Multi-family Building Plans (up to 52,000 sq ft)	Fire Marshal	6.5	\$129.62	\$842.53	\$84.25	\$27.97	\$660	\$955	\$295	45%
26	Commercial, Industrial & Multi-Family Building Plans (each additional 52,000 sq ft)	Fire Marshal	3.75	\$129.62	\$486.08	\$48.61	\$27.97	\$392	\$563	\$171	44%
27	Commercial, Industrial & Multi-Family Building – Additional Field Inspection (after 2 nd inspection)	Fire Marshal	1.5	\$129.62	\$194.43	\$19.44	\$27.97	\$173	\$242	\$69	40%
28	Commercial, Industrial & Multi-Family Plan Resubmittal/Stamp Transfer	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%
29	Residential Fire Sprinkler System (13-D or 13-R)	Fire Marshal	3.25	\$129.62	\$421.27	\$42.13	\$27.97	\$343	\$491	\$148	43%
30	Residential Fire Sprinkler Plans (each additional unit or riser)	Fire Marshal	2.5	\$129.62	\$324.05	\$32.41	\$27.97	\$270	\$384	\$114	42%
31	Residential Fire Sprinkler Plan (resubmittal)	Fire Marshal	1.5	\$129.62	\$194.43	\$19.44	\$27.97	\$173	\$242	\$69	40%
32	Commercial Fire Sprinkler System	Fire Marshal	6.75	\$129.62	\$874.94	\$87.49	\$27.97	\$684	\$990	\$306	45%
33	Underground for Fire Sprinkler System or Hydrant	Fire Marshal	3	\$129.62	\$388.86	\$38.89	\$27.97	\$319	\$456	\$137	43%
34	Commercial Fire Sprinkler or Underground Plans (resubmittal)	Fire Marshal	2	\$129.62	\$259.24	\$25.92	\$27.97	\$222	\$313	\$91	41%

35	Commercial Sprinkler Tenant Improvement	Fire Marshal	3.25	\$129.62	\$421.27	\$42.13	\$27.97	\$343	\$491	\$148	43%
36	Special Fire Protection Installations, Hood & Duct Systems, Remote Extinguishing Systems	Fire Marshal	3.25	\$129.62	\$421.27	\$42.13	\$27.97	\$343	\$491	\$148	43%
37	Special Hazard Installations, High Piled Storage, Underground & Aboveground Storage Tanks, Spray Booths, Industrial Ovens, etc.	Fire Marshal	4.5	\$129.62	\$583.29	\$58.33	\$27.97	\$465	\$670	\$205	44%
38	Fire Alarm System (up to 52,000 sq ft)	Fire Marshal	4	\$129.62	\$518.48	\$51.85	\$27.97	\$416	\$598	\$182	44%
39	Fire Alarm System (over 52,000 sq ft)	Fire Marshal	6	\$129.62	\$777.72	\$77.77	\$27.97	\$611	\$883	\$272	45%
40	Fire Alarm Resubmittal	Fire Marshal	1.5	\$129.62	\$194.43	\$19.44	\$27.97	\$173	\$242	N/A	N/A
41	Overtime Inspection (Charged per hour at time & a half)	Fire Marshal	2	\$129.62	\$259.24	\$25.92	N/A	\$195	\$285	\$90	46%
42	Knox Installation	Fire Marshal	1.5	\$129.62	\$194.43	\$19.44	N/A	\$146	\$214	\$68	46%
43	Expedited Plan Review	Fire Marshal	N/A	N/A	N/A	N/A	N/A	1.5 x plan review rate	1.5 x plan review rate	N/A	N/A
44	Fireworks	Fire Marshal	5	\$129.62	\$648.10	\$64.81	\$27.97	\$514	\$741	\$227	44%
45	Defensible Space Inspection	Fire Marshal	1.5	\$129.62	\$194.43	\$19.44	\$27.97	\$160	\$242	N/A	N/A
46	Annual Permit Inspection	Inspector	2.5	\$81.47	\$203.68	\$20.37	\$27.97	\$242	\$252	\$10	4%
47	Additional Inspections	Inspector	1.75	\$81.47	\$142.57	\$14.26	\$27.97	\$178	\$185	\$7	4%
48	Burn Permits	Inspector	1.5	\$81.47	\$122.21	\$12.22	\$27.97	\$156	\$162	\$6	4%
49	Licensed Care Pre-inspection (<26 residents)	Inspector	1.5	\$81.47	\$122.21	\$12.22	\$27.97	\$156	\$162	\$6	4%
50	Licensed Care Pre-inspection (>26 residents)	Inspector	2.25	\$81.47	\$183.31	\$18.33	\$27.97	\$211	\$230	\$19	9%
51	Licensed Care Initial Fire Clearance (1-6 residents)	No Charge per State Fire Marshal									
52	Licensed Care Initial Fire Clearance (7-50 residents)										
53	Licensed Care Initial Fire Clearance (>50 residents)										
54	Annual Licensed Day Care Inspection (0-14 individuals)	Inspector	1.5	\$81.47	\$122.21	\$12.22	\$27.97	\$156	\$162	\$6	4%
55	Annual Licensed Day Care Inspection (15-50 individuals)	Inspector	2.5	\$81.47	\$203.68	\$20.37	\$27.97	\$242	\$252	\$10	4%
56	Annual Licensed Day Care Inspection (>50 individuals)	Inspector	3.25	\$81.47	\$264.78	\$26.48	\$27.97	\$307	\$319	\$12	4%
57	Annual Licensed Residential Care Inspection (7-30 individuals)	Inspector	2	\$81.47	\$162.94	\$16.29	\$27.97	\$199	\$207	\$8	4%
58	Annual Licensed Residential Care Inspection (>30 individuals)	INSP	3.25	\$81.47	\$264.78	\$26.48	\$27.97	\$307	\$319	\$12	4%
59	Annual Apartment/Condominium Inspection (1-15 dwelling units)	Inspector	2	\$81.47	\$162.94	\$16.29	\$27.97	\$199	\$207	\$8	4%
60	Annual Apartment/Condominium Inspection (16-30 dwelling units)	Inspector	3.5	\$81.47	\$285.15	\$28.51	\$27.97	\$328	\$342	\$14	4%
61	Annual Apartment/Condominium Inspection (each additional 15 dwelling units)	Inspector	1.5	\$81.47	\$122.21	\$12.22	\$27.97	\$156	\$162	\$6	4%
62	Annual School Inspection (private schools and pre-schools)	Inspector	2.75	\$81.47	\$224.04	\$22.40	\$27.97	\$264	\$274	\$10	4%
63	Annual Business Inspection <3000 sq ft (Change tier to 0 - 999 sq. ft.)	Inspector	1	\$81.47	\$81.47	\$8.15	\$27.97	\$113	\$118	\$5	4%
64	Annual Business Inspection 3000-10,000 sq ft (Change tier to 1000 - 2999 sq. ft.)	Inspector	1.25	\$81.47	\$101.84	\$10.18	\$27.97	\$135	\$140	\$5	4%
65	Annual Business Inspection >10,000 sq ft (Change tier to 3000 - 6499 sq. ft.)	Inspector	2	\$81.47	\$162.94	\$16.29	\$27.97	\$199	\$207	\$8	4%
66	Annual Business Inspection 6500 - 10,000 sq ft	Inspector	3.25	\$81.47	\$264.78	\$26.48	\$27.97	\$307	\$319	\$12	4%
67	Annual Business Inspection 10,001 - 25,000 sq ft (New tier)	Inspector	6	\$81.47	\$488.82	\$48.88	\$27.97	\$543	\$566	\$23	4%
68	Annual Business Inspection >25,000 sq ft	Inspector	8.5	\$81.47	\$692.50	\$69.25	\$27.97	\$579	\$790	\$211	N/A
69	Apparatus Stand-by Cost	Crew	N/A	2 HR MIN	N/A	N/A	N/A	\$512	\$536	\$24	N/A
70	Landscape Plan Reviews	Fire Marshal	2.5	\$129.62	\$324.05	\$32.41	\$27.97	\$270	\$384	N/A	N/A

Draft Ordinance 24-01

**An Ordinance of the
San Miguel Consolidated Fire Protection District
Which Adopts New and Increased Miscellaneous Fees
and Charges, and Making Certain Finding
and Taking Certain Actions Relating Thereto**

WHEREAS, the San Miguel Consolidated Fire Protection District (the “District”) provides certain fire and emergency response services to persons and property within the District’s service area; and

WHEREAS, the District is proposing to adopt a schedule containing new and/or increased fees and charges (the “fees”) for various services provided by the District; and

WHEREAS, the District provided notice and held 2 public hearings/readings in accordance with the requirements set forth under Health and Safety Code section 13916; and

WHEREAS, the District conducted a cost-of-service analysis (Revenue/Expense Report related to the functions of the Fire Prevention Division) in order to determine the amount of each fee and has made its findings available to the public for inspection at least ten (10) days prior to the date of the public hearing; and

WHEREAS, based on the findings of the District’s analysis, the proposed fees do not exceed the District’s reasonable costs of providing services, products, or regulatory activity (including inspections for permitting) for which they are imposed, and the fees will only be imposed on persons who are provided such services, products, or regulatory activities; and

WHEREAS, at the public hearing, the Board of Directors considered the proposed fees and the data supporting such fees, heard and considered all oral testimony, written materials, and written protests or objections concerning the establishment and imposition of the new or increased fees;

NOW THEREFORE, the Board of Directors of the San Miguel Consolidated Fire Protection District do ordain as follows:

SECTION 1. Recitals. The Recitals set forth above are true and correct statements and are incorporated as an operative part of this Ordinance and made findings and determinations to the Board of Directors by this reference.

SECTION 2. Adoption. The Board of Directors hereby adopts the fees set forth in Exhibit “A” hereto.

SECTION 3. Findings. The Board of Directors Council hereby finds and determines that the Fees adopted pursuant to this Ordinance (1) are imposed for a specific government activity, service, or product, provided directly to the payor; (2) are no more than necessary to recover the estimated reasonable costs of the governmental activity, service, or product, for which the Fees are imposed; and (3) the manner in which those costs are allocated to the payor bear a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the governmental activity, service, or product, for which the Fees are imposed. The Fees are not taxes within the meaning of the California Constitution, article XIII C, §1(e).

SECTION 4. Rules and Regulations. The Board of Directors may make rules or regulations and, from time to time, may amend, revoke, or add rules and regulations not consistent with this

The ordinance, as they may deem necessary or expedient in respect to billing for the Fees adopted hereby; provided, however, that no such action shall result in any Fee being increased or exceeding the cost of providing the service, product, or regulatory activity for which it is imposed.

SECTION 5. Severability. If any section, subsection, clause, or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provision to other persons or circumstances shall not be affected thereby. The District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 6. Implementation of Fees The Board of Directors authorizes the Administrative Officer/Finance Officer, and any other appropriate District Staff as designated by the Administrative Officer/Finance Officer, to take all actions necessary to effectuate the intent of this Ordinance and to implement the Fee Schedule adopted pursuant to this Ordinance.

SECTION 7. Repeal Previous Ordinance. Ordinance 2023-2 is now repealed.

SECTION 8. Further Action. The Board Clerk is hereby ordered and directed to cause this ordinance to be published. First read at a regular meeting of the Board of Directors of the San Miguel Consolidated Fire Protection District, held on May 8, 2024. A second reading occurred at a regular meeting on June 12, 2024, and was finally adopted and ordered published in the manner required by law at the hearing and meeting on the 12th day of June, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Upon its passage and ratification by the County of San Diego, the Board Clerk shall transmit a copy of this Ordinance to the California Department of Housing and Community Development pursuant to Health and Safety Code Section 13869.7.

That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption.

ATTEST

Shayna Rians
Board Clerk

Jesse A. Robles
Board President



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Leah Harris, Administrative Officer/Finance Officer
SUBJECT: Participation in County of San Diego Neighborhood Reinvestment Program (Resolution 24-09) and County of San Diego Community Enhancement Program (Resolution 24-16)

BACKGROUND

The County of San Diego has two grant opportunities that non-profit organizations, including public agencies, can apply for. The Neighborhood Reinvestment and Community Enhancement Program funds shall be allocated for approved expenditures.

DISCUSSION

Applicants shall return all paperwork required to be submitted by Board Policy B-58, Board Policy B-72 (Neighborhood Reinvestment Program), or a grant agreement entered into pursuant to these policies in a timely fashion. If an applicant has overdue/past due documentation from either a Neighborhood Reinvestment or Community Enhancement Program grant, an applicant may not apply for additional funding until the applicant has submitted all required documentation for the prior grant. Resolutions must be on file with the application.

FISCAL IMPACT

Cost Sharing Grant – percentage to be determined by the County of San Diego.

ATTACHMENTS

- A. Resolution 24-09
- B. Resolution 24-16

RECOMMENDATION

Adopt Resolutions 24-09 and 24-16.

Resolution 24-09

**A Resolution of the Board of Directors of the
San Miguel Consolidated Fire Protection District
to Allow Participation in the County of San Diego
Neighborhood Reinvestment Program**

WHEREAS, the County of San Diego Neighborhood Reinvestment Program provides funding for non-profit corporations for certain specified purposes; and

WHEREAS, the San Miguel Consolidated Fire Protection District wants to file an application with County of San Diego for Neighborhood Reinvestment Program funding.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Directors of San Miguel Consolidated Fire Protection District:

1. Confirms that San Miguel Consolidated Fire Protection District is a non-profit California corporation or a public agency under the laws of the State of California;
2. Approves the filing of an application with the County of San Diego for Neighborhood Reinvestment Program funding during the County’s current fiscal year; and
3. Authorizes the people listed below to sign a grant agreement with the County of San Diego for Neighborhood Reinvestment funds for the current fiscal year.

Andy Lawler, Fire Chief

Rich Durrell, Division Chief

Leah Harris, Administrative Officer/Finance Officer

PASSED AND ADOPTED by the Board of Directors of the San Miguel Consolidated Fire Protection District this 8th day of May 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

Resolution 24-16

**A Resolution of the Board of Directors of the
San Miguel Consolidated Fire Protection District
to Allow Participation in the County of San Diego
Neighborhood Reinvestment Program**

WHEREAS, the County of San Diego Community Enhancement Program provides funding for non-profit corporations for certain specified purposes; and

WHEREAS, the San Miguel Consolidated Fire Protection District wants to file an application with County of San Diego for Community Enhancement Program funding.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Directors of San Miguel Consolidated Fire Protection District:

1. Confirms that San Miguel Consolidated Fire Protection District is a non-profit California corporation or a public agency under the laws of the State of California;
2. Approves the filing of an application with the County of San Diego for Community Enhancement Program funding during the County’s current fiscal year; and
3. Authorizes the people listed below to sign a grant agreement with the County of San Diego for Community Enhancement funds for the current fiscal year.

Andy Lawler, Fire Chief

Rich Durrell, Division Chief

Leah Harris, Administrative Officer/Finance Officer

PASSED AND ADOPTED by the Board of Directors of the San Miguel Consolidated Fire Protection District this 8th day of May 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Leah Harris, Administrative Officer/Finance Officer
SUBJECT: Special Benefit Tax Resolutions – Former ECO Area

BACKGROUND

Annually, the Board of Directors is required to approve resolutions to levy special benefit taxes for four service areas approved and adopted by the former East County Fire Protection District.

The four special benefit taxes are:

1. Fire Suppression and Emergency Services (Crest) – approved in 1980.
2. Fire Protection and Emergency Medical Services (Bostonia) – approved in 1997.
3. Advanced Life Support (Paramedic) Engines (Crest and Bostonia) – approved in 2002.
4. Fire Suppression, Protection and Emergency Medical Response Services (Crest and Bostonia) – approved in 2007.

The information in the table below is based on 2024/2025 information:

	<u>Total</u>	<u>Bostonia</u>	<u>Percentage</u>	<u>Crest</u>	<u>Percentage</u>
Parcel Tax	\$2,121,124.03	\$1,626,156.69	76.66%	\$494,967.34	23.34%
Crest Benefit Fee*	\$60,240.00	\$0.00	0.00%	\$60,240.00	100.00%
Bostonia Benefit Fee	\$346,872.02	\$346,872.02	100.00%	\$0.00	0.00%
Paramedic Benefit Fee	\$510,914.80	\$391,791.46	76.68%	\$119,123.34	23.32%
Totals	\$3,039,150.85	\$2,364,820.17		\$674,330.68	

**Rates cannot be increased*

The following increases are being requested:

1. Fire Suppression and Emergency Services (Bostonia) – Increase by 5.11%
2. Advanced Life Support (Paramedic/Firefighter) Engines – Increase by 5.11%
3. Fire Suppression, Protection and Emergency Medical Services – Increase by 3%

FISCAL IMPACT

2,383 taxable parcels in the East County portion of our District will bring in approximately \$3,039,150.85 in revenue.

ATTACHMENTS

- 3.4.1 Resolution 24-10 ~ Special Benefit Tax (Crest)
- 3.4.2 Resolution 24-11 ~ Special Benefit Tax (Bostonia)
- 3.4.3 Resolution 24-12 ~ Special Benefit Tax (Paramedic-Firefighter)
- 3.4.4 Resolution 24-13 ~ Special Benefit Tax (Prop E)

RECOMMENDATION

Adopt Resolutions 24-10, 24-11, 24-12, and 24-13.

Resolution 24-10

A Resolution of the Board of Directors of the San Miguel Consolidated Fire Protection District Ordering the Levy of the Special Benefit Tax for Fire Suppression and Emergency Services (Crest Area) for Fiscal Year 2024/2025

WHEREAS, the Board of Directors of the San Miguel Consolidated Fire Protection District (the “District”) was authorized by the voters to establish a “Special Benefit Tax for Fire Suppression and Emergency Services” (the “Crest Special Benefit Tax”) within the boundaries of the Crest area of the District at a consolidated special election held on April 8, 1980, that resulted on over two- thirds of the votes being cast in favor; and

WHEREAS, in July 2008 the East County Fire Protection District (“former District”) merged with San Miguel Consolidated Fire Protection District; and

WHEREAS, the purpose of this Crest Special Benefit Tax is to fund operating expenses, capital improvement expenditures and debt repayment in order to provide continued local fire suppression and emergency services in the Crest area of the District, pursuant to California Government Code Section 50075 *et seq.*; and

WHEREAS, the Crest Special Benefit Tax is levied on each taxable parcel of land within the Crest area of the District. Taxable parcels are those parcels that appear on the annual secured San Diego County property tax roll; and

WHEREAS, the Crest Special Benefit Tax does not have a provision for annual tax rate adjustments; and

WHEREAS, the authorized Fiscal year 2024/2025 annual rates remain the same as the rates approved in 1980, at \$10.00 per unit of benefit per year on all real property in the Crest area, as set forth in the following table:

Parcel Land Use	Maximum Number of Units of Benefit	Tax Rate per Benefit Unit
Unimproved	2 units per acre and/or portion of acre up to 20 units per parcel	\$10.00
Residential	4 units per dwelling	\$10.00
Commercial	10 units per acre and/or portion of acre	\$10.00
Industrial	20 units per acre and/or portion of acre	\$10.00
Irrigated Farm	6 units per parcel	\$10.00
Mobilehome	2 units per dwelling unit	\$10.00
Trailer Parks	1 unit per acre and/or portion of acre	\$10.00
Institutional	6 units per parcel	\$10.00

and

WHEREAS, pursuant to California Government Code section 50077, the Crest Special Benefit Tax levy roll shall be submitted to the San Diego County Auditor for inclusion in the property tax bills for Fiscal Year 2024/2025 and the San Miguel Consolidated Fire Protection District intends to submit to the San

Diego County Auditor the Crest Special Benefit Tax levy roll for inclusion in the property tax bills each year hereafter; and

WHEREAS, the Crest Special Benefit Tax shall be collected by the San Diego County Tax Collector at the same time, in the same manner, and subject to the same penalties as *ad valorem* property taxes collected by the County Tax Collector; and

WHEREAS, the Crest Special Benefit Tax revenues shall be deposited into a separate account held by the San Diego County Treasurer for exclusive use of fire suppression and emergency services in the Crest area of the District's jurisdictional area, in accordance with Government Code Section 50075.1(c); and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the San Miguel Consolidated Fire Protection District as follows:

Section 1. Recitals. The forgoing recitals are true and correct.

Section 2. Annual Levy of the Crest Special Benefit Tax. There is hereby levied upon each taxable parcel of land within the Crest area of the San Miguel Consolidated Fire Protection District the Crest Special Benefit Tax for Fiscal Year 2024/2025 at the tax rates set forth in the table above.

Section 3. Collection of the Crest Special Benefit Tax. The annual Crest Special Benefit Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes.

Section 4. Transmittal to the County. Immediately following adoption of this Resolution, the Board Clerk of the District is hereby directed to cause a copy hereof to be transmitted to the Board of Supervisors and the County Auditor of the County of San Diego together with a request that the Crest Special Benefit Tax as levied hereby be collected on the tax bills for the taxable parcels in the Crest area of the District along with the ordinary *ad valorem* property taxes to be levied on and collected from the owners of said parcels.

PASSED AND ADOPTED by the Board of Directors, San Miguel Consolidated Fire Protection District, County of San Diego, State of California, on this 8th day of May 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

Resolution 24-11

A Resolution of the Board of Directors of the San Miguel Consolidated Fire Protection District Ordering the Levy of the Special Benefit Tax for Fire Protection and Emergency Medical Services (Bostonia Area) for Fiscal Year 2024/2025

WHEREAS, the Board of Directors of the San Miguel Consolidated Fire Protection District (the “District”) was authorized by the voters to establish a “Special Benefit Tax for Fire Protection and Emergency Medical Services” (the “Bostonia Special Benefit Tax”) within the boundaries of the Bostonia area of the District by a consolidated special election on June 3, 1997, that resulted on 95.44% of the votes being cast in favor; and

WHEREAS, in July 2008 the East County Fire Protection District (“former District”) merged with San Miguel Consolidated Fire Protection District; and

WHEREAS, the purpose of this Bostonia Special Benefit Tax is to fund operating expenses, capital improvement expenditures and debt repayment in order to provide continued local fire protection and emergency medical services in the Bostonia area of the District, pursuant to California Government Code Section 50075 *et seq.*; and

WHEREAS, the Bostonia Special Benefit Tax is levied on each taxable parcel of land within the Bostonia area of the District. Taxable parcels are those parcels in the Bostonia area of the District that appear on the annual secured San Diego County property tax roll; and

WHEREAS, in order to help ensure that the revenues from the Bostonia Special Benefit Tax grow in line with the inflation-adjusted cost of providing local fire protection and emergency medical services, the tax rate may be adjusted in future years based on the increase in the consumer price index, for the San Diego County Area (“CPI), as determined by the United States Department of Labor, as approved by the voters in 1997; and

WHEREAS, the Board of Directors has determined that the tax rate for the fiscal year 2024/2025 shall be increased by 5.11%, which is the San Diego area annual change in the CPI, in order to meet the adjusted cost of providing local fire protection and emergency medical services; and

WHEREAS, the Fiscal Year 2024/2025 annual rates remain as set in the following table:

Parcel Land Use	2023-24 Tax Rate	Annual Rate Adjustment	2024-25 Tax Rate
Residential	\$82.87	5.11%	\$87.11 per dwelling
Commercial / Industrial	\$414.46	5.11%	\$435.65 per parcel
Institutional	\$124.32	5.11%	\$130.68 per parcel
Recreational	\$41.40	5.11%	\$43.51 per parcel
Irrigated Farmland & Unimproved Acreage	\$0.00	5.11%	\$0.00 per parcel

and

WHEREAS, pursuant to California Government Code section 50077, the Bostonia Special Benefit Tax levy roll shall be submitted to the San Diego County Auditor for inclusion in the property tax bills for

Fiscal Year 2024/2025 and the District intends to submit to the San Diego County Auditor the Bostonia Special Benefit Tax levy roll for inclusion in the property tax bills each year hereafter; and

WHEREAS, the Bostonia Special Benefit Tax shall be collected by the San Diego County Tax Collector at the same time, in the same manner, and subject to the same penalties as *ad valorem* property taxes collected by the County Tax Collector; and

WHEREAS, the Bostonia Special Benefit Tax revenues shall be deposited into a separate account held by the San Diego County Treasurer for the exclusive use of fire protection and emergency medical services in the Bostonia area of the District's jurisdictional area, in accordance with Government Code Section 50075.1(c);

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the San Miguel Consolidated Fire Protection District as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Annual Levy of the Bostonia Special Benefit Tax. There is hereby levied upon each taxable parcel of land within the Bostonia area of the San Miguel Consolidated Fire Protection District the Bostonia Special Benefit Tax for Fiscal Year 2024/2025 at the tax rates set in the above table.

Section 3. Collection of the Bostonia Special Benefit Tax. The annual Bostonia Special Benefit Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes.

Section 4. Transmittal to the County. Immediately following adoption of this Resolution, the Board Clerk of the District is hereby directed to cause a copy hereof to be transmitted to the Board of Supervisors and the County Auditor of the County of San Diego together with a request that the Bostonia Special Benefit Tax as levied hereby be collected on the tax bills for the taxable parcels in the Bostonia area of the District along with the ordinary *ad valorem* property taxes to be levied on and collected from the owners of said parcels.

PASSED AND ADOPTED by the Board of Directors, San Miguel Consolidated Fire Protection District, County of San Diego, State of California, on this 8th day of May 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

Resolution 24-12

A Resolution of the Board of Directors of the San Miguel Consolidated Fire Protection District Ordering the Levy of the Special Benefit Tax for the Provision of Advanced Life Support (Paramedic/Firefighter) Engines for Fiscal Year 2024/2025

WHEREAS, the Board of Directors of the San Miguel Consolidated Fire Protection District (the “District”) was authorized by the voters to establish a “Special Benefit Tax for the Provision of Advanced Life Support (Paramedic/Firefighter) Engines” (the “Paramedic Special Benefit Tax”) within the boundaries of the former East County Fire Protection District at the general election held on November 5, 2002, that resulted on 71.5% of the votes being cast in favor; and

WHEREAS, in July 2008 the East County Fire Protection District (“former District”) merged with San Miguel Consolidated Fire Protection District; and

WHEREAS, the purpose of this Paramedic Special Benefit Tax is to provide Paramedic/ Firefighters on each engine company to provide advanced life support (Paramedic) service, pursuant to California Government Code Section 50075 *et seq.*; and

WHEREAS, the Paramedic Special Benefit Tax is levied on each taxable parcel of land within the former East County Fire Protection District. Taxable parcels are those parcels that appear on the annual secured San Diego County property tax roll; and

WHEREAS, as approved by the voters in 2002, the Paramedic Special Benefit Tax rate may be adjusted in each year based on the increase in the consumer price index for the San Diego area (“CPI”), as determined by the United States Department of Labor, measured between January 1 of the immediately preceding fiscal year and the preceding January 1; and

WHEREAS, the Board of Directors has determined that the tax rate for Fiscal Year 2024/2025 shall be increased by 5.11%, which is the change in the CPI, in order to meet the adjusted cost of providing local fire protection and emergency medical services; and

WHEREAS, the Fiscal Year 2024/2025 annual rates remain as set forth in the following table:

Parcel Land Use	2023-24 Tax Rate	Annual Rate Adjustment	2024-25 Tax Rate
Residential	\$86.86	5.11%	\$91.30 per dwelling
Commercial / Industrial	\$709.14	5.11%	\$745.39 per parcel
Institutional	\$886.47	5.11%	\$931.78 per parcel
Recreational	\$539.82	5.11%	\$567.41 per parcel
Farmland (Irrigated & Non-Irrigated)	\$354.56	5.11%	\$372.69 per parcel

and

WHEREAS, pursuant to California Government Code section 50077, the Paramedic Special Benefit Tax levy roll shall be submitted to the San Diego County Auditor for inclusion in the property tax bills for Fiscal Year 2024/2025 and the District intends to submit to the San Diego County Auditor the Paramedic Special Benefit Tax levy roll for inclusion in the property tax bills each year hereafter; and

WHEREAS, the Paramedic Special Benefit Tax shall be collected by the San Diego County Tax Collector at the same time, in the same manner, and subject to the same penalties as *ad valorem* property taxes collected by the County Tax Collector; and

WHEREAS, the Paramedic Special Benefit Tax revenues shall be deposited into a separate account held by the San Diego County Treasurer for the exclusive use of providing Paramedic/ Firefighters on each engine company to provide advanced life support (Paramedic) service in the former East County Fire Protection District's jurisdictional area, in accordance with California Government Code Section 50075.1(c); and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the San Miguel Consolidated Fire Protection District as follows:

Section 1. Recitals. The forgoing recitals are true and correct.

Section 2. Annual Levy of the Paramedic Special Benefit Tax. There is hereby levied upon each taxable parcel of land within the former District the Paramedic Special Benefit Tax for Fiscal Year 2024/2025 at the tax rates set forth in the above table.

Section 3. Collection of the Paramedic Special Benefit Tax. The annual Paramedic Special Benefit Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes.

Section 4. Transmittal to the County. Immediately following adoption of this Resolution, the Board Clerk of the District is hereby directed to cause a copy hereof to be transmitted to the Board of Supervisors and the County Auditor of the County of San Diego together with a request that the Paramedic Special Benefit Tax as levied hereby be collected on the tax bills for the taxable parcels within the former East County Fire Protection District's jurisdictional area along with the ordinary *ad valorem* property taxes to be levied on and collected from the owners of said parcels.

PASSED AND ADOPTED by the Board of Directors, San Miguel Consolidated Fire Protection District, County of San Diego, State of California, on this 8th day of May 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

Resolution 24-13

A Resolution of the Board of Directors of the San Miguel Consolidated Fire Protection District Ordering the Levy of the Special Benefit Tax for Fire Suppression, Protection and Emergency Medical Response Services (Proposition E) for Fiscal Year 2024/2025

WHEREAS, the Board of Directors of the San Miguel Consolidated Fire Protection District (the “District”) was authorized by the voters to establish a “Special Tax for Fire Suppression, Protection and Emergency Medical Response Services” (the “Special Tax”) within the boundaries of the District by a San Diego County Registrar of Voters special mail ballot election on September 25, 2007, that resulted on 73.2% of the votes being cast in favor; and

WHEREAS, in July 2008 the East County Fire Protection District (“former District”) merged with San Miguel Consolidated Fire Protection District; and

WHEREAS, the purpose of this Special Tax is to fund operating expenses, capital improvement expenditures and debt repayment in order to provide continued local fire suppression, protection and emergency response services, pursuant to California Government Code Section 50075 *et seq.*; and

WHEREAS, the Special Tax is levied on each taxable parcel of land within the former East County Fire Protection District boundaries. Taxable parcels are those parcels that appear on the annual secured San Diego County property tax roll; and

WHEREAS, in order to help ensure that the revenues from the Special Tax grow in line with the inflation adjusted cost of providing local fire protection and medical emergency response services, the tax rate may increase in future years by an annual amount not to exceed 3.00% per year, as approved by the voters in 2007; and

WHEREAS, Board of Directors has determined that the tax rate for fiscal year 2024/2025 shall be increased by the authorized 3.00% in order to meet the adjusted cost of providing local fire protection and medical emergency response services in the District for Fiscal Year 2024/2025; and

WHEREAS, the specific rates and amounts of the Special Tax to be collected for Fiscal Year 2024/2025, as adjusted by 3.00%, are hereby determined and established, as set forth in the in the following table:

Parcel Land Use	2023-24 Tax Rate	Annual Rate Adjustment	2024-25 Tax Rate
Single Family Residential	\$375.50	3.00%	\$386.77 per parcel
Other Residential	\$375.50	3.00%	\$386.77 per dwelling unit
Commercial / Industrial	\$375.50	3.00%	\$386.77 per 1/10 acre
Agricultural / Vacant	\$187.76	3.00%	\$193.39 per parcel
Institutional / Miscellaneous	\$375.50	3.00%	\$386.77 per parcel

and

WHEREAS, pursuant to California Government Code section 50077, the Special Tax levy roll shall be submitted to the San Diego County Auditor for inclusion in the property tax bills for Fiscal Year 2024/2025 and the San Miguel Consolidated Fire Protection District intends to submit to the San Diego

County Auditor the Special Tax levy roll for inclusion in the property tax bills each year hereafter; and

WHEREAS, the Special Tax shall be collected by the San Diego County Tax Collector at the same time, in the same manner, and subject to the same penalties as *ad valorem* property taxes collected by the County Tax Collector; and

WHEREAS, the Special Tax revenues shall be deposited into a separate account held by the San Diego County Treasurer for exclusive use of fire suppression, fire protection and emergency services in the former East County Fire Protection District’s jurisdictional area, in accordance with California Government Code Section 50075.1(c).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the San Miguel Consolidated Fire Protection District as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Annual Levy of the Special Tax. There is hereby levied upon each taxable parcel of land within the former District the Special Tax for Fiscal Year 2024/2025 at the specific rates and amounts as set forth in the table above.

Section 3. Collection of Special Tax. The annual Special Tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes

Section 4. Transmittal to County. Immediately following adoption of this Resolution, the Board Clerk of the District is hereby directed to cause a copy hereof to be transmitted to the Board of Supervisors and the County Auditor of the County of San Diego together with a request that the Special Tax as levied hereby be collected on the tax bills for the taxable parcels along with the ordinary *ad valorem* property taxes to be levied on and collected from the owners of said parcels.

PASSED AND ADOPTED by the Board of Directors, San Miguel Consolidated Fire Protection District, County of San Diego, State of California, on this 8th day of May 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Jon Newman, Fire Marshal
SUBJECT: Intent to Annex Territory to Community Facilities District No. 2022-1 and Adopting Map of the Area Proposed to be Annexed Thereto through Resolution 24-15 (Annexation 2)

BACKGROUND

The Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 and following) (“Act”) contains the statutory framework pursuant to which the San Miguel Consolidated Fire Protection District (“District”) or any other local agency may form a Community Facilities District (“CFD”) for the purpose of financing the provision of certain authorized public services or maintenance. A CFD may finance services or maintenance through the levy of special taxes within the geographic boundaries of the CFD.

The District previously adopted its Local Goals and Policies relating to the formation of CFDs. On July 14, 2021, the District adopted its Policy No. 9.7, requiring new development to offset the negative fiscal impacts of such development on the District, including through forming or annexing into an existing CFD. The District retained NBS Government Finance Group (“NSB”) as its special tax consultant to study the negative fiscal impact of new development on the provision of services by the District. NBS prepared a Fiscal Impact Analysis setting forth their results, which has been reviewed by the Board in prior meetings.

On September 14, 2022, the District received their first petition for a CFD and on October 12, 2022, approved Ordinance 2022-2 Levying Special Taxes Within San Miguel Consolidated Fire Protection District. Annexation 1 was approved May 10, 2023.

DISCUSSION

The District has received a petition from CALDERON JULIO C J & GONZALEZ SILVIA D D L (the “Owner”), relating to Parcel 584-440-66-00 located off of Grand Avenue. The Owner is the owner of Assessor Parcel Numbers 584-440-66-00 (“Property”), requesting the annexation into the Community Facilities District No. 2022-1 (“CFD 2022-1”), encompassing the Property, to finance the following public services:

- a) Fire protection and suppression services, and ambulance and paramedic services; and
- b) The administrative and incidental expenses to be incurred by the District, which include the direct and indirect expenses incurred in carrying out its duties with respect to CFD 2022-1 (including, but not limited to, the levy and collection of the special taxes), including the fees and expenses of attorneys, any fees of the County of San Diego related to CFD 2022-1 or the collection of special taxes, an allocable share of the salaries of the District staff directly related thereto, and a proportionate amount of the District's general administrative overhead related thereto, any amounts paid by the District from its general fund with respect to CFD 2022-1 or the services authorized to be financed by CFD 2022-1, and expenses incurred by the District in undertaking action to pursue payment of special taxes which are delinquent, and all other costs and expenses of the District related to CFD 2022-1.

A public hearing on the annexation of territory into CFD No. 2022-1 shall be held at 5:30 p.m. on June 12, 2024, or as soon thereafter as the Board may consider the matter, in the Board Room, located at 2850 Via Orange Way, Spring Valley, CA 91978.

This project will be a commercial building. The County of San Diego is aware of the process and holding the owner's grading plans until the CFD is approved.

FISCAL IMPACT

None, as the costs for the formation of CFD 2022-1 are paid through a deposit provided by the Developer and ongoing administrative costs are paid for through the levy of special taxes within CFD 2022-1.

ATTACHMENTS

- Attachment A – Resolution 24-14
 - Exhibit A – Description of Services
 - Exhibit B – Legal Description of Property
 - Exhibit C – Rate and Method of Apportion of Special Taxes for San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1 with Annexation Map
 - Attachment 1 – Maximum Special Tax Rates
- Attachment B – Boundary Map
- Attachment C – Property Owner Petition to the Board

RECOMMENDATION

Approve Resolution 24-14.

Resolution 24-14

**Resolution of Intention of The Board of Directors of the
San Miguel Consolidated Fire Protection District
Declaring Intention to Annex Territory to Community Facilities District No. 2022-1
and Adopting a Map of the Area Proposed to be Annexed Thereto (Annexation 2)**

WHEREAS, the Board of Directors (the “Board”) of the San Miguel Consolidated Fire Protection District (the “District”) has established the San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1 (“CFD No. 2022-1”) for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services which are necessary to meet increased demands placed upon the District as a result of the development of said real property; and

WHEREAS, the territory which is included in CFD No. 2022-1 is described on the map of CFD No. 2022-1 recorded in Book 50 of Maps of Assessment and Community Facilities Districts, page(s) 41 in the office of the County Recorder for the County of San Diego, State of California; and

WHEREAS, the Board has received a written petition from CALDERON JULIO C J & GONZALEZ SILVIA D D L, the owner of certain real property within the District requesting that such property be annexed to CFD No. 2022-1 in order that they may be developed and receive the benefit of services, which will be financed by the annual levy of special taxes on said property for the purpose set forth in Exhibit “A” (the “Services”); and agreeing to the annual levy of special taxes on said property sufficient to pay the costs of such Services and costs incidental thereto; and

WHEREAS, the Board is authorized by Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982,” (the “Act”) to annex territory to CFD No. 2022-1 by complying with the procedures set forth in said Article 3.5.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Miguel Consolidated Fire Protection District, California, as follows:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this resolution.

Section 2. Name of District. The name of the existing community facilities district is the San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1.

Section 3. Intention. The Board declares its intention to conduct proceedings pursuant to said Article 3.5 of the Act for territory proposed for annexation designated “Annexation No. 2” to CFD

No. 2022-1 as described in Exhibit "B" attached hereto. The Board determines that the public convenience and necessity require that such territory be annexed to CFD No. 2022-1.

Section 4. Description of Territory Proposed To Be Annexed; Annexation Map. Annexation No. 2 to be annexed to CFD No. 2022-1 is described in Exhibit "B" attached hereto and by this reference made a part hereof. Such territory is also shown and described on the map thereof entitled "Annexation Map No. 2 of Community Facilities District No. 2022-1, San Miguel Consolidated Fire Protection District, San Diego County, State of California" which is on file with the Board Clerk (the "Annexation Map").

Section 5. Types of Services; Incidental Expenses. Services authorized to be financed by CFD No. 2022-1 are set forth in Exhibit "A." The District shall also finance costs associated with the determination of the amount of and the levy and collection of special taxes which are levied to provide such Services and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2022-1.

Section 6. Special Taxes. Except where funds are otherwise available, special taxes sufficient to pay the costs of the Services provided for in Section 5 above and the annual administrative expenses of the District and CFD No. 2022-1 in determining, apportioning, levying and collecting such special taxes, shall be annually levied within CFD No. 2022-1. Pursuant to Section 53340 of the California Government Code, the special taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. However, under no circumstances shall the special tax levied against any parcel subject to the levy of the special tax pursuant to the rates and method of apportionment be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within CFD No. 2022-1 by more than ten percent (10%). The rate and method of apportionment of said special taxes shall be as set forth in Exhibit "C" attached hereto and by this reference made a part hereof.

Section 7. Adoption of Annexation Map. Pursuant to Section 3110.5 of the Streets and Highways Code, the Board adopts the Annexation Map as the map of the area proposed to be annexed to CFD No. 2022-1. Pursuant to Section 3111 of said Code, the Board Clerk shall file the original of the Annexation Map in his or her office and shall file a copy of the Annexation Map with the County Recorder of the County of San Diego no later than 15 days prior to the date of the hearing specified in Section 10 hereof.

Section 8. Exempt Properties. Pursuant to Section 53340 of the California Government Code, properties of entities of the state, federal, and local governments shall be exempt from the levy of special taxes of CFD No. 2022-1.

Section 9. Necessity. The Board finds that the Services described in Section 5 hereof are necessary to meet increased demands placed upon the District as a result of development occurring within the boundaries of the proposed annexation of territory to CFD No. 2022-1.

Section 10. Hearing on Annexation of Territory. A public hearing on the annexation of territory into CFD No. 2022-1 shall be held at 5:30 pm on June 12, 2024, or as soon thereafter as the Board may consider the matter, in the Board Chambers, located at 2850 Via Orange Way, Spring Valley, CA 91978.

Section 11. Notice. The Board Clerk shall publish a notice of the time and place of said hearing as required by Section 53322 of the California Government Code, and shall also give notice of the time and place of said hearing by first-class mail to each registered voter and to each landowner within the proposed community facilities district as prescribed by Section 53322.4 of said Code. Said notice shall be published at least seven (7) days and mailed at least fifteen (15) days before the date of the hearing, and shall contain the information required by said Section 53322.

Section 12. Description of Voting Procedures. The voting procedures to be followed in conducting the election on the proposition with respect to the levy of special taxes within the territory proposed to be annexed to CFD No. 2022-1 shall be as follows:

- a) If at the time of the close of the public or protest hearing (hereinafter referred to as the "protest hearing") at least 12 persons are registered to vote within the territory proposed to be annexed to CFD No. 2022-1, the election shall be conducted by the Board Clerk, and shall be held on a date selected by the Board in conformance with the provisions of Section 53326 of the California Government Code ("Section 53326") and pursuant to the applicable provisions of law regulating elections of the District, insofar as they may be applicable, and pursuant to Section 53326 the ballots for the election shall be distributed to the qualified electors of the territory proposed to be annexed to CFD No. 2022-1 by mail with return postage prepaid and the election shall be conducted as a mail ballot election.
- b) If at the time of the close of the protest hearing, and for at least the preceding 90 days, less than 12 persons have been registered to vote within the territory proposed to be annexed to CFD No. 2022-1, and pursuant to Section 53326, the vote is therefore to be by the landowners of that territory, with each landowner of record at the close of the protest hearing having one vote for each acre or portion of an acre of land that he or she owns, the election shall be conducted by the Board Clerk as follows:
 1. The election shall be held on the earliest date following the conclusion of the protest hearing upon which it can be held pursuant to Section 53326 which may be selected by the Board, or such earlier date as the owners of land within the territory proposed to be annexed to CFD No. 2022-1 and the Board Clerk agree and concur is acceptable.
 2. Pursuant to Section 53326, the election may be held earlier than 90 days following the close of the protest hearing if the qualified electors of the territory proposed to be annexed to CFD No. 2022-1 waive the time limits for conducting the election set forth in Section 53326 by unanimous written consent and the Board Clerk concurs in such earlier election date as shall be consented to by the qualified electors.

3. Pursuant to Section 53326, ballots for the election shall be distributed to the qualified electors by the Board Clerk by mail with return postage prepaid or by personal service.
4. Pursuant to applicable provisions of law regulating elections of the District, which govern the conduct of mail ballot elections, and Division 4 (commencing with Section 4000) of the California Elections Code with respect to elections conducted by mail, the Board Clerk shall mail or deliver to each qualified elector an official ballot in a form specified by the Board in the resolution calling the election, and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a statement pursuant to Section 9401 of the said Code, an impartial analysis by the District's Legal Counsel pursuant to Section 9280 of the said Code with respect to the ballot proposition contained in the official ballot, ballot arguments and rebuttals, if any, pursuant to Sections 9281 to 9287, inclusive, of said Code, a return identification envelope with prepaid postage thereon addressed to the Board Clerk for the return of voted official ballots, and a copy of this resolution; provided, however, that such statement, analysis and arguments may be waived with the unanimous consent of all the landowners of the territory proposed to be annexed to CFD No. 2022-1 and shall be so stated in the resolution adopted by the Board calling the election.
5. The official ballot to be mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter, and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the proposition set forth in the official ballot as marked thereon in the voting square opposite such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the territory proposed to be annexed to CFD No. 2022-1.
6. The return identification envelope delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of said declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Board Clerk.

7. The information-to-voter form to be mailed or delivered by the Board Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the Board Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:30 p.m. on the date of the election.
8. Upon receipt of the return identification envelopes which are returned prior to the voting deadline on the date of the election, the Board Clerk shall canvass the votes cast in the election, and shall file a statement with the Board at its next regular meeting regarding the results of such canvass and the election. The procedures set forth in this section for conducting the election may be modified as the Board may determine to be necessary or desirable by a resolution subsequently adopted by the Board.

Section 13. Certification. The Board Clerk shall certify the passage and adoption of this resolution.

Section 14. Effective Date. This Resolution shall take effect immediately from and after the date of its passage and adoption.

PASSED AND ADOPTED by the Board of the San Miguel Consolidated Fire Protection District this 8th day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

EXHIBIT A
DESCRIPTION OF SERVICES

CFD 2022-1 is authorized to finance any of the services set forth in Section 53313 of the Act, including without limitation fire protection and suppression services, and ambulance and paramedic services, and administrative and incidental expenses related thereto as defined in Section 53317(e) of the Act.

The services to be financed by CFD 2022-1 are in addition to those provided in the territory of CFD 2022-1 before the date of creation of CFD 2022-1 and will not supplant services already available within that territory when CFD 2022-1 is created.

The administrative expenses to be funded by CFD 2022-1 include the direct and indirect expenses incurred by District in carrying out its duties with respect to CFD 2022-1 (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of San Diego related to CFD 2022-1 or the collection of special taxes, an allocable share of the salaries of the District staff directly related thereto and a proportionate amount of the District's general administrative overhead related thereto, any amounts paid by the District from its general fund with respect to CFD 2022-1 or the services authorized to be financed by CFD 2022-1, and expenses incurred by the District in undertaking action to pursue payment of special taxes which are delinquent, and all other costs and expenses of the District related to CFD 2022-1.

The incidental expenses that may be funded by CFD 2022-1 include, in addition to the administrative expenses identified above, the payment or reimbursement to the District of all costs associated with the establishment and administration of CFD 2022-1.

EXHIBIT B
LEGAL DESCRIPTION OF PROPERTY

The Property is identified as San Diego County, Assessor's Parcel Numbers:

- 584-440-66-00

EXHIBIT C
RATE AND METHOD OF APPORTION OF SPECIAL TAXES
FOR SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2022-1
TAX ZONE NO. 1

The Special Tax shall be levied in Annexation No. 2 in accordance with the Rate and Method of Apportionment of Special Tax for San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1 pursuant to the rate for Tax Zone No. 1 set forth in Attachment No. 1 thereto. The Rate and Method of Apportionment of Special Tax is attached hereto and incorporated herein by this reference.

SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
 COMMUNITY FACILITIES DISTRICT NO. 2022-1
 ATTACHMENT 1
 MAXIMUM SPECIAL TAX RATES

Tax Zone	APNs	Property Type	Special Tax Rate	Per	Base Year
1	584-440-66-00	Commercial	\$189.19	1,000 Feet of Building Square Footage	2023/24

**ANNEXATION MAP NO. 2 OF
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2022-1
ANNEXATION NO. 2**

COUNTY OF SAN DIEGO
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT THIS _____ DAY OF _____, 20____.

SECRETARY OF THE BOARD
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
SAN DIEGO COUNTY, CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF AN ANNEXATION NO. 2 TO SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2022-1, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT, AT A MEETING THEREOF, HELD ON THE _____ DAY OF _____, 20____, BY ITS RESOLUTION NO. _____ AS FILED.

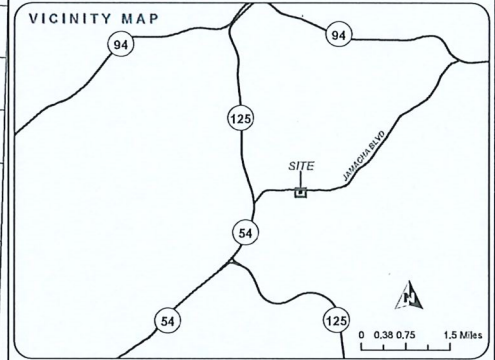
SECRETARY OF THE BOARD
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
SAN DIEGO COUNTY, CALIFORNIA

FILED THIS _____ DAY OF _____, 20____, AT THE HOUR OF _____ O'CLOCK _____ M., IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

JORDAN Z. MARKS
COUNTY RECORDER
COUNTY OF SAN DIEGO, CALIFORNIA

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

REFERENCE IS HEREBY MADE TO THAT CERTAIN MAP ENTITLED 'MAP OF PROPOSED BOUNDARIES OF SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2022-1, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA' FILED THE 22ND DAY OF AUGUST, 2022, AT THE HOUR OF 3:56 O'CLOCK P.M., IN BOOK 50 OF MAP OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 41 AND AS INSTRUMENT NO. 2022-1000403 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WHICH THIS ANNEXATION MAP AFFECTS.



Source: San Diego County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0405 Feet



PETITION TO THE BOARD OF DIRECTORS OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT REQUESTING INITIATION OF PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2022-1, AND CONSENTING TO THE LEVY OF SPECIAL TAXES TO PAY THE ANNUAL COSTS OF SERVICES (ANNEXATION NO. 2 TO CFD 2022-1)

1. CALDERON JULIO C J & GONZALEZ SILVIA D D L, ("Owner"), requests that the Board of Directors of the San Miguel Consolidated Fire Protection District (the "District") initiate proceedings pursuant to Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982," (the "Act") for the annexation of the property described in Exhibit "A" attached hereto (the "Property") to "San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1, County of San Diego, State of California" (the "CFD") for the purpose of providing for the funding, through the levy of special taxes, of the services set forth in Exhibit "B" attached hereto.

2. Owner represents to the Board of Directors that it is the owner of all of the Property.

DATED: 4-23-, 2024

CALDERON JULIO C J & GONZALEZ SILVIA D D L

Signature: 

Printed Name: CALDERON JULIO C

Title: OWNER

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

- APN: 584-440-66-00

EXHIBIT "B"

DESCRIPTION OF SERVICES

CFD 2022-1 is authorized to finance any of the services set forth in Section 53313 of the Act, including without limitation fire protection and suppression services, and ambulance and paramedic services, and administrative and incidental expenses related thereto as defined in Section 53317(e) of the Act.

The services to be financed by CFD 2022-1 are in addition to those provided in the territory of CFD 2022-1 before the date of creation of CFD 2022-1 and will not supplant services already available within that territory when CFD 2022-1 is created.

The administrative expenses to be funded by CFD 2022-1 include the direct and indirect expenses incurred by District in carrying out its duties with respect to CFD 2022-1 (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of San Diego related to CFD 2022-1 or the collection of special taxes, an allocable share of the salaries of the District staff directly related thereto and a proportionate amount of the District's general administrative overhead related thereto, any amounts paid by the District from its general fund with respect to CFD 2022-1 or the services authorized to be financed by CFD 2022-1, and expenses incurred by the District in undertaking action to pursue payment of special taxes which are delinquent, and all other costs and expenses of the District related to CFD 2022-1.

The incidental expenses that may be funded by CFD 2022-1 include, in addition to the administrative expenses identified above, the payment or reimbursement to the District of all costs associated with the establishment and administration of CFD 2022-1.



STAFF REPORT

DATE: May 8, 2024
TO: Board of Directors
FROM: Jon Newman, Fire Marshal
SUBJECT: Intent to Annex Territory to Community Facilities District No. 2022-1 and Adopting Map of the Area Proposed to be Annexed Thereto through Resolution 24-14 (Annexation 3)

BACKGROUND

The Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 and following) (“Act”) contains the statutory framework pursuant to which the San Miguel Consolidated Fire Protection District (“District”) or any other local agency may form a Community Facilities District (“CFD”) for the purpose of financing the provision of certain authorized public services or maintenance. A CFD may finance services or maintenance through the levy of special taxes within the geographic boundaries of the CFD.

The District previously adopted its Local Goals and Policies relating to the formation of CFDs. On July 14, 2021, the District adopted its Policy No. 9.7, requiring new development to offset the negative fiscal impacts of such development on the District, including through forming or annexing into an existing CFD. The District retained NBS Government Finance Group (“NSB”) as its special tax consultant to study the negative fiscal impact of new development on the provision of services by the District. NBS prepared a Fiscal Impact Analysis setting forth their results, which has been reviewed by the Board in prior meetings.

On September 14, 2022, the District received their first petition for a CFD and on October 12, 2022, approved Ordinance 2022-2 Levying Special Taxes Within San Miguel Consolidated Fire Protection District. Annexation 1 was approved May 10, 2023.

DISCUSSION

The District has received a petition from INLAND VALLEY INVESTMENTS, LLC (the “Owner”), relating to Parcel 483-101-08-00 located off of Victor Avenue. The Owner is the owner of Assessor Parcel Numbers 483-101-08-00 (“Property”), requesting the annexation into the Community Facilities District No. 2022-1 (“CFD 2022-1”), encompassing the Property, to finance the following public services:

- a) Fire protection and suppression services, and ambulance and paramedic services; and
- b) The administrative and incidental expenses to be incurred by the District, which include the direct and indirect expenses incurred in carrying out its duties with respect to CFD 2022-1 (including, but not limited to, the levy and collection of the special taxes), including the fees and expenses of attorneys, any fees of the County of San Diego related to CFD 2022-1 or the collection of special taxes, an allocable share of the salaries of the District staff directly related thereto, and a proportionate amount of the District's general administrative overhead related thereto, any amounts paid by the District from its general fund with respect to CFD 2022-1 or the services authorized to be financed by CFD 2022-1, and expenses incurred by the District in undertaking action to pursue payment of special taxes which are delinquent, and all other costs and expenses of the District related to CFD 2022-1.

A public hearing on the annexation of territory into CFD No. 2022-1 shall be held at 5:30 p.m. on June 12, 2024, or as soon thereafter as the Board may consider the matter, in the Board Room, located at 2850 Via Orange Way, Spring Valley, CA 91978.

This project will be for fourteen (14) detached apartments. The County of San Diego is aware of the process and holding the owner's grading plans until the CFD is approved.

FISCAL IMPACT

None, as the costs for the formation of CFD 2022-1 are paid through a deposit provided by the Developer and ongoing administrative costs are paid for through the levy of special taxes within CFD 2022-1.

ATTACHMENTS

- Attachment A – Resolution 24-15
 - Exhibit A – Description of Services
 - Exhibit B – Legal Description of Property
 - Exhibit C – Rate and Method of Apportion of Special Taxes for San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1 with Annexation Map
 - Attachment 1 – Maximum Special Tax Rates
- Attachment B – Boundary Map
- Attachment C – Property Owner Petition to the Board

RECOMMENDATION

Approve Resolution 24-15.

Resolution 24-15

**Resolution of Intention of The Board of Directors of the
San Miguel Consolidated Fire Protection District
Declaring Intention to Annex Territory to Community Facilities District No. 2022-1
and Adopting a Map of the Area Proposed to be Annexed Thereto (Annexation 3)**

WHEREAS, the Board of Directors (the “Board”) of the San Miguel Consolidated Fire Protection District (the “District”) has established the San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1 (“CFD No. 2022-1”) for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services which are necessary to meet increased demands placed upon the District as a result of the development of said real property; and

WHEREAS, the territory which is included in CFD No. 2022-1 is described on the map of CFD No. 2022-1 recorded in Book 50 of Maps of Assessment and Community Facilities Districts, page(s) 41 in the office of the County Recorder for the County of San Diego, State of California; and

WHEREAS, the Board has received a written petition from INLAND VALLEY INVESTMENTS, LLC, the owner of certain real property within the District requesting that such property be annexed to CFD No. 2022-1 in order that they may be developed and receive the benefit of services, which will be financed by the annual levy of special taxes on said property for the purpose set forth in Exhibit “A” (the “Services”); and agreeing to the annual levy of special taxes on said property sufficient to pay the costs of such Services and costs incidental thereto; and

WHEREAS, the Board is authorized by Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982,” (the “Act”) to annex territory to CFD No. 2022-1 by complying with the procedures set forth in said Article 3.5.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Miguel Consolidated Fire Protection District, California, as follows:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this resolution.

Section 2. Name of District. The name of the existing community facilities district is the San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1.

Section 3. Intention. The Board declares its intention to conduct proceedings pursuant to said Article 3.5 of the Act for territory proposed for annexation designated “Annexation No. 3” to CFD

No. 2022-1 as described in Exhibit “B” attached hereto. The Board determines that the public convenience and necessity require that such territory be annexed to CFD No. 2022-1.

Section 4. Description of Territory Proposed To Be Annexed; Annexation Map. Annexation No. 3 to be annexed to CFD No. 2022-1 is described in Exhibit “B” attached hereto and by this reference made a part hereof. Such territory is also shown and described on the map thereof entitled “Annexation Map No. 3 of Community Facilities District No. 2022-1, San Miguel Consolidated Fire Protection District, San Diego County, State of California” which is on file with the Board Clerk (the “Annexation Map”).

Section 5. Types of Services; Incidental Expenses. Services authorized to be financed by CFD No. 2022-1 are set forth in Exhibit “A.” The District shall also finance costs associated with the determination of the amount of and the levy and collection of special taxes which are levied to provide such Services and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2022-1.

Section 6. Special Taxes. Except where funds are otherwise available, special taxes sufficient to pay the costs of the Services provided for in Section 5 above and the annual administrative expenses of the District and CFD No. 2022-1 in determining, apportioning, levying and collecting such special taxes, shall be annually levied within CFD No. 2022-1. Pursuant to Section 53340 of the California Government Code, the special taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. However, under no circumstances shall the special tax levied against any parcel subject to the levy of the special tax pursuant to the rates and method of apportionment be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within CFD No. 2022-1 by more than ten percent (10%). The rate and method of apportionment of said special taxes shall be as set forth in Exhibit “C” attached hereto and by this reference made a part hereof.

Section 7. Adoption of Annexation Map. Pursuant to Section 3110.5 of the Streets and Highways Code, the Board adopts the Annexation Map as the map of the area proposed to be annexed to CFD No. 2022-1. Pursuant to Section 3111 of said Code, the Board Clerk shall file the original of the Annexation Map in his or her office and shall file a copy of the Annexation Map with the County Recorder of the County of San Diego no later than 15 days prior to the date of the hearing specified in Section 10 hereof.

Section 8. Exempt Properties. Pursuant to Section 53340 of the California Government Code, properties of entities of the state, federal, and local governments shall be exempt from the levy of special taxes of CFD No. 2022-1.

Section 9. Necessity. The Board finds that the Services described in Section 5 hereof are necessary to meet increased demands placed upon the District as a result of development occurring within the boundaries of the proposed annexation of territory to CFD No. 2022-1.

Section 10. Hearing on Annexation of Territory. A public hearing on the annexation of territory into CFD No. 2022-1 shall be held at 5:30 pm on June 12, 2024, or as soon thereafter as the Board may consider the matter, in the Board Chambers, located at 2850 Via Orange Way, Spring Valley, CA 91978.

Section 11. Notice. The Board Clerk shall publish a notice of the time and place of said hearing as required by Section 53322 of the California Government Code, and shall also give notice of the time and place of said hearing by first-class mail to each registered voter and to each landowner within the proposed community facilities district as prescribed by Section 53322.4 of said Code. Said notice shall be published at least seven (7) days and mailed at least fifteen (15) days before the date of the hearing, and shall contain the information required by said Section 53322.

Section 12. Description of Voting Procedures. The voting procedures to be followed in conducting the election on the proposition with respect to the levy of special taxes within the territory proposed to be annexed to CFD No. 2022-1 shall be as follows:

- a) If at the time of the close of the public or protest hearing (hereinafter referred to as the "protest hearing") at least 12 persons are registered to vote within the territory proposed to be annexed to CFD No. 2022-1, the election shall be conducted by the Board Clerk, and shall be held on a date selected by the Board in conformance with the provisions of Section 53326 of the California Government Code ("Section 53326") and pursuant to the applicable provisions of law regulating elections of the District, insofar as they may be applicable, and pursuant to Section 53326 the ballots for the election shall be distributed to the qualified electors of the territory proposed to be annexed to CFD No. 2022-1 by mail with return postage prepaid and the election shall be conducted as a mail ballot election.
- b) If at the time of the close of the protest hearing, and for at least the preceding 90 days, less than 12 persons have been registered to vote within the territory proposed to be annexed to CFD No. 2022-1, and pursuant to Section 53326, the vote is therefore to be by the landowners of that territory, with each landowner of record at the close of the protest hearing having one vote for each acre or portion of an acre of land that he or she owns, the election shall be conducted by the Board Clerk as follows:
 1. The election shall be held on the earliest date following the conclusion of the protest hearing upon which it can be held pursuant to Section 53326 which may be selected by the Board, or such earlier date as the owners of land within the territory proposed to be annexed to CFD No. 2022-1 and the Board Clerk agree and concur is acceptable.
 2. Pursuant to Section 53326, the election may be held earlier than 90 days following the close of the protest hearing if the qualified electors of the territory proposed to be annexed to CFD No. 2022-1 waive the time limits for conducting the election set forth in Section 53326 by unanimous written consent and the Board Clerk concurs in such earlier election date as shall be consented to by the qualified electors.

3. Pursuant to Section 53326, ballots for the election shall be distributed to the qualified electors by the Board Clerk by mail with return postage prepaid or by personal service.
4. Pursuant to applicable provisions of law regulating elections of the District, which govern the conduct of mail ballot elections, and Division 4 (commencing with Section 4000) of the California Elections Code with respect to elections conducted by mail, the Board Clerk shall mail or deliver to each qualified elector an official ballot in a form specified by the Board in the resolution calling the election, and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a statement pursuant to Section 9401 of the said Code, an impartial analysis by the District's Legal Counsel pursuant to Section 9280 of the said Code with respect to the ballot proposition contained in the official ballot, ballot arguments and rebuttals, if any, pursuant to Sections 9281 to 9287, inclusive, of said Code, a return identification envelope with prepaid postage thereon addressed to the Board Clerk for the return of voted official ballots, and a copy of this resolution; provided, however, that such statement, analysis and arguments may be waived with the unanimous consent of all the landowners of the territory proposed to be annexed to CFD No. 2022-1 and shall be so stated in the resolution adopted by the Board calling the election.
5. The official ballot to be mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter, and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the proposition set forth in the official ballot as marked thereon in the voting square opposite such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the territory proposed to be annexed to CFD No. 2022-1.
6. The return identification envelope delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of said declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Board Clerk.

7. The information-to-voter form to be mailed or delivered by the Board Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the Board Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:30 p.m. on the date of the election.
8. Upon receipt of the return identification envelopes which are returned prior to the voting deadline on the date of the election, the Board Clerk shall canvass the votes cast in the election, and shall file a statement with the Board at its next regular meeting regarding the results of such canvass and the election. The procedures set forth in this section for conducting the election may be modified as the Board may determine to be necessary or desirable by a resolution subsequently adopted by the Board.

Section 13. Certification. The Board Clerk shall certify the passage and adoption of this resolution.

Section 14. Effective Date. This Resolution shall take effect immediately from and after the date of its passage and adoption.

PASSED AND ADOPTED by the Board of the San Miguel Consolidated Fire Protection District this 8th day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

EXHIBIT A
DESCRIPTION OF SERVICES

CFD 2022-1 is authorized to finance any of the services set forth in Section 53313 of the Act, including without limitation fire protection and suppression services, and ambulance and paramedic services, and administrative and incidental expenses related thereto as defined in Section 53317(e) of the Act.

The services to be financed by CFD 2022-1 are in addition to those provided in the territory of CFD 2022-1 before the date of creation of CFD 2022-1 and will not supplant services already available within that territory when CFD 2022-1 is created.

The administrative expenses to be funded by CFD 2022-1 include the direct and indirect expenses incurred by District in carrying out its duties with respect to CFD 2022-1 (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of San Diego related to CFD 2022-1 or the collection of special taxes, an allocable share of the salaries of the District staff directly related thereto and a proportionate amount of the District's general administrative overhead related thereto, any amounts paid by the District from its general fund with respect to CFD 2022-1 or the services authorized to be financed by CFD 2022-1, and expenses incurred by the District in undertaking action to pursue payment of special taxes which are delinquent, and all other costs and expenses of the District related to CFD 2022-1.

The incidental expenses that may be funded by CFD 2022-1 include, in addition to the administrative expenses identified above, the payment or reimbursement to the District of all costs associated with the establishment and administration of CFD 2022-1.

EXHIBIT B
LEGAL DESCRIPTION OF PROPERTY

The Property is identified as San Diego County, Assessor's Parcel Numbers:

- 483-101-08-00

EXHIBIT C
RATE AND METHOD OF APPORTION OF SPECIAL TAXES
FOR SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2022-1
TAX ZONE NO. 1

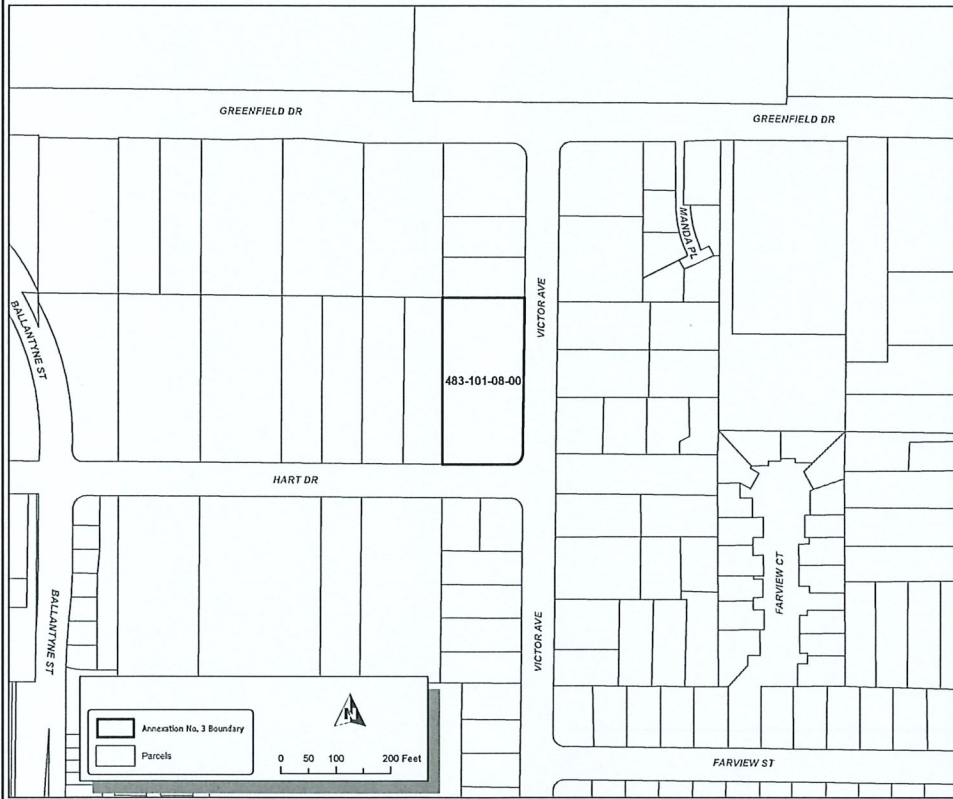
The Special Tax shall be levied in Annexation No. 3 in accordance with the Rate and Method of Apportionment of Special Tax for San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1 pursuant to the rate for Tax Zone No. 1 set forth in Attachment No. 1 thereto. The Rate and Method of Apportionment of Special Tax is attached hereto and incorporated herein by this reference.

SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2022-1
ATTACHMENT 1
MAXIMUM SPECIAL TAX RATES

Tax Zone	APNs	Property Type	Special Tax Rate	Per	Base Year
1	483-101-08-00	Multi-Family Property	\$235.27	Unit	2023/24

**ANNEXATION MAP NO. 3 OF
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2022-1
ANNEXATION NO. 3**

COUNTY OF SAN DIEGO
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT THIS ____ DAY OF _____, 20__.

SECRETARY OF THE BOARD
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
SAN DIEGO COUNTY, CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF AN ANNEXATION NO. 3 TO SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2022-1, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT, AT A MEETING THEREOF, HELD ON THE ____ DAY OF _____, 20__ BY ITS RESOLUTION NO. _____ AS FILED NO. _____

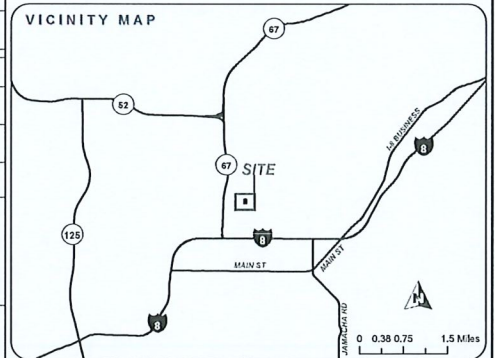
SECRETARY OF THE BOARD
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
SAN DIEGO COUNTY, CALIFORNIA

FILED THIS ____ DAY OF _____, 20__ AT THE HOUR OF ____ O'CLOCK ____ M. IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

JORDAN L. MARKS
COUNTY RECORDER
COUNTY OF SAN DIEGO, CALIFORNIA

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

REFERENCE IS HEREBY MADE TO THAT CERTAIN MAP ENTITLED "MAP OF PROPOSED BOUNDARIES OF SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2022-1, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA" FILED THE 22ND DAY OF AUGUST, 2022, AT THE HOUR OF 3:56 O'CLOCK P.M. IN BOOK 50 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 41 AND AS INSTRUMENT NO. 2022-7000493 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WHICH THIS ANNEXATION MAP AFFECTS.



Source: San Diego County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



PETITION TO THE BOARD OF DIRECTORS OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT REQUESTING INITIATION OF PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2022-1, AND CONSENTING TO THE LEVY OF SPECIAL TAXES TO PAY THE ANNUAL COSTS OF SERVICES (ANNEXATION NO. 3 TO CFD 2022-1)

1. INLAND VALLEY INVESTMENTS, LLC, ("Owner"), requests that the Board of Directors of the San Miguel Consolidated Fire Protection District (the "District") initiate proceedings pursuant to Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982," (the "Act") for the annexation of the property described in Exhibit "A" attached hereto (the "Property") to "San Miguel Consolidated Fire Protection District Community Facilities District No. 2022-1, County of San Diego, State of California" (the "CFD") for the purpose of providing for the funding, through the levy of special taxes, of the services set forth in Exhibit "B" attached hereto.

2. Owner represents to the Board of Directors that it is the owner of all of the Property.

DATED: April 29, 2024

INLAND VALLEY INVESTMENTS, LLC

Signature: 

Printed Name: Darvil R. Priest

Title: CEO

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

- APN: 483-101-08

EXHIBIT "B"

DESCRIPTION OF SERVICES

CFD 2022-1 is authorized to finance any of the services set forth in Section 53313 of the Act, including without limitation fire protection and suppression services, and ambulance and paramedic services, and administrative and incidental expenses related thereto as defined in Section 53317(e) of the Act.

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FIRE CHIEF REPORT

May 8, 2024



STAFF INVOLVEMENT

- Chief Durrell, Engineer Ruth, LOGS-Camarena attended FDIC Conference in Indianapolis
- AO/FO Harris, BC Nava, Captain Lieberman attended 2024 CSDA Leadership Academy in San Diego
- Chief Lawler attended FDAC Conference in Monterey

Requesting consensus from the Board to send one Director to Sacramento for Legislative Days, May 21-22 (with Chief Lawler)

IMPORTANT LEGISLATION

HR 7525 (Special Districts Grant Accessibility Act) - Cleared Accountability Committee 38-2. Special Districts to be federally recognized. Waiting for House floor vote.

POLITICAL PARTNERSHIPS

- Meeting with Chairwoman Vargas to discuss sleeping cabins.
- Met with Supervisor Anderson.
- Federal and State lobbyist (FDAC).
- Requested \$2,800,000 from Congressman Issa for Station 18 (appropriations).
- Requested \$1,075,000 from Congresswoman Jacobs for a type 1 apparatus (appropriations).

COMMUNITY OUTREACH

- April 13 - Spring Valley Egg Hunt hosted by County Parks and Recreation. E16 attended.
- April 20 - YMCA Kids Health Fest - We supplied one booth with off-duty personnel demonstrating healthy habits of firefighters as well as E22 for tour of engine.
- April 22 - Avocado Elementary School visited Station 22. E22 and E15 hosted 120 1st and 2nd graders - station tour, engine show-and-tell with water flow, and fire safety talk.
- April 24 - Mommy and Me group visited Station 22. The group of 20 toddlers with mothers got a station and engine tour.
- April 27 - Spring Valley Day Event - Provided two booths with handouts and sidewalk CPR. T214, B23 committed to event OOS with T214 to raise flag on aerial. In service engine rotation during event. On and off-duty personnel from floor, Admin, Prevention, and Logistics.
- April 27 - La Presa Spring Festival - E16 attended AOR to event to greet families and provide engine tours.
- April 28 - Mt. Helix Park Foundation Garden Tour - 400 people.

OTHER

- Board - Annual form 470 filing (short form completed) signatures needed. www.fppc.ca.gov
- FDAC white paper (Fire District funding challenges) authored by FDAC, CAL Chiefs, League of Cities. Requesting Board edits for FDAC committee.