

ORDINANCE NO. BBFA2014-002

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE BIG BEAR FIRE AUTHORITY, A CALIFORNIA
JOINT POWERS AUTHORITY, COUNTY OF SAN
BERNARDINO, STATE OF CALIFORNIA,
ESTABLISHING COST RECOVERY FEES AND CHARGES**

WHEREAS, the Big Bear Fire Authority (“Authority”) exists pursuant to the laws of the state of California and that certain Joint Powers Agreement entered into by and between the Big Bear City Community Services District and the Big Bear Lake Fire Protection District, a subsidiary fire protection district of the City of Big Bear Lake; and

WHEREAS, pursuant to Health and Safety Code Section 13800 et seq. and 13916, the Authority is authorized to charge fees and charges to cover the cost of any service which the Authority provides; and

WHEREAS, pursuant to Government Code Section 53150 et seq., an individual who is under the influence of alcohol and/or any drug and whose negligent operation of any vehicle due to such influence proximately causes an incident requiring emergency response is liable for reimbursement to the Authority for costs of such response; and

WHEREAS, in accordance with the applicable provisions of the Health and Safety Code, the Authority is authorized to require reimbursement for costs incurred due to an individual who initiates more than a certain number of false alarms within a specified period of time which cause the Authority to respond or who acts negligently or in violation of the law and thereby requires the Authority to provide an emergency response to a danger posed by a fire or hazardous substance; and

WHEREAS, pursuant to Health and Safety Code Section 13916, Authority fees may not exceed the costs reasonably borne by the Authority in providing the service for which the fee is charged; and

WHEREAS, the Board desires to adopt a consolidated schedule of fees and charges to reflect the Authority’s actual or estimated reasonable costs of providing response services by way of this Ordinance, as required by the Health and Safety Code, and to provide for adoption of updates by Board resolution. The Board also desires to adopt a procedure by which an applicant may request a reduction or waiver of a fee. It is anticipated that such requests may be made by community/non-profit organizations, individuals, or other applicants which make contributions to the local community and where the reduction or waiver of a fee would serve the public interest; and

WHEREAS, at least 10 days prior to considering this Ordinance, the Authority made available to the public, data indicating the amount of cost, or estimated cost, required to provide the service for which each fee or charge is imposed and the revenue sources anticipated to provide the service; and

WHEREAS, the Authority has published notice of its intention to adopt a schedule of fees pursuant to Government Code Section 6066 and California Health and Safety Code Section 13916; and

WHEREAS, notice of the meeting where this Ordinance was considered for adoption has been provided by mail at least 14 days before said meeting to any interested party who filed a written request with the Board within the last year for mailed notice of meetings on new or increased fees; and

WHEREAS, at the meeting where this Ordinance was adopted, the Board heard and considered any objections or protests to the proposed schedule of fees.

NOW THEREFORE, the Board of Directors of the Big Bear Fire Authority does ordain as follows:

Section 1. Adoption of Fee Schedule - The Board hereby finds and determines that the fees set forth in the fee schedule attached hereto as Exhibit "A," and incorporated herein by reference, do not exceed the actual cost reasonably borne by the Authority in providing the service for which the fee or charge is imposed. Said fees and charges are based on the cost analysis data completed by the Authority and made available to the public no less than 10 days prior to the meeting at which this Ordinance was presented for first reading. Said data indicates the amount of cost, or estimated cost, required to provide the service or the cost of enforcing any regulation for which the fee or charge is imposed and the revenue sources anticipated to provide the service or the cost of enforcing any regulation. The Board therefore adopts the fee schedule attached as Exhibit "A" to this Ordinance.

Section 2. Collection of Fees and Charges - Charges will be billed to the responsible party by the Authority or its authorized contractor in accordance with applicable limitations of law.

Section 3. Waiver – Upon request of an individual or entity ("Applicant"), the Fire Chief may reduce or waive payment of any fee provided by this Ordinance when he or she determines such a reduction or waiver is in the public interest. Unless some other procedure applies pursuant to any other applicable regulations of the Authority, the following notice and appeal procedures will apply. Notice of the determination shall be provided in writing to the Applicant by any reasonable means, including personal delivery, first class mail or facsimile transmission. Within 7 calendar days of an Applicant's receipt of the Fire Chief's decision, he or she may appeal the determination in writing to the Appeals Board. The written appeal shall state specifically the fee or charge being appealed, as well as the particular reasons why the fee or charge should be reduced or waived. The Appeals Board shall hear the appeal as soon as is practicable, but in no event more than 60 days following the Authority's receipt of the appeal, and shall determine whether the public interest warrants a fee/charge reduction or waiver. The Appeals Board's determination shall be final.

Section 4. Future Adoption or Adjustments - The Authority shall review the adopted schedule of fees and charges from time to time in its discretion to ensure they accurately reflect

the cost of providing services and adjust them as necessary to ensure that they are representative of actual costs borne by the Authority. The fee schedule may be updated by Board resolution following compliance with the public notice requirements of Health and Safety Code Section 13916.

Section 5. Incorporation of Recitals - All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

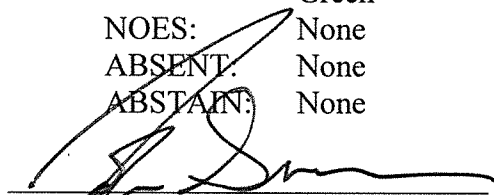
Section 6. Consistency - All ordinances, resolutions, minute orders, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency. Except as specifically set forth herein, all other provisions of the rules and regulations of Authority or any other ordinance, resolution or Board action, shall remain in full force and effect.

Section 7. Severability - If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board 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 be held invalid.

Section 8. Date of Effect - This Ordinance shall take effect and be in force thirty (30) days after its final passage at a public meeting as required by law. First read at a regular meeting of the Board of Directors of the Authority, held on the 19th day of August, 2014, and finally adopted in the manner required by law at the meeting on the 21st day of October, 2014, by the following vote:

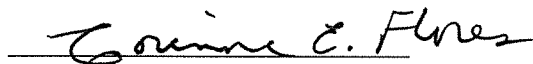
PASSED, APPROVED, AND ADOPTED this 21st day of October, 2014.

AYES:	Jackowski, Jahn, Obernolte, Oxandaboure, Terry, Walsh, Caretto, Herrick, Green
NOES:	None
ABSENT:	None
ABSTAIN:	None



John Green
Chairman, Board of Directors
Big Bear Fire Authority

ATTEST:




Corinne E. Flores
Board Secretary

Big Bear Fire Authority
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Corinne E. Flores, Secretary of the Big Bear Fire Authority Board, do hereby certify that the whole number of members of the said Board is ten; that the foregoing ordinance, being Ordinance No. BBFA2014-002 was duly passed and adopted by the said Board, approved and signed by the Chair of said Board, and attested by the Secretary of said Board, all at a meeting of the said Board held on the 21st day of October, 2014, and that the same was so passed and adopted by the following vote:

AYES: Jackowski, Jahn, Obernolte, Oxandaboure, Terry, Walsh, Caretto, Herrick,
 Green
NOES: None
ABSENT: None
ABSTAIN: None

Witness my hand and the official seal of said Authority this 21st day of October, 2014.



Corinne E. Flores
Board Secretary
Big Bear Fire Authority

EXHIBIT "A"

BIG BEAR FIRE DEPARTMENT	
SCHEDULE OF FEES AND CHARGES FOR COST RECOVERY	
	Fee
PERMITS	
<i>Special Clearance Permits</i>	
Blasting Operations	\$ 175.00
Christmas Tree Lot	\$ 75.00
Haunted House	\$ 75.00
Pumpkin Patch	\$ 75.00
Bonfires, Open Fires, Public Burns	\$ 75.00
Carnivals, Fairs, Circus, Outdoor Assemblage	\$ 175.00
Fireworks	\$ 250.00
Tents, canopies and temporary membranes	\$ 125.00
Hot work - welding, cutting operations	\$ 75.00
General Operational Permit	\$ 75.00
RESPONSES	
Due to alarm system testing, maint., alteration, modification or tampering w/o prior jurisdiction notification	Actual Cost (not to exceed \$420.00)
Due to alarm system malfunction > 3 alarms in 12 consec. months	Actual Cost (not to exceed \$210.00)
Due to intentional wrongful conduct or omission of reasonable precaution, care or action	Actual Cost (not to exceed \$420.00)
<i>Fire Suppression & Rescue</i>	
Due to intentional wrongful conduct or omission of reasonable precaution, care or action, or under the influence	Actual Cost
Illegal or non-permitted campfires, bonfires, outside cooking fire or warming fires	Actual Cost (not to exceed \$210.00)
Search and rescue operations	Actual Cost

Mutual aid responses, per mutual aid agreements	Greater of actual or agreement cost
Taxpayer, Business Owner, and Resident Fee	Waived pursuant to H&SC Sec. 13916
Non-taxpayer and Non-Resident Fee - lesser of cost or \$321.00	Actual cost (not to exceed \$321.00)
Federal, State, County Facilities	Greater of actual or agreement cost
<i>Hazardous Substances</i>	
Hazardous Substances	Actual Cost
Water Removal / Salvage	Actual Cost (not to exceed \$420.00)
SPECIAL STANDBY	
Overcrowding & Occupancy Prevention	Actual Cost (not to exceed \$420.00)
Dangerous and Hazardous Ops Prevention	Actual Cost
Standby - movie shoot	Actual Cost
Standby - special event	Actual Cost
Standby - public event - event holder request	Actual Cost
SPECIAL INSPECTIONS	
Site inspection - sprinkler/alarm	\$ 80.00
Required due to non-compliance after initial or subsequent inspection	\$ 80.00
Required to mitigate immediate hazards	\$ 80.00
Fuels management inspection	\$ 80.00
Dead, dying or diseased tree inspection	\$ 80.00
Hazardous tree abatement admin. fee	\$ 150.00
Hazardous tree removal filing tax lien	\$ 150.00
Hazardous tree removal contractor fee	Actual Cost
State required (Title 19) - day care, elder care, etc. > 7 occupants	\$ 80.00
Special events/special effects	\$ 140.00
ADMINISTRATIVE PLAN REVIEW	

-	Site plan review w/ fire flow and construction requirement report - Standard	\$	100.00
-	Site plan review - Parcel development/ subdivision		Actual Cost (not to exceed \$300.00)
-	Land use review per County Planning Dept. request	\$	225.00
-	Water Flow Test	\$	100.00
-	Sprinkler, alarm, standpipe, extinguishing or special system review (plus consultant fee if required)		\$225.00 + consultant's fee if required
-	Flammable liquid tank review	\$	200.00
REPORTS			
-	Fire cause and origin report (actual investigation time and administrative support)	\$	25.00
-	Hazardous materials report	\$	25.00
-	Incident Report	\$	25.00
COPIED MATERIAL			
-	Subpoena response (subject to statutory limitations)		Per statute \$15.00 min.
-	Codes, ordinances, reports, test results and other general information		\$1.00/pg + 0.10/ pg beyond initial pg.
PENALTIES			
-	Failure to meet for scheduled inspection (additional inspection charge)		\$80.00 (add'l inspection charge)
-	Returned check (actual bank charge)		Actual bank charge
PUBLIC EDUCATION			
-	CPR classes	\$	65.00
-	Fire extinguisher and use indications	\$	65.00
-	First aid certification	\$	65.00

OTHER	
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-	Technical research Actual Cost (not to exceed \$225.00)
-	Code, ordinance, or hazard abatement appeal to Board of Appeals \$250.00 (returned if appeal is upheld)
-	Research to create documents or statistics \$35/hr - 1 hr min.
INVESTIGATIONS	
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-	Fire Cause and Origin Actual cost (not to exceed \$500.00)
-	Illegal Dumping/Hazardous Material Actual cost (not to exceed \$500.00)

Actual costs at rates identified in the current Salary Survey/Actual Administrative Rate for the Agreement for Local Government Fire and Emergency Assistance to the State of California and Federal Fire Agencies and any outside contractor fees charged to complete process or service.