



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Thursday, April 04, 2024

Regular Meeting 6:00 PM

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. . The public will not be allowed to provide verbal comment during the meeting if attending via Zoom. The public can submit comments in writing for City Council consideration by commenting via the Q&A function in the Zoom platform or by sending comments to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the City Council adequate time to review your comments, you must submit your written emailed comments prior to 4:00 p.m. on the day of the meeting.

AMENDED AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

Pursuant to Senate Bill 1100 and the City Council Norms and Procedures, any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the City Council, staff or general public, or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers or the Zoom by the sergeant-at-arms or the City Clerk and may be barred from further attendance before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link: https://clearlakeca.zoom.us/webinar/register/WN_kyqJZHkvTTKwtVSzQUA6IA

Passcode: 146270

Or One tap mobile:

+16694449171,,86590136162# US

+17193594580,,86590136162# US

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 719 359 4580 or +1 720 707 2699 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656

Webinar ID: 865 9013 6162

International numbers available: <https://clearlakeca.zoom.us/j/kcehjRp8IS>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE: *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invocational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invocational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at mswanson@clearlake.ca.us.*

D. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

E. PRESENTATIONS

1. Presentation of a Proclamation Declaring April 2024 as Sexual Assault Awareness Month

- [2.](#) Presentation of a Proclamation Declaring April 14 - 20, 2024 as Public Safety Telecommunicators Week
3. Presentation of Certificates of Appreciation for the Bunny Brunch and Recreation and Events Quarterly Report

F. PUBLIC COMMENT: *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

G. CONSENT AGENDA: *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

- [4.](#) Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms
Recommended Action: Continue declaration of emergency

- [5.](#) Warrants
Recommended Action: Receive and file

6. Minutes
Recommended Action: Receive and file

- [7.](#) Consider Authorization of Engagement Letter for Accounting Services with Eide Bailly
Recommended Action: Authorize City Manager to sign Consulting Engagement Letter for accounting support services with Eide Bailly.

H. BUSINESS

- [8.](#) Consideration of Second Reading of Ordinance No. 269-2024 Updating Clearlake Municipal Code Section 3-5 and Possible Further Discussion of Fire Mitigation Fees
Recommended Action: 1) Hold Second Reading of Ordinance No. 269-2024, read it by title only, waive further reading, and adopt ordinance

- [9.](#) Discussion of the Lake County Sanitation District's Southeast Regional Wastewater System and Operations within the City of Clearlake
Recommended Action: Adopt Resolution 2024-16

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

K. CLOSED SESSION

(10) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Initiation of litigation pursuant to Government Code § 54956.9(d)(4): (1 case)

(11) Pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Title: City Manager

L. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

M. ADJOURNMENT

POSTED: April 1, 2024

BY:



Melissa Swanson, Administrative Services Director/City Clerk



**DESIGNATING THE MONTH OF APRIL 2024, AS
SEXUAL ASSAULT AWARENESS MONTH IN CLEARLAKE, CA**

WHEREAS, in 2023, Lake County agencies responded to the needs of 390 sexual assault victims and their significant others and/or family members, and

WHEREAS no one person, organization, agency, or community can eliminate sexual assault on their own and the partnership between public and private Lake County agencies is invaluable, and

WHEREAS child sexual abuse prevention must be a priority to confront the reality that children are being abused. One in six boys and one in four girls will experience a sexual assault before the age of 18, and

WHEREAS Lake Family Resource Center has been instrumental in leading the way in the County of Lake in addressing sexual assault by providing 24-hour hotline services, continuing support, advocacy and accompaniment to victims/survivors and their significant others; and

WHEREAS, ending sexual assault in Lake County must include active public and private efforts to Speak Out Against Sexual Violence; and it is time for all of us to start conversations, take appropriate action and support one another to create a safer environment for all residents, and

WHEREAS staff and volunteers of the Lake Family Resource Center Rape Crisis Center work year-round to encourage every person to Speak Out Against Sexual Violence and to support survivors by providing prevention education and survivor empowerment information, and

WHEREAS Lake Family Resource Center and the District Attorney's office, Victim-Witness Division, local law enforcement agencies, hospitals and schools have set an important example of how forging collaborative relationships improves the quality of service for those impacted by sexual violence, and

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor of the City of Clearlake does hereby designate the month of April 2024, as Sexual Assault Awareness Month in Lake County and urges all local governments, schools, businesses, and community members to participate in the sponsored events this month to increase awareness and public support for creating communities free from violence and exploitation.

Dated this 4th day of April, 2024

David Claffey, Mayor



Public Safety Telecommunicators Week April 14 – 20, 2024

Whereas emergencies can occur at any time that require police, fire or emergency medical services; and,

Whereas when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

Whereas the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Clearlake Police Department emergency communications center; and,

Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and,

Whereas Public Safety Telecommunicators of the Clearlake Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore Be It Resolved that the City Council of the City of Clearlake declares the week of April 14 through 20, 2024 to be National Public Safety Telecommunicators Week in the City of Clearlake, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Dated this 4th day of April, 2024

David Claffey, Mayor

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms	
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

On February 9, 2024, the Director of Emergency Services/City Manager issued a Proclamation of Local Emergency due to winter storms (attached), which was ratified by the City Council on February 15, 2024.

Pursuant to Section 2-11.6.a.6.a of the Clearlake Municipal Code, the Director is empowered to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provide, however such rules and regulations must be confirmed at the earliest practical time by the City Council. Thereafter, the emergency declaration must be continued by affirmation of the Council every 30 days.

Staff believe there is still a need to continue the local emergency order and it is in the best interests of the City to have the Council ratify and continue this order until the state of emergency can be lifted.

OPTIONS:

- 1. Continue to ratify order.

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake

- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- Attachments:** 1) Proclamation Declaring a Local Emergency for Winter Storms



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

PROCLAMATION BY THE CITY OF CLEARLAKE DIRECTOR OF EMERGENCY SERVICES DECLARING A LOCAL EMERGENCY FOR WINTER STORMS

WHEREAS, City of Clearlake Municipal Code Section 2-11.6 empowers the Director of Emergency Services (City Manager) to proclaim the existence or threatened existence of a local emergency when the city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, starting on February 2, 2024 a winter storm resulted in high winds and heavy rain; and

WHEREAS, these conditions have caused a loss of stability to trees and hillsides, including significant damage to property, infrastructure and public safety within the city limits; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to the impacts of the winter storms; and

WHEREAS, the City Manager, as the City's Director of Emergency Services, has the power to declare a local emergency as authorized by Government Code section 8630 and Clearlake Municipal Code section 2-11.6.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Clearlake as follows:

- A. A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property, as detailed in the recitals set forth above.
- B. The area within the City which is endangered and/or imperiled.
- C. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City of Clearlake Emergency Operations Plan.
- D. The City Council shall review and ratify this proclamation within seven (7) days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.
- E. That a copy of this proclamation be forwarded to the Director of California Governor’s Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Clearlake; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

DATED: February 9, 2024



Alan D. Flora
Director of Emergency Services



Clearlake, CA

Check Register

Packet: APPKT02771 - 3/18/24 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
001911	ADAMS ASHBY GROUP INC	03/18/2024	Regular	0.00	6,000.00	16535
000085	ARAMARK UNIFORM SERVICES	03/18/2024	Regular	0.00	49.31	16536
000861	BIG O TIRES	03/18/2024	Regular	0.00	575.54	16537
VEN01228	BPR CONSULTING GROUP	03/18/2024	Regular	0.00	11,386.31	16538
000548	COMPUTER LOGISTICS	03/18/2024	Regular	0.00	195.00	16539
001825	COUNTY OF LAKE CLERK	03/18/2024	Regular	0.00	100.00	16540
001825	COUNTY OF LAKE CLERK	03/18/2024	Regular	0.00	50.00	16541
001744	DC ELECTRIC	03/18/2024	Regular	0.00	15,283.40	16542
000120	FED EX	03/18/2024	Regular	0.00	30.67	16543
000501	KUSTOM SIGNALS, INC.	03/18/2024	Regular	0.00	643.29	16544
000793	MEDIACOM	03/18/2024	Regular	0.00	356.14	16545
VEN01240	MIDDLETOWN COPY & PRINT - JESSI	03/18/2024	Regular	0.00	128.70	16546
001489	NAPA AUTO PARTS	03/18/2024	Regular	0.00	80.26	16547
001913	OCCU-MED LTD	03/18/2024	Regular	0.00	496.00	16548
VEN01371	R.E.Y. ENGINEERS, INC.	03/18/2024	Regular	0.00	4,631.00	16549
VEN01489	TRYSTAN HAYES	03/18/2024	Regular	0.00	304.00	16550

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	22	16	0.00	40,309.62
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	22	16	0.00	40,309.62

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	3/2024	40,309.62
			<hr/> 40,309.62



Clearlake, CA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
000591	ACTION SANITARY	03/29/2024	Regular	0.00	195.75	16551
001435	ARGONAUT CONSTRUCTORS	03/29/2024	Regular	0.00	8,156.50	16552
001397	AT&T CALNET 3	03/29/2024	Regular	0.00	623.77	16553
001397	AT&T CALNET 3	03/29/2024	Regular	0.00	216.39	16554
001397	AT&T CALNET 3	03/29/2024	Regular	0.00	140.54	16555
001397	AT&T CALNET 3	03/29/2024	Regular	0.00	29.87	16556
001397	AT&T CALNET 3	03/29/2024	Regular	0.00	29.35	16557
001397	AT&T CALNET 3	03/29/2024	Regular	0.00	64.43	16558
000068	BOB'S JANITORIAL	03/29/2024	Regular	0.00	305.56	16559
001665	BRUNO SABATIER	03/29/2024	Regular	0.00	100.00	16560
002162	CALIFORNIA ENGINEERING	03/29/2024	Regular	0.00	12,110.13	16561
000902	CALIFORNIA SURVEYING - DRAFTING	03/29/2024	Regular	0.00	326.25	16562
2404	CALTRONICS	03/29/2024	Regular	0.00	325.00	16563
VEN01393	CHRISTOPHER WILLIAM INGLIS	03/29/2024	Regular	0.00	75.00	16564
VEN01285	CLEAN LAKES, INC	03/29/2024	Regular	0.00	19,132.76	16565
000024	CLEARLAKE POLICE ASSOCIATION	03/29/2024	Regular	0.00	1,460.00	16566
VEN01353	COLLEGE OF THE SISKIYOU	03/29/2024	Regular	0.00	5,790.01	16567
VEN01353	COLLEGE OF THE SISKIYOU	03/29/2024	Regular	0.00	5,790.01	16568
000548	COMPUTER LOGISTICS	03/29/2024	Regular	0.00	3,740.00	16569
000125	COUNTY OF LAKE PUBLIC WORKS	03/29/2024	Regular	0.00	15,028.76	16570
001744	DC ELECTRIC	03/29/2024	Regular	0.00	366.12	16571
002392	DE LAGE LANDEN PUBLIC FINANCE	03/29/2024	Regular	0.00	5,851.60	16572
	Void	03/29/2024	Regular	0.00	0.00	16573
001835	DIRK SLOOTEN	03/29/2024	Regular	0.00	100.00	16574
000073	EASTLAKE SANITARY LANDFILL	03/29/2024	Regular	0.00	245.38	16575
000004	EDWARD A ROBEY JR	03/29/2024	Regular	0.00	100.00	16576
VEN01449	ERGONOM CORPORATION	03/29/2024	Regular	0.00	4,919.20	16577
VEN01108	FAWN CHRISTINE WILLIAMS	03/29/2024	Regular	0.00	400.35	16578
000096	GOLDEN STATE WATER COMPANY	03/29/2024	Regular	0.00	442.15	16579
000797	GRANITE CONSTRUCTION	03/29/2024	Regular	0.00	4,588.80	16580
VEN01418	JACK SMALLEY	03/29/2024	Regular	0.00	75.00	16581
001939	JIM SCHOLZ	03/29/2024	Regular	0.00	100.00	16582
002276	JOSE L SIMON III	03/29/2024	Regular	0.00	100.00	16583
000108	LAKE COUNTY RECORD BEE	03/29/2024	Regular	0.00	112.39	16584
000158	LAKE COUNTY SPECIAL DISTRICTS	03/29/2024	Regular	0.00	1.68	16585
001814	LENAHAN,LEE,SLATER,AND PEARSE,	03/29/2024	Regular	0.00	13,506.50	16586
VEN01491	MEDEIROS EQUIPMENT LLC	03/29/2024	Regular	0.00	2,352.61	16587
VEN01240	MIDDLETOWN COPY & PRINT - JESSI	03/29/2024	Regular	0.00	64.35	16588
VEN01471	MITCHELL SIGNS INC	03/29/2024	Regular	0.00	145.00	16589
001489	NAPA AUTO PARTS	03/29/2024	Regular	0.00	261.33	16590
001392	OFFICE DEPOT	03/29/2024	Regular	0.00	276.00	16591
000009	OPERATING ENGINEERS LOCAL 3	03/29/2024	Regular	0.00	486.00	16592
VEN01417	REDWOOD COAST DEVELOPMENTAL	03/29/2024	Regular	0.00	1,190.02	16593
002215	ROBERT COKER	03/29/2024	Regular	0.00	75.00	16594
001500	RYAN PETERSON	03/29/2024	Regular	0.00	1,003.00	16595
002273	STACEY MATTINA	03/29/2024	Regular	0.00	100.00	16596
VEN01222	TERRY LEE STEWART	03/29/2024	Regular	0.00	75.00	16597
000708	VALIC LOCKBOX	03/29/2024	Regular	0.00	470.00	16598

Check Register

Packet: APPKT02798-3

Section G, Item 5.

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
VEN01221	WINE COUNTRY VENTURES, INC VAN	03/29/2024	Regular	0.00	1,190.00	16599

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	79	48	0.00	112,237.56
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	79	49	0.00	112,237.56

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	3/2024	112,237.56
			<hr/>
			112,237.56

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Eide Bailly Consulting Engagement Letter for Accounting Services	MEETING DATE: April 4, 2024
SUBMITTED BY: Kathy Wells, Finance Director	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to Authorize the City Manager to sign a consulting engagement letter with Eide Bailly for accounting services not to exceed \$75,000.

BACKGROUND/DISCUSSION:

The City has ended their contractual relationship with Regional Government Services and is looking to replace their accounting support services with Eide Bailly LLP.

OPTIONS:

1. Move to authorize City Manager to sign the Consulting Engagement Letter for Accounting Support Services with Eide Bailly.
2. Other direction

FISCAL IMPACT:

None \$75,000 Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City

Goal #6: Update Policies and Procedures to Current Government Standards

Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to authorize City Manager to execute an amendment.

Attachments: Eide Bailly Consulting Engagement Letter



March 25, 2024

City of Clearlake
C/O Kathy Wells, Finance Director
14050 Olympic Drive
Clearlake, California 95422

This letter outlines the understanding of the terms and objectives of the consulting engagement between Eide Bailly LLP (Eide Bailly) and the City of Clearlake (City).

Scope of Engagement

We will work with you to provide consulting services in connection with the following services:

- Assist with budget development,
- Review and reconcile accounts payable, accounts receivable, grants, and cash,
- Assist with year-end audit prep,
- Other items as requested.

Our engagement will be performed under the *Statements on Standards for Consulting Services* issued by the American Institute of Certified Public Accountants (AICPA). We will not provide audit, review, compilation or financial statement preparation services to any historical or prospective financial information or provide attestation services under the AICPA *Statements on Standards for Attestation Engagements* and assume no responsibility for any such information.

You will provide us, as promptly as possible, all requested information and documentation reasonably deemed necessary or desirable by us in connection with the engagement. You represent and warrant that all information and documentation provided or to be provided to us is true, correct, and complete, to the best of your knowledge and belief. We are authorized to rely upon such information and documentation without independent investigation or verification.

We may use third party service providers and/or affiliated entities (including Eide Bailly Shared Services Private Limited) (collectively, "service providers") in order to facilitate delivering our services to you. Our use of service providers may require access to client information by the service provider. We will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the confidentiality of client information accessed by such service provider and any work performed by such service provider. You acknowledge that your information may be disclosed to such service providers, including those outside the United States.

We agree to retain our work papers for a period of at least eight years from the date of our report.

Timeline

We will begin our procedures upon acceptance of this engagement agreement. We would expect to have our work completed within requested timelines for the specific tasks. This timetable assumes the timely receipt of requested information and the cooperation of the parties involved. If delays are experienced in receiving information, the delivery of our work will be delayed accordingly.

Fees

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses, including administrative charges. Invoices are payable upon presentation. We estimate that our fee for the engagement will not exceed \$75,000. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate.

Our rates are based on levels are as follows through June 30, 2024:

 **Rates**

Hourly Rate by Staff Level	2024
Partner	\$ 350 / hr.
Manager	\$ 250 / hr.
Senior Associate	\$ 160 / hr.
Associate	\$ 140 / hr.
Clerical	\$ 90 / hr.

The ability to perform and complete our engagement consistent with the estimated fee included above depends upon the quality of your underlying accounting records and the timeliness of your personnel in providing information and responding to our requests. To assist with this process, we will provide you with a Prepared-by-Client (PBC) request that identifies the information we will require to perform our engagement, as well as a planned timeline for the engagement. A failure to provide this information in an accurate and timely manner may result in an increase in our fees and/or a delay in the completion of our engagement.

We may be requested to make certain engagement documentation available to outside parties, including regulators, pursuant to authority provided by law or regulation or applicable professional standards. If requested, access to such engagement documentation will be provided under the supervision of Eide Bailly LLP’s personnel. Furthermore, upon request, we may provide copies of selected engagement documentation to the outside party, who may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We will be compensated for any time and expenses, including time and expenses of legal counsel, we may incur in making such engagement documentation available or in conducting or responding to discovery requests or participating as a witness or otherwise in any legal, regulatory, or other proceedings as a result of our Firm’s performance of these services. You and your attorney will receive, if lawful, a copy of every subpoena we are asked to respond to on your behalf and will have the ability to control the extent of the discovery process to control the costs you may incur.

Should our relationship terminate before our agreed upon procedures are completed and a report issued, you will be billed for services to the date of termination. All bills are payable upon receipt. A service charge of 1% per month, which is an annual rate of 12%, will be added to all accounts unpaid 30 days after billing date. If collection action is necessary, expenses and reasonable attorney’s fees will be added to the amount due.

The City accepts responsibility for the results of the services being provided and agrees to perform the following functions in connection with this engagement:

- Make all management decisions and perform all management functions.
- Designate a competent individual to oversee the services.
- Evaluate the adequacy and results of the services performed.
- Accept responsibility for the results of the services.
- Establish and maintain internal controls, including monitoring ongoing activities.

Eide Bailly LLP has owners that are not licensed as certified public accountants as permitted under Section 5079 of the California Business Code. It is not anticipated that any of the non-licensee owners will be performing services for the City.

MEDIATION

Any disagreement, controversy or claim arising out of or related to any aspect of our services or relationship with you (hereafter a “Dispute”) shall, as a precondition to litigation in court, first be submitted to mediation. In mediation, the parties attempt to reach an amicable resolution of the Dispute with the aid of an impartial mediator. Mediation shall begin by service of a written demand. The mediator will be selected by mutual agreement. If we cannot agree on a mediator, one shall be designated by the American Arbitration Association (“AAA”). Mediation shall be conducted with the parties in person in the Sacramento office. Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties. Neither party may commence a lawsuit until the mediator declares an impasse.

LIMITED INDEMNITY

Eide Bailly LLP and its partners, affiliates, officers and employees (collectively “Eide Bailly”) shall not be responsible for any misstatements in the information provided to us to complete our engagement that we may fail to detect as a result of misrepresentations or concealment of information by any of your owners, directors, officers or employees. You shall indemnify and hold Eide Bailly harmless from any claims, losses, settlements, judgments, awards, damages and attorneys’ fees arising from any such misstatement or concealment of information.

If through no fault of Eide Bailly we are named as a party to a dispute between you and a third party, you shall indemnify and hold Eide Bailly harmless against any losses, damages, settlements, judgments, awards, and the costs of litigation (including attorneys’ fees) we incur in connection with the dispute.

Eide Bailly shall not be entitled to indemnification under this agreement unless the services were performed in accordance with professional standards in all material respects.

LIMITATION OF LIABILITY

The exclusive remedy available to you for any alleged loss or damages arising from or related to Eide Bailly’s services or relationship with you shall be the right to pursue claims for actual damages that are directly caused by Eide Bailly’s breach of this agreement or Eide Bailly’s violation of applicable professional standards. In no event shall Eide Bailly’s aggregate liability to you exceed two times fees paid under this agreement, nor shall Eide Bailly ever be liable to you for incidental, consequential, punitive or exemplary damages, or attorneys’ fees.

TIME LIMITATION

You may not bring any legal proceeding against Eide Bailly unless it is commenced within twenty-four (24) months ("Limitation Period") after the date when we delivered our report, return, or other deliverable under this agreement to you, regardless of whether we do other services for you or that may relate to the engagement. The Limitation Period applies and begins to run even if you have not suffered any damage or loss, or have not become aware of a possible Dispute.

GOVERNING LAW AND VENUE

Any Dispute between us, including any Dispute related to the engagement contemplated by this agreement, shall be governed by Sacramento law. Any unresolved Dispute shall be submitted to a federal or state court located in Sacramento, California.

ASSIGNMENTS PROHIBITED

You shall not assign, sell, barter or transfer any legal rights, causes of actions, claims or disputes you may have against Eide Bailly to any person.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our engagement including our respective responsibilities.

We appreciate the opportunity to be of service to you and look forward to working with you and your staff.

Respectfully,

James W. Ramsey
James W Ramsey, CPA, CFE
Partner

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of the City of Clearlake, California by:

Name: _____

Title: _____

Date: _____

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration of Second Reading of Ordinance No. 269-2024 Updating Clearlake Municipal Code Section 3-5 and Possible Further Discussion of Fire Mitigation Fees	MEETING DATE: April 4, 2024
SUBMITTED BY: Alan Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider holding the second reading of Ordinance No. 269-2024, which updates Clearlake Municipal Code (“CMC”) §3-5, Fire Mitigation Fee, read it by title only, waive further reading, and adopt the ordinance.

BACKGROUND/DISCUSSION:

Government Code §66000 (“Mitigation Fee Act”) allows government agencies, including a county, city, whether general law or chartered, city and county, school district, special district, authority, agency, any other municipal public corporation or district, or other political subdivision of the state, to approve fees charged to permits for new development projects, defined as construction or reconstruction, to be used to improve public facilities, including public improvements, public services, and community amenities. Unlike the City, the LCFPD does not have the ability to adopt fees on their own behalf. Fire Districts are governed by the Health and Safety Code §13916 to charge fees. This section specifically states, “a district board shall not charge a fee on new construction or development for the construction of public improvements or facilities or the acquisition of equipment.” In 1990, after further review of the conflicting Mitigation Fee Act and H&S §13916, the Attorney General opined Fire Districts could not adopt their own impact fees because the ability to charge a fee came from the police powers of a city granted to it by Article XI §7 of the California Constitution.

In this case, the City of Clearlake would be the catalyst for the LCFPD to adopt fire mitigation fees. As a result, the City adopted the fire mitigation fees on behalf of the LCFPD. The ordinance was codified into CMC §3-5, the “Fire Mitigation Fee Ordinance.” In summary, the Fire Mitigation Fee Ordinance (“Fee

Ordinance”) addresses the need for adequate fire protection and ways to finance the fire protection facilities and equipment as a result of city growth. Further, the Fee Ordinance requires the following:

- The LCFPD requests the City collect a specified percentage of the fire mitigation fee ceiling on its behalf from applicants for building permits or other permits for development;
- Fees paid shall only be used to fund capital facilities and equipment to serve new development;
- Fees paid shall be separated from any other funds as “City of Clearlake Fire Mitigation Fee(s)”;
- LCFPD shall submit an annual report no later than October 31st of each year to the City Clerk which reports the balance of said fund at the end of the previous fiscal year, the amount and type of expenditures made, and the ending balance in the fund;
- The annual report shall reflect LCFPD’s plans to alleviate the facility and equipment needs caused by new development in a “capital fire facilities and equipment plan” adopted at a noticed public hearing;
- Upon request by the City Clerk, LCFPD shall make available a copy of its annual audit report; and
- Any funds remaining in the fund after five years for which LCFPD cannot demonstrate a reasonable relationship between the fee and the purpose for which it was charged are required to be returned to the current owner of the project with interest.

The Fee Ordinance established a fee ceiling as follows:

a. Single-family residential including but not limited to private garages, carports, sheds, barns and structures which are appurtenant to the single-family residential use.

1. Unsprinklered and under twenty (20') feet in height Sixty (\$.60) cents per square foot.
2. Sprinklered and under twenty (20') feet in height Fifty (\$.50) cents per square foot.
3. Unsprinklered and over twenty (20') feet in height Ninety (\$.90) cents per square foot.
4. Sprinklered and over twenty (20') feet in height Seventy-five (\$.75) cents per square foot.

b. Multi-family residential including but not limited to townhouses, condominiums, apartments, clustered units, private garages, carports and accessory structures which are appurtenant to the multi-family use.

1. Unsprinklered and under twenty (20') feet in height Eighty (\$.80) cents per square foot.
2. Sprinklered and under twenty (20') feet in height Sixty-five (\$.65) cents per square foot.
3. Unsprinklered and over twenty (20') feet in height One dollar and five cents (\$1.05) per square foot.
4. Sprinklered and over twenty (20') feet in height Ninety (\$.90) cents per square foot.

c. Commercial, industrial and educational including but not limited to offices, garages, carports and accessory structures which are appurtenant to the applicable use.

1. Unsprinklered and under twenty (20') feet in height Fifty (\$.50) cents per square foot.
2. Sprinklered and under twenty (20') feet in height Thirty-five (\$.35) cents per square foot.

- 3. Unsprinklered and over twenty (20') foot in height Seventy-five (\$.75) cents per square foot.
- 4. Sprinklered and over twenty (20') feet in height Sixty (\$.60) cents per square foot.

On March 7th, your Council held a workshop to hear input from the LCFPD and the public on the proposed fee update. At this meeting, LCFPD presented the Fire Mitigation Fee Nexus Study Report which asks for increases of fees ranging from 84% to 589%. In addition, the Report recommends an administrative surcharge of 2%. For projects within the City that exceed 2-stories or 15,500 sq. ft would have an additional surcharge of \$0.50/sq. ft. The Report asks to eliminate the Fee Ceiling set above and also recommends an automatic annual inflation increase.

At the March 21st Council meeting, your Council held the first reading of Ordinance No. 269-2024. Staff recommends holding the second reading and adopting the ordinance.

OPTIONS:

- 1. Move to hold second reading of Ordinance No. 269-2024, read it by title only, waive further reading, and adopt the ordinance.
- 2. Provide other direction to staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

- Attachments:** 1)Draft Ordinance 269-2024
 2)Nexus Study Presentation
 3) Nexus Study

Ordinance No. 269-2024

AN ORDINANCE AMENDING SECTION 3-5.8 OF CHAPTER III OF THE CLEARLAKE MUNICIPAL CODE ESTABLISHING THE RATE FOR THE FIRE MITIGATION FEE BY CITY COUNCIL RESOLUTION

The City Council of the City of Clearlake does hereby ordain as follows:

- A. Section 3-5.1 et seq. of the Clearlake Municipal Code sets forth the City’s “Fire Mitigation Ordinance.” Contained therein is the City’s policy providing for the adoption of fire mitigation fees and for the collection of said fees to be allocated to the affected Fire Agency;
- B. Section 3-5.8 sets forth a ceiling for the rates which may be adopted by the City Council relative to a fire mitigation fee. Rather than adjust the fee by ordinance, it is common practice for municipalities to adjust them via Council resolution;
- C. The amendment contained herein would repeal and replace the language in Section 3-5.8 such that fire mitigation fee is set by Council resolution.

Chapter III of the Clearlake Municipal Code is hereby amended by repealing and replacing Section 3-5.8 as follows:

Section 3-5.8 FIRE MITIGATION FEE SET BY RESOLUTION.

Fire Mitigation Fee.

- A. A fire mitigation fee is hereby authorized and shall be allocated to the affected Fire Agency for the acquisition of capital facilities and equipment in order to ensure the provision necessary levels of fire protection services necessitated by new development via a nexus study adopted by the Agency.
- B. The City Council shall, by resolution, set forth the specific amount of the fire mitigation fees, describe the benefit and impact area on which the fees are imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities and the reasonable relationship between the fees and the various types of new development on which the fees are imposed, and set forth the time and terms of payment of the fees.
- C. On an annual basis, the City Council shall review the fire mitigation fees to determine whether the fee amounts are reasonably related to the impacts of development and whether the described public facilities are still needed.

CEQA

The action being considered by the City Council is an administrative activity of government that will not result in a direct or indirect physical change in the environment. The City Council finds

pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Section 21000 et seq.) and State CEQA Guidelines (Section 1500 et seq., Title 14 of the California Code of Regulations) and determines that this Ordinance is not a “project” pursuant to Public Resources Code Section 210065, and that it is exempt from the provisions of CEQA pursuant to Guidelines Sections 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) and 15321 (enforcement actions by regulatory agencies);

CONFLICTS AND SEVERABILITY

All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflicts and no further.

EFFECTIVE DATE:

The effective date of this Ordinance is thirty (30) days after its adoption by the City Council.

Passed and Adopted this 4th day of April, 2024 by the following vote:

AYES:
NOES:
ABSENT OR NOT VOTING: None

David Claffey
Mayor, City of Clearlake

ATTEST:

Melissa Swanson
City Clerk, City of Clearlake

Lake County FPD Fire Mitigation Fee Nexus Study Public Hearing



March 21, 2024



Municipal Advisory | Pension Optimization | Revenue Generation | Quantitative Strategies



What is a Mitigation Fee?



- A mitigation fee (aka development impact fee) is:
 - a one-time fee
 - imposed on new development as a condition of approval
 - to pay for public facilities needed to serve new development
- Mitigation fees are one of the ways that the California law put in place to fund public facilities

Definitions and Use



- **Public Facilities:**
 - fire station and other facilities
 - apparatus and vehicles
 - equipment
- **Development is:**
 - All new private residential and nonresidential buildings
 - Excludes public buildings and ADUs smaller than 750 sq.ft.
- Mitigation fees **CAN** be used to expand the District's facilities to serve new development
- Mitigation fees **CANNOT** be used for maintenance, deficiencies, or operations

Fire Mitigation Fees in the City of Clearlake



- The mitigation fee ordinance was adopted in 1993
- No significant updates to the fee program have been done since then (31 years)
- Fee Program set fee ceiling of \$0.35-1.05 psf, without inflation adjustment
- The fee is currently collected at \$1.00 psf
- What changed since the program was implemented:
 - The District added EMS
 - Fire station construction costs went from \$64-70 psf to \$600+ psf
 - Class A Engine / Pumper cost went from \$200-350k to \$700k
 - Water Tender cost went up from \$110-125k to \$400-550k

Legal Framework



- US Supreme Court decisions require “**Nexus**” to support mitigation fees
- Three Nexus components:
 - Development must create a **NEED** for facilities funded by the fee
 - Development must receive **BENEFIT** from facilities funded by the fee
 - Fees must be **PROPORTIONAL** to impact created by development

Legal Framework – California Law



- The Mitigation Fee Act requires the following nexus findings:
 - Identify **PURPOSE** of the fee
 - Identify **USE** of the fee
 - Demonstrate reasonable relationship between:
 - Use of the fee and type of development on which the fee is imposed (**Benefit**)
 - Need for facility and type of development on which the fee is imposed (**Need**)
 - Amount of the fee and facility cost allocated to development paying the fee (**Proportionality**)

Mitigation Fee Adoption Process



- Impact fees are imposed as a condition of development approval by land use authority
- Special districts lack land use authority
- Cities may impose impact fees that benefit special districts

- **District Board:** approved nexus study and forwarded it to the City
- **City of Clearlake City Council:** adopts the fee on behalf of the District for the City area

Nexus Findings



- **PURPOSE:** for new development to contribute its fair share of existing and future one-time public facility costs
- **USE:** to fund expansion of and addition to District's public facilities
- **NEED:** new development within District's service area increases the need for fire protection and emergency medical response public facilities
- **BENEFIT:** new development within District's service area benefits from availability of fire protection and emergency medical response public facilities
- **PROPORTIONALITY:** Fire mitigation fee allocates to new development its proportionate share of the District's existing and future public facilities costs

Fire Mitigation Fee Methodology



- Fee is based on future development's share of existing and future public facility costs:
 - 17.4 million sf of existing development within the District
 - 1.5 million sf of new development projected in the next 18 years
 - 18.9 million sf of total development projected by 2040
 - \$37 million of total cost / value of District's existing and planned facilities
 - \$141,000 in District's mitigation fee fund
 - \$36.9 million is the net cost of District's facilities to be allocated to all development
 - Net cost allocation:
 - \$1.89 per sf of residential development
 - \$2.36 per sf of nonresidential development

Fire Mitigation Fee Survey



Agency Name	County	Fee Amount (psf)
Esparto FPD	Yolo	\$1.48
Willow Oaks PFD	Yolo	\$1.69
City of Yreka	Siskiyou	\$2.03
Anderson Valley CSD	Mendocino	
Single Family		\$2.13
Multi-Family		\$2.54
Retail / Commercial		\$2.14
Office		\$2.87
Sonoma County FPD	Sonoma	
Single Family		\$1.75
Multi-Family		\$2.31
Retail / Commercial		\$1.95
Office		\$3.20
Sonoma Valley FPD	Sonoma	
Single Family		\$1.72
Multi-Family		\$2.91
Retail / Commercial		\$1.95
Office		\$3.23

- All fee programs updated in 2021-23
- All fee programs have automatic inflation adjustment
- All fee programs have administrative surcharge (2-4%)

Proposed Fire Mitigation Fees in Lake Co



District	Fee PSF		
	Res	Nonres	Surcharge
Lake County FPD	\$1.93	\$2.41	\$0.50
Kelseyville FPD	\$1.50	\$1.50	n/a
Lakeport FPD	\$2.00	\$2.45	\$0.50
Northshore FPD	\$2.02	\$2.02	n/a
South Lake County FPD	\$2.00	\$2.63	n/a

- All Districts included 2% Admin Surcharge
- All Districts included automatic annual inflation adjustment

Proposed LCFPD Fire Mitigation Fee



Description	Amount / Sq.Ft.		
	Residential	Nonresidential	High Impact Surcharge
Base Fee per Sq. Ft.	\$1.89	\$2.36	\$0.49
Administrative Surcharge 2%	\$0.04	\$0.05	\$0.01
Total Fee per Sq. Ft.	\$1.93	\$2.41	\$0.50

- 2% Admin Surcharge covers Mitigation Fee Act compliance costs (nexus studies, recordkeeping, reporting, etc.)
- Fee applies to all new development
- Includes automatic annual inflation adjustment

Projected Fee Revenue



- Projected fire mitigation fee revenue: **\$3.1 million** over 18 years
- Planned facilities costs: **\$19.5 million**
- Available mitigation fee funds: **\$141k**
- Funding needed from other sources: **\$16.2 million**

Questions?



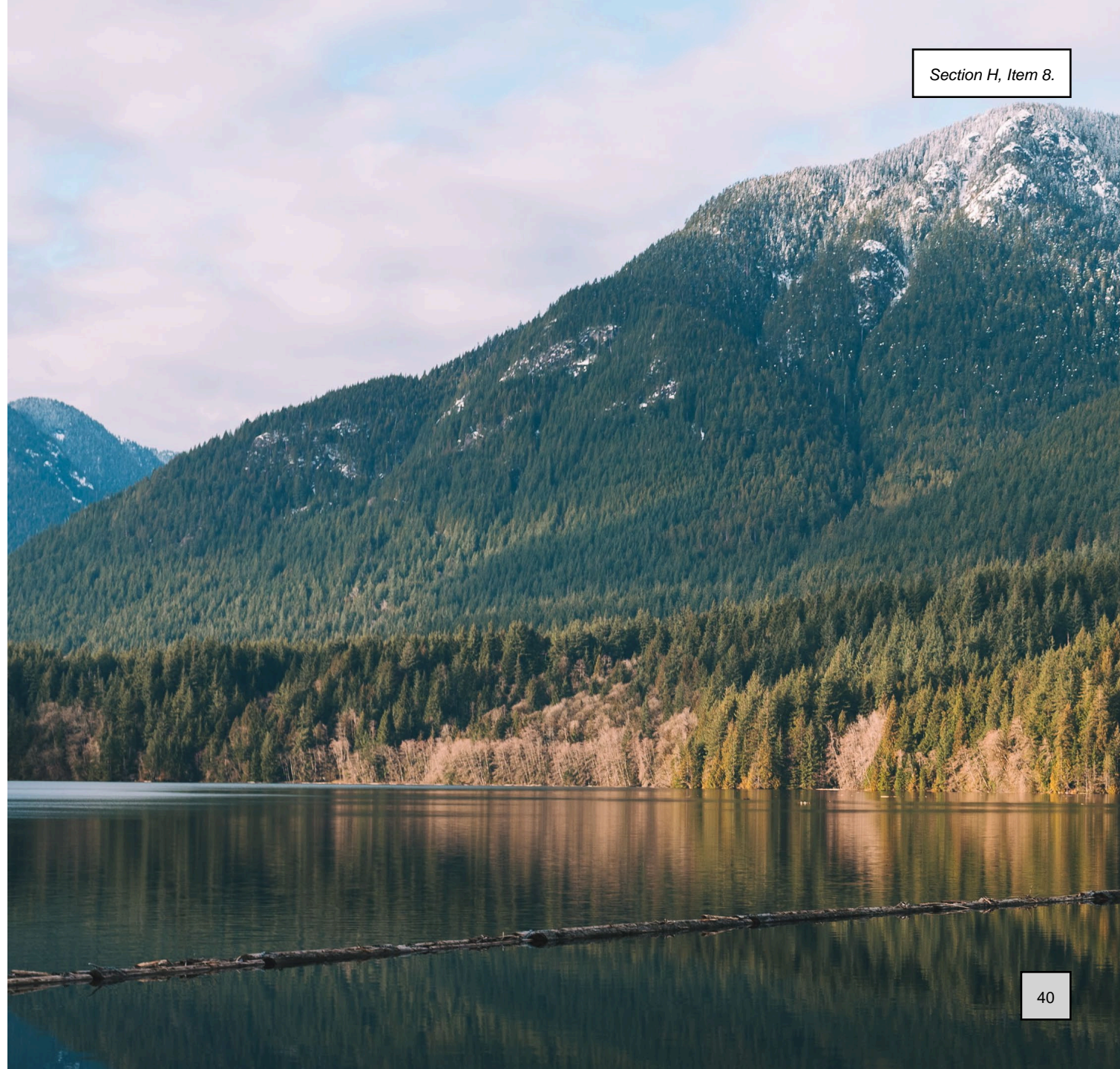
Dmitry Semenov

Ridgeline Municipal Strategies, LLC

(916) 250-1590

dsemenov@RidgelineMuni.com

RidgelineMuni.com





Lake County Fire Protection District Fire Mitigation Fee Nexus Study



Final Report

Ridgeline Project # 23003

Prepared for:



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APPENDICES:

- Appendix A: Development Analysis Supporting Data
- Appendix B: District Facility Supporting Data

EXECUTIVE SUMMARY

This Fire Mitigation Fee Nexus Study (the “Nexus Study”) was prepared by Ridgeline Municipal Strategies, LLC (“Ridgeline”) for the Lake County Fire Protection District (the “District”) to update the District’s Fire Mitigation Fee (the “Fee”). The Fee is collected on all new development within the District to fund the one-time costs of public facilities used to provide fire protection and emergency medical response services.

The methodology of the Nexus Study satisfies the legal requirements of the Constitution of the United States of America, the Constitution of the State of California, and the California Mitigation Fee Act (the “Act”).

The District’s service area covers the City of Clearlake, CA (the “City”) and the Lower Lake unincorporated portion of the County of Lake (the “County”). The current version of the District’s Fire Mitigation Fee Program (the “Fee Program”) was last updated in 1993 by the City and in 1992 by the County. The Nexus Study provides an update to the existing Fee based on new development projections through 2040 and recommends certain revisions to the Fee Program.

The Fee Program is designed to help the District provide fire protection and emergency medical response services to new development in a fiscally responsible manner. The Fee revenues can only be used to expand the District’s public facilities (buildings and structures, apparatus and vehicles, and equipment) to serve new development, including reimbursements to the District for facilities that have been upsized to accommodate new development. The Fee revenues cannot be spent on operations, maintenance or to address existing public facility deficiencies.

FEE PROGRAM UPDATE OVERVIEW

The demand for the District’s services and associated public facilities is driven by the building structures that the District protects. The District assesses the Fee on all new residential and nonresidential development within its service area, including additions to existing structures.

The Fee is calculated based on building square footage. Different Fee amounts per square foot are proposed for residential and nonresidential development. Additionally, a surcharge is proposed for all building of 3 or more stories and for nonresidential buildings with footprint of 15,500 sq. ft. or more.

Accessory dwelling units (“ADUs”) smaller than 750 sq. ft. are currently exempt from the Fee by the State law. A change in the law could result in such ADUs to no longer be exempt.

Buildings and structures owned and used by government entities, including, but not limited to, schools, city hall, administration buildings, fire and police stations, corporate yards, etc., are not subject to the Fee.

The existing development within the District consists of approximately 17.4 million building sq. ft. It is estimated to grow by less than nine percent (1.5 million sq. ft.) by 2040, with the bulk of the growth (79 percent) happening on the residential side.

PROPOSED AND CURRENT FEE

Table 1 shows the proposed Fee amount. The Fee is collected on a per square foot basis for all development types and includes a 2% administrative surcharge. A high impact surcharge is proposed for buildings of 3 stories and above and for nonresidential buildings with a footprint of 15,500 sq. ft. or more.

Table 1
Lake County Fire Protection District
Proposed Fire Mitigation Fee (2023 \$)

Description	Amount / Sq.Ft.		
	Residential	Nonresidential	High Impact Surcharge
Base Fee per Sq. Ft.	\$1.89	\$2.36	\$0.49
Administrative Surcharge 2%	\$0.04	\$0.05	\$0.01
Total Fee per Sq. Ft.	\$1.93	\$2.41	\$0.50

Source: Lake County Fire Protection District and Ridgeline

The Fee is based on cost estimates in 2023 dollars. To account for inflationary impacts, it is recommended that the Fee be automatically adjusted annually without further action by the District Board, the City Council, and the County Board of Supervisors on the first day of each fiscal year, starting July 1, 2024, by the previous calendar year percentage change in the Engineering News-Record Construction Cost Index (20-City Average), or its successor publication.

Since the Fee amount has not been updated since 1992 for the County area and since 1993 for the City area, the proposed Fee increase is significant, as it captures three decades of inflation and takes into consideration the expansion of the District services to include emergency medical response. **Table 2** compares the existing and proposed Fee amounts for different development types.

Table 2
Lake County Fire Protection District
Comparison of Existing and Proposed Fee

Development Type	Existing Fee	Proposed Fee	Difference	Percentage Difference
County Area				
Residential	\$1.00	\$1.93	\$0.93	93%
Nonresidential	\$1.00	\$2.41	\$1.41	141%
City Area				
SF Residential under 20' unsprinklered	\$0.60	\$1.93	\$1.33	222%
SF Residential under 20' sprinklered	\$0.50	\$1.93	\$1.43	286%
SF Residential over 20' unsprinklered	\$0.90	\$1.93	\$1.03	114%
SF Residential over 20' sprinklered	\$0.75	\$1.93	\$1.18	157%
MF Residential under 20' unsprinklered	\$0.80	\$1.93	\$1.13	141%
MF Residential under 20' sprinklered	\$0.65	\$1.93	\$1.28	197%
MF Residential over 20' unsprinklered	\$1.05	\$1.93	\$0.88	84%
MF Residential over 20' sprinklered	\$0.90	\$1.93	\$1.03	114%
Nonresidential under 20' unsprinklered	\$0.50	\$2.41	\$1.91	382%
Nonresidential under 20' sprinklered	\$0.35	\$2.41	\$2.06	589%
Nonresidential over 20' unsprinklered	\$0.75	\$2.41	\$1.66	221%
Nonresidential over 20' sprinklered	\$0.60	\$2.41	\$1.81	302%

Source: Lake County Fire Protection District and Ridgeline

PROPOSED FEE PROGRAM CHANGES

The following changes are proposed to the Fee Program with this update.

County Area:

- Create different Fee levels for residential and nonresidential development.
- Implement surcharge for all development of 3 stories and higher and for nonresidential development with footprint of 15,500 sq. ft. or more.
- Eliminate Fee ceiling.
- Establish an automatic annual inflation adjustment.
- Make the Fee specific to the District service area of the County, with other fire protection districts setting their own fee amounts.

City Area:

- Eliminate different Fee levels for single family, multi-family, and nonresidential development.

- Eliminate different fee levels for sprinklered and unsprinklered development.
- Create different Fee levels for residential and nonresidential development.
- Implement surcharge for all development of 3 stories and higher and for nonresidential development with footprint of 15,500 sq. ft. or more.
- Establish a two percent administrative surcharge.
- Eliminate Fee ceiling.
- Establish an automatic annual inflation adjustment.

IMPLEMENTATION

The District’s Board of Directors, assisted by the District staff, should review and evaluate the Nexus Study for accuracy and alignment with the District’s operational and financial framework. Once the Board of Directors is satisfied that the legislative requirements of the Mitigation Fee Act are met and the Fee update recommendations are valid, it will need to approve the Nexus Study and forward it to the County and the City with the recommendation for adoption on behalf of the District by the County Board of Supervisors and the City Council per the requirements of the Mitigation Fee Act.

Upon receipt of the Nexus Study and receiving public input, the County Board of Supervisors and the City Council will vote to approve findings and a resolution to adopt the updated Fee Program. If approved, the Fee will be imposed pursuant to the County’s and City’s development “police powers” under Article XI, section 7, of the California Constitution.

REPORT ORGANIZATION

Chapter I of this Nexus Study provides an overview of the District, the legal framework for the Fee, the Nexus Study’s purpose, the Fee calculation methodology, and the current Fee amounts.

Chapter II contains the data on existing development and documents future development projections within the District.

Chapter III lists the existing and planned public facilities of the District.

Chapter IV contains the calculations for the public facility cost allocation across existing and future development and the proposed Fee amount.

Chapter V documents the nexus findings that address the requirements of the Mitigation Fee Act.

Chapter VI provides recommendations for adopting and implementing the Fee.

I. INTRODUCTION AND BACKGROUND INFORMATION

INTRODUCTION

The Lake County Fire Chief’s Association, on behalf of its member districts, retained Ridgeline Municipal Strategies, LLC to prepare fire mitigation fee nexus studies for each of the districts. This Nexus Study pertains to the Fee collected by the Lake County Fire Protection District (the “District”).

The City of Clearlake (the “City”) and the County of Lake (the “County”), on behalf of the District, impose the Fire Mitigation Fee (the “Fee”) on new development within the District’s service area. The Fee funds one-time public facility costs attributable to new development to allow the District to accommodate such new development and maintain its level of service.

The existing Fee was adopted as follows:

- On October 10, 1992, the Board of Supervisors of the County adopted a Fire Mitigation Fee Ordinance that established the Fee for all unincorporated areas of the County.¹
- In 1993, the City Council of the City adopted a Fire Mitigation Fee Ordinance, updating the City’s 1986 Municipal Code and increasing the Fee amount.

There have not been any updates to the District’s Fire Mitigation Fee Program (the “Fee Program”) since then.

This Fee Program update is intended to address the public facilities necessary to accommodate the expected growth within the District through 2040.

The Nexus Study provides the legal and policy basis for the calculation and imposition of the Fee on all new development within the District. The study evaluates the existing Fee Program, considers the development changes that have occurred within the District, analyzes the impact of recent and future development on the District facilities, and documents the need for a Fee adjustment due to the amount of new development within the District, inflation and increasing public facility costs, and a wider scope of services provided by the District.

This chapter provides an overview of the District, the legal framework for the Fee, the Nexus Study purpose, the Fee calculation methodology, and the current Fee amounts.

¹ The County Fire Mitigation Fee Ordinance established a uniform fee for the entire County area, which is currently serviced by five fire protection districts (Kelseyville, Lake County, Lakeport, Northshore, and South Lake County). With this update of the Fee Program, each district will have its own fee program and fee amount reflecting its unique development pattern and public facility needs.

DISTRICT OVERVIEW

The Lake County Fire Protection District is an independent special district located in Clearlake, CA. The District provides a full range of fire protection, fire suppression, fire safety, emergency medical response, rescue and extrication, containment and mitigation of hazardous materials exposure, and other life safety services (the “Services”) on the eastern shore of Clear Lake, including the City of Clearlake and the Lower Lake unincorporated portion of the County of Lake. The District’s service area covers approximately 165 square miles and has approximately 16,500 residents.

The District is governed by a seven-member Board of Directors (the “Board”) and a career Fire Chief. The Board and Fire Chief are responsible for strategic planning, policy development, and approval of capital expenditures. The District employs 27 full-time equivalent employees and has 11 volunteer staff members based at five fire stations.

In 2022, the District responded to 5,581 calls, including structure and wildland fires, vehicle accidents, technical rescue, hazardous materials, and medical aid.

THE MITIGATION FEE ACT

The passage of Proposition 13 in 1978, Proposition 218 in 1996, and other State fiscal measures have limited the revenue availability for local public agencies. Local funding sources, such as property and sales taxes, are now mostly used for operations and maintenance and are often insufficient to fund public facilities and capital improvements. State and federal funding are not keeping up with the rising costs. The decline of popular support for bond measures has further restricted the local governments’ ability to develop infrastructure and facilities for the next generation of residents and businesses.

These funding limitations have led to declining service levels, accelerated physical deterioration, lower efficiency, and increasing maintenance and operating costs of public facilities. They have also resulted in an increasing need to use mitigation fees (also known as development impact fees, or simply impact fees) to fund new public facilities.

California’s mitigation fee statute originated in AB 1600, which went into effect in 1989. The bill added several sections to the Government Code (Sections 66000 through 66025), which are now officially known as the “Mitigation Fee Act” (the “Act”).

The Act sets forth requirements for establishing, increasing, and imposing mitigation fees, contains provisions concerning their collection, expenditure, and administration, and mandates periodic accounting, reporting, and re-evaluation of fee programs. The implementation and administration requirements mandated by the Act are covered in **Chapter VI** of the Nexus Study.

The fees (the term used throughout the Act) are defined as “a monetary exaction, other than a tax or special assessment... charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities

related to the development project...² The Nexus Study uses the term “mitigation fees” to mean such fees.

The Act broadly defines public facilities to include "public improvements, public services and community amenities³." The Act limits mitigation fees to an amount that “does not exceed the estimated reasonable cost of providing the service or facility for which the fee... is imposed”⁴ and prohibits the levy, collection, or imposition of mitigation fees for general revenue purposes. The case law and Gov’t Code § 65913.8 stipulate that mitigation fees may not be used for operating or maintenance costs. The Act does not limit the types of facilities for which mitigation fees may be imposed, but does require that the collected fees be used for their intended purposes.

The Act specifies that mitigation fees “shall not include the costs attributable to existing deficiencies in public facilities but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with the general plan.”⁵ As such, mitigation fees may be used to recover costs of existing facilities to the extent that such facilities are needed to serve new development and have the capacity to do so.

NEXUS STUDY PURPOSE

This Fire Mitigation Fee Nexus Study (the “Nexus Study”) was prepared to satisfy the legal requirements governing mitigation fees, including provisions of the U. S. Constitution, the California Constitution, and the California Mitigation Fee Act.

The purpose of the Nexus Study is to establish the legal and policy basis for the continued imposition and update of the Fee within the District’s service area by analyzing the impacts of new development on the need for fire protection and emergency medical response public facilities.

For purposes of this Nexus Study, the terms “public facility,” “capital facility,” and “facility” refer to:

- land, buildings, and improvements (including fire stations, administration buildings, and other building structures);
- fire apparatus, ambulances, and other vehicles; and
- equipment

used by the District to provide the Services.

² Gov’t Code § 66000(b)

³ Gov’t Code § 66000(d)

⁴ Gov’t Code § 66005(a)

⁵ Gov’t Code § 66001(g)

The terms “development project” and “new development” refer to any residential or nonresidential project undertaken for the purpose of development that requires issuance of a permit for construction or reconstruction.

To update and impose the Fee, the Nexus Study demonstrates that a reasonable relationship, or “nexus,” exists between new development that occurs within the District and the need for public facilities. It is generally accepted that the concept of nexus encompasses the following three standards.

- Need/Impact: To be subject to mitigation fees, development has to create an impact and/or generate a need for public facilities to be funded by such fees. As a recipient of public services, new development results in additional demand for some or all public facilities. Absent a facility capacity increase to address the additional demand, the quality and/or availability of public services will deteriorate for the entire community. Mitigation fees may be used to recover public facility costs, but only to the extent that the need for such facilities is related to the development project paying the fees. The courts have held that development exactions can only be used to mitigate impacts of the projects upon which they are imposed. This Nexus Study quantifies and allocates development impacts on facility needs in terms of the total cost per square foot and contains the calculations necessary to document compliance with the need / impact standard.
- Benefit: Development must also benefit from the public facilities funded by the mitigation fees that it paid. In other words, the facilities funded by the fees have to be available to serve the development paying the fees. Moreover, the mitigation fee revenues must be segregated from other funds and used in a timely manner to fund the facilities for which they were collected. There is no legal requirement that facilities paid for with mitigation fee revenues can only be available to the development projects paying the fees. Unspent fees must be refunded. These requirements are put in place to ensure that new development benefits from the mitigation fees it is required to pay. This Nexus Study contains implementation provisions necessary to guide the District in compliance with the benefit standard.
- Proportionality: Finally, mitigation fees must be proportional to the impact created by development projects paying the fees. Proportionality is ensured through proper documentation of applicable facility costs and fee calculations that allocate these costs based on the impact created by different development types. The fee calculation methodology used in this Nexus Study is designed to ensure compliance with the proportionality standard.

The Act stipulates that any mitigation fee program must meet and document five nexus findings.⁶ **Chapter V** of this Nexus Study addresses this requirement.

⁶ Gov’t Code § 66001

MITIGATION FEE CALCULATION METHODOLOGY

There are several accepted mitigation fee calculation methodologies. The methodology selection is usually determined by the types of services provided, types of public facilities required, development patterns, and availability of data. Regardless of the selected methodology, the facility cost allocation must be done in proportion to the need created by new development.

New development's impact can be quantified by selecting a variable that best reflects such impact and corresponds to the type of services required, such as added square footage, population, employment, vehicle trips, call volume, etc. AB 2668, which amended the Act, states that any "nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units of the development,"⁷ unless certain conditions are met and properly documented.

- *The Plan-Based Methodology* is utilized when there are clearly defined capital improvement or facility plans prepared for new development. The facilities needed to serve the new development are identified and their costs are allocated to each development category in proportion to the generated service demand. The total required facility cost is divided by the total additional demand units to calculate a cost per demand unit (e.g., a cost per square foot of new construction). This methodology is most often used to set fees for large development projects requiring its own public facilities.
- *The Capacity-Based Methodology* is utilized when a facility's capacity can only accommodate a known level of development. The total facility cost is proportionately allocated to each unit of development within the facility's service area. If incremental facility costs can be allocated to an incremental development unit, this approach provides sufficient flexibility to accommodate changing development patterns.
- *The Standard-Based Methodology* is based on a specified service standard required for each unit of development. The standard can be established as a matter of policy or be based on the service level that is being provided to existing development. Once the standard for each development unit is established, a cost to achieve the standard can be allocated proportionately.

Under each methodology type, the agency can utilize the mechanism of buy-in fees to recover a portion of the existing facility costs, provided the facilities have capacity available to serve additional development.

The general order to calculate mitigation fees is as follows:

1. Quantify existing development units and prepare new development projections.
2. Develop capital improvements or facilities plan, identify facility service capacity, and/or establish a service standard.

⁷ Gov't Code § 66016.5(5)(A)

3. Determine the amount and cost of facilities required to accommodate new development.
4. Calculate mitigation fee by allocating the total facility costs per unit of development (usually on a square foot basis).

Proper methodology allocates public facility costs to new development fairly and ensures that new development is not required to fund existing service deficiencies, while existing development is not subsidizing facilities for new development.

Given the fixed service area of the District, the coverage and response times provided by the existing fire stations, and the limited anticipated development growth pattern, the capacity-based methodology will be utilized in this Nexus Study.

During the preparation of the Nexus Study, the District determined the scope of facilities needed to ensure that they can accommodate the anticipated new development. The Nexus Study uses the District's current and planned facilities as the facilities standard. The existing facilities serve the current population and have the capacity to serve new development. However, as future growth occurs, some facility expansion will be necessary.

To mitigate its impact on the District's service level, new development is required to pay mitigation fees to cover its proportionate fair share of the one-time facility costs.

The District has the flexibility to revise the list of necessary facilities shown in this report as conditions change. If the cost of facilities necessary to serve the anticipated growth materially changes, the District should update the Fee Program accordingly.

The current service standard is based on the District's ratio of existing facilities to the square footage of existing development. Existing development refers to the current residential and nonresidential development within the District's service area. However, the existing facilities have been upsized to accommodate additional development.

The Act requires that in establishing a mitigation fee program, the facilities funded by the fee must be identified. This Nexus Study contains a detailed list of facilities and the associated costs and replacement values.

The District's facilities form a comprehensive fire protection and emergency medical response system benefiting the District's entire service area. The resources of one station are not limited to the use of nearby properties, but are used to provide coverage to the entire service area as needed. Responding to service calls often requires resources from multiple stations. Similarly, new development will be served by all of the District facilities, not just by those of the nearest station.

The terms "standard" and "level of service" will be used throughout the Nexus Study (at times interchangeably) to describe the level of public facility investment needed to serve the community.

A *standard* is defined as the benchmark that the District plans to achieve for any particular facility.

A *level of service* is the actual level of benefit experienced by the existing development. Level of service may be different from the standard for a given facility.

When the existing level of service is less than the standard, or the facility is over capacity relative to the standard, a deficiency exists, and new development is not expected to cover that deficiency. If the opposite is the case and there is a capacity surplus, the District may recover a portion of its investment in that facility that is available to serve new development.

If there is no established standard for a given facility, the existing level of service becomes the *de facto* “current standard,” and the two terms may be interchangeable.

By policy, the District can adopt its own reasonable facility standards to reduce, maintain, or increase the existing standard. However, basing the Fee on a standard that is higher than the existing level of service is fair to new development only if the District uses alternative funds to increase the capacity of facilities benefiting the existing development.

The District’s existing five fire stations will continue to provide services to the existing and future development. As such, new development is required to contribute its fair share of the existing facility costs. One of the existing stations is scheduled for a rebuild and an expansion.

Additionally, the District anticipates that a new fire station and the associated apparatus, vehicles, and equipment, are necessary to improve its overall service level to properly address the community needs. As such, new development is required to contribute its fair share of funding for these new facilities in proportion to the benefit it receives from such facilities.

CURRENT FEES

The current Fee amount is different within the City and County service areas of the District.

CURRENT FEE IN THE CITY AREA

The current Fee within the City area was adopted in 1986 and last updated in 1993 based upon the analysis performed by the Lakeshore Fire Protection District, a predecessor agency to the District. The Fee was adopted before the District started providing the emergency medical response services. It does not include an inflation adjustment provision or an administrative surcharge provision. The current Fee was adopted prior to the building code amendment requiring all new construction to have fire sprinklers and has different fee levels for sprinklered and unsprinklered properties. A fee ceiling was set for each development type and the Fee is currently being charged at the ceiling level. **Table 3** provides the current Fee ceiling schedule.

Table 3
Lake County Fire Protection District
Current Fire Mitigation Fee within the City of Clearlake

Development Type	Fee Ceiling per sq. ft.
SF Residential under 20' unsprinklered	\$0.60
SF Residential under 20' sprinklered	\$0.50
SF Residential over 20' unsprinklered	\$0.90
SF Residential over 20' sprinklered	\$0.75
MF Residential under 20' unsprinklered	\$0.80
MF Residential under 20' sprinklered	\$0.65
MF Residential over 20' unsprinklered	\$1.05
MF Residential over 20' sprinklered	\$0.90
Nonresidential under 20' unsprinklered	\$0.50
Nonresidential under 20' sprinklered	\$0.35
Nonresidential over 20' unsprinklered	\$0.75
Nonresidential over 20' sprinklered	\$0.60

Source: City of Clearlake

CURRENT FEE IN THE COUNTY AREA

The current Fee within the County area was adopted in 1992 based upon the analysis performed by the Lakeshore Fire Protection District, a predecessor agency to the District. The Fee ceiling was set at \$1.00 per sq. ft. The Fee was adopted before the District started providing the emergency medical response services. The Fee has not been updated since its adoption and does not include an inflation adjustment provision. The Fee ordinance provides for a 2% administrative surcharge. A fee ceiling was set for each development type and the Fee is currently being charged at the ceiling level.

When the Fee was first adopted and/or last updated, the following assumptions were utilized:

- The fire protection services were provided by two separate agencies, Lakeshore Fire Protection District and Lower Lake Fire Protection District, which subsequently merged to form the District.
- The Districts served smaller populations and required less facilities.
- Facility costs were significantly lower than they are now. For instance,
 - Fire station construction costs were estimated at \$64-70 per sq. ft. (compared to \$600 per sq. ft. currently).
 - Class A Engine / Pumper cost was estimated at \$200,000 (compared to \$700,000 currently).

- Water Tender cost was estimated at \$110,000 (compared to \$400,000 - \$550,000 currently).

For the most recent 5-year period (calendar years 2018-2022), the District collected Fee revenue of \$437,705.

II. EXISTING AND PROJECTED DEVELOPMENT

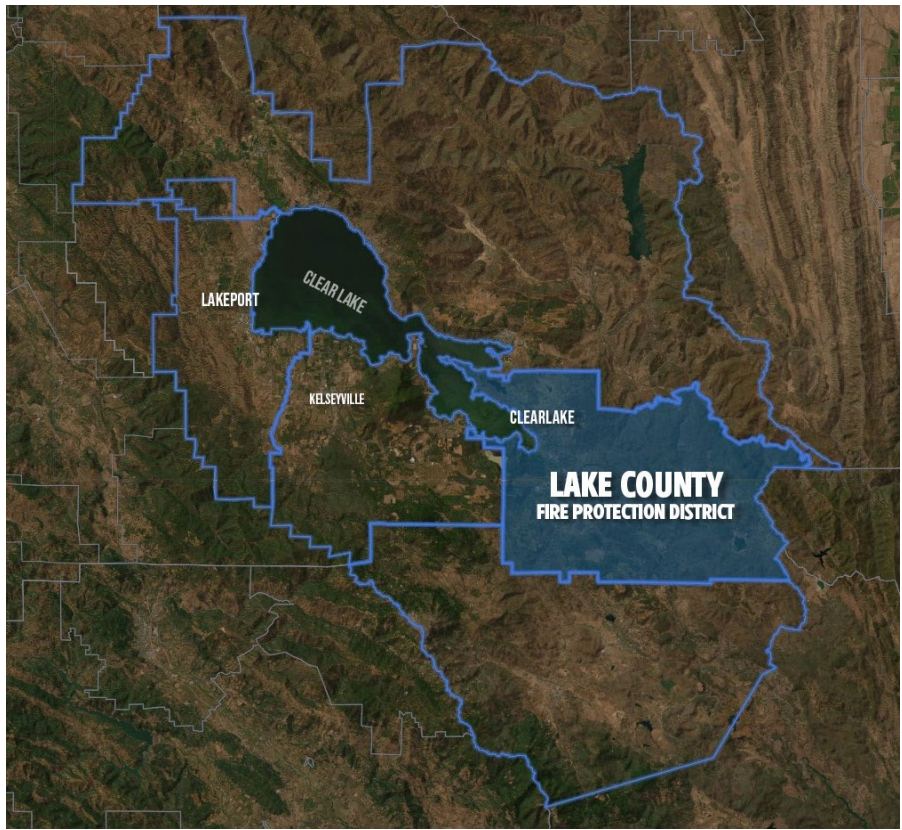
To develop growth projections for this Fee Program update, Ridgeline analyzed existing development and recent building permit data for the District service area. The growth projections reflect recent residential and nonresidential development trends and known proposed projects. To ensure that new development contributes its fair share of facility funding, the growth projections and the associated public facility costs are estimated through 2040.

The existing and projected development data provided in this chapter will be used to establish levels of service, analyze facility needs, allocate facility cost between existing and future development, and calculate the updated Fee amount.

SERVICE AREA

The District boundary constitutes the service area analyzed in this Nexus Study. It encompasses the entire City of Clearlake and the Lower Lake unincorporated portion of the County of Lake, as shown on **Figure 1**.

Figure 1
Lake County Fire Protection District
Service Area Map



The District is responsible for the protection of a variety of geographical areas, ranging from residential neighborhoods, commercial and industrial buildings, rural areas, and agricultural and public lands. The District covers approximately 165 square miles and serves a population of approximately 16,500 residents.

In 2020-2022 calendar years, the District responded to approximately 15,400 service calls. Rescue and EMS calls constituted 76% of all calls, as shown in **Table 4**. On average, the District received approximately 5,150 service calls per year over the past three years.

Table 4
Lake County Fire Protection District
Service Calls Summary - 2020-2022

Incident Type	Incidents				%
	2020	2021	2022	Total	
Fire	177	165	169	511	3.31%
Overpressure rupture, explosion - no fire	2	4	3	9	0.06%
Rescue & Emergency Medical Service	3,451	3,981	4,253	11,685	75.79%
Hazardous Conditions (No Fire)	65	91	81	237	1.54%
Service Call	289	228	344	861	5.58%
Good Intent Call	630	586	631	1,847	11.98%
False Alarm / False Call	74	73	90	237	1.54%
Severe Weather & Natural Disaster	2	2	2	6	0.04%
Special Incident	10	6	8	24	0.16%
TOTAL	4,700	5,136	5,581	15,417	100.00%

Source: Lake County Fire Protection District

TYPES OF DEVELOPMENT

The demand for the District’s Services and the associated public facilities is driven by the residential and nonresidential building structures within the service area. Therefore, the District assesses the Fee on all new residential and nonresidential development within its service area, including additions to existing structures.

In the County area, the District currently charges a uniform fee per building square foot regardless of development type. With this Fee Program update, the District proposes different Fee amounts per building square foot for residential and nonresidential development to reflect higher service demand level associated with nonresidential development.

In the City Area, the current Fee structure differs, with varying Fee amounts for single family, multi-family, and nonresidential development types. The Fee amount also varies with building

height and whether a building is sprinklered. With this Fee Program update, the District proposes different Fee amounts per building square foot for residential and nonresidential development to reflect higher service demand level associated with nonresidential development. Different fee amounts for sprinklered and nonsprinklered properties is proposed to be eliminated, since the current building code mandates all new buildings to be sprinklered.

Additionally, the District proposes to implement a surcharge to the Fee for all buildings of 3 stories or higher and nonresidential buildings with footprint of 15,500 sq. ft. or more to help cover a portion of the additional facility costs related to this type of development.

Recent legislation (SB 13) requires that mitigation fees for accessory dwelling units (“ADUs”) must be proportional to the relationship between the square footage of the ADU and the square footage of the primary unit. With the Fee being calculated on a square foot basis for both the primary unit and the ADU, the proportionality requirement is maintained. The Fee may not be imposed on an ADU smaller than 750 sq. ft. under the current State Law.

Buildings and structures owned and used by government entities, including, but not limited to, schools, city hall, administration buildings, fire and police stations, corporate yards, etc., are exempt from the Fee and, as such, are excluded from nonresidential development.

NEW DEVELOPMENT PROJECTIONS

Development projections are an important input for the Nexus Study. The Fee is calculated by allocating the total cost of all facilities needed throughout the District by 2040 across all residential and nonresidential development expected to be in place by that time, and then using that allocation to calculate the Fee for new development.

EXISTING DEVELOPMENT SUMMARY

As shown in **Table 5**, the existing residential and nonresidential development within the District makes up approximately 17.4 million sq. ft.

Table 5
Lake County Fire Protection District
Existing Development Summary

Development Type	Parcels with Structures	Total Building Sq. Ft.	Avg. Sq. Ft. / Parcel
Residential			
Residential Parcels	9,049	14,925,300	1,650
Manufactured Home Community Sites [1]	371	436,800	1,180
Subtotal: Residential	9,420	15,362,100	1,630
Nonresidential			
Nonresidential Parcels	424	2,022,300	
Subtotal: Nonresidential	424	2,022,300	
TOTAL	9,844	17,384,400	

Source: County of Lake, Lake County Fire Protection District, Ridgeline

[1] See Table A-1.

Existing Development Calculation Methodology

To prepare the existing development summary, we analyzed the 2022 parcel data set that was provided to the District by the County (the “2022 Parcel Data”), as well as the Fee collections data for the past 5 years provided by the District.

The 2022 Parcel Data was missing building square footage data for manufactured homes, so we made the following assumptions, which were added to the data set:

- An average single-wide manufactured home was assumed to be 960 sq. ft.
- An average double-wide manufactured home was assumed to be 1,600 sq. ft.
- All parcels marked in the 2022 Parcel Data as having a “trailer on site” were reviewed on Google Maps and a visual determination was made on the type of home located there, if one was visible.
- For manufactured home communities, a home count was performed utilizing Google Maps imagery.

The supporting data for the manufactured home communities is summarized in **Table A-1** in **Appendix A**.

The typical manufactured home sizes are based on the information from MHVillage⁸:

- single-wide homes range from 480 to 1,440 sq. ft., with a midpoint of 960 sq. ft.
- double-wide homes range from 640 to 2,560 sq. ft., with a midpoint of 1,600 sq. ft.

We also updated the 2022 Parcel Data to include all development that paid mitigation fees in 2018-2022 calendar years.

Finally, we reviewed the 2022 Parcel Data to identify all parcels with building assessed value of \$50,000 or more and no building square footage data. For such parcels, we manually estimated the building size using Google Earth or other available information.

DEVELOPMENT PROJECTIONS

To prepare future development projections through 2040, we utilized the following approach:

- *Residential Development – New Homes:* Based on the mitigation fee collections data for the past 5 years, an average of 21 new homes totaling approximately 37,700 sq. ft. were built within the District each year. We assume that this trend will continue unchanged through 2040.
- *Residential Development – Additions:* Based on the mitigation fee collections data for the past 5 years, an average of 8,600 sq. ft. of existing home additions took place within the District each year. We assume that this trend will continue unchanged through 2040.
- *Residential Development – Multi-Family:* Only one significant multi-family residential development took place within the District in the last 5 years, an apartment complex consisting of 80,000 sq. ft. We assumed that an average of 20,000 sq. ft. of new multi-family residential development will be taking place on average per year within the District through 2040.
- *Nonresidential Development:* Based on the mitigation fee collections data for the past 5 years, an average of approximately 18,100 sq. ft. of nonresidential development takes place within the District each year. We assumed that this trend will continue unchanged throughout 2040.

The new development activity details for the past 5 years are provided in **Tables A-2** and **A-3** in **Appendix A**.

As shown in **Table 6**, new development within the District is estimated to add approximately 1.5 million building sq. ft. through 2040, based on the assumptions identified above. Most of that growth (79%) is expected to be on the residential side.

⁸ <https://www.mhvillage.com/resources/buyers/explore/mobile-home-sizes-guide>

Table 6
Lake County Fire Protection District
Future Development Projections - 2023-2040

Development Type	Source	Units / Yr	Sq.Ft. / Yr	Total Sq.Ft. Thru 2040
Residential - New Homes	Table A-2	21	37,700	678,600
Residential - Additions	Table A-3		8,600	154,800
Residential - Multi-Family			20,000	360,000
Nonresidential	Table A-3		18,100	325,800
Total		21	84,400	1,519,200

Source: Lake County Fire Protection District, Ridgeline

As shown in **Table 7**, the total development within the District is projected to reach approximately 18.9 million sq. ft. by 2040. This development estimate assumes the continuation of the recent growth rates and does not constitute the buildout calculation for the District.

Table 7
Lake County Fire Protection District
Existing Dev't and Growth Projections Summary (2022 - 2040)

Description	Sq. Ft.
Residential Development	
Existing Development	15,362,100
Projected Future Development	1,193,400
<i>Subtotal: Residential Development</i>	<i>16,555,500</i>
Nonresidential Development	
Existing Development	2,022,300
Projected Future Development	325,800
<i>Subtotal: Nonresidential Development</i>	<i>2,348,100</i>
Total Development	
Existing Development	17,384,400
Projected Future Development	1,519,200
Total Development	18,903,600

Source: County of Lake, Lake County Fire Protection District, Ridgeline

III. DISTRICT FACILITIES INVENTORY

To provide its Services, the District relies on a system of public facilities (administrative office, fire stations, apparatus, and equipment). Anticipated new development occurring through 2040, as well as the existing development’s service demand, require rebuilding and expansion of an existing station, construction of a new station, procurement of additional vehicles and equipment, and other capital facility projects so that the District can continue providing timely responses to calls for fire, medical, and other emergencies. Planned facility needs are determined by the District based on response time requirements and overall Services demand.

This chapter provides an inventory of the District’s existing and planned facilities and their replacement and estimated costs.

The terms “public facility,” “capital facility,” and “facility” in this Nexus Study refer to:

- Land, buildings, and improvements (including fire stations, administration buildings, and other building structures);
- Fire apparatus, ambulances, and other vehicles; and
- Equipment

used by the District to provide its Services.

The District provided inventories and replacement cost estimates for the existing facilities. One of the existing engines was funded through debt financing, and the associated remaining financing costs are included in the existing facility cost estimates.

The District also provided inventories and cost estimates for planned facilities needed to serve existing and future development through 2040. It is assumed that all major future fire station capital projects and some of the additional and replacement apparatus will be financed. The estimated financing costs are included in the planned facility cost estimates.

All replacement value and cost estimates are expressed in 2023 dollars and based on the best currently available information. The District will conduct periodic facility cost and development pattern reviews and make Fee adjustments if this information materially changes or if other funding sources become available.

LAND, BUILDINGS, AND IMPROVEMENTS

EXISTING FIRE STATIONS AND STRUCTURES

The District presently operates five fire stations and a headquarters facility. **Table 8** offers details about these structures, their construction years, site areas and building sizes, and estimated replacement costs.

Table 8
Lake County Fire Protection District
Existing Fire Stations & Structures (2023 \$)

Facility Name / Address	Year Built	Site Area (acres)	Bldg Sq.Ft.	Land Value [1], [2]	Building Insured Value [2]	Total Replacement Cost
District Headquarters / Station 70						
14795 Olympic Drive, Clearlake, CA 95422	1984	0.78	9,006	\$117,000	\$2,377,584	\$2,494,584
14815 Olympic Drive, Clearlake, CA 95422	2003	0.74	6,120	\$111,000	\$636,480	\$747,480
14805 Olympic Drive, Clearlake, CA 95422	1984	0.77	2,416	\$115,500	\$497,696	\$613,196
Station 72						
13428 Lakeshore Drive, Clearlake, CA 95422	1962	0.87	1,170	\$130,500	\$322,920	\$453,420
Station 73 (To Be Rebuilt)						
10682 Lakeshore Drive, Clearlake, CA 95422	1962	0.12	1,590	\$18,000	\$0	\$18,000
Station 65						
16344 Main Street, Lower Lake, CA 95457	2001	0.31	4,540	\$46,500	\$1,981,020	\$2,027,520
16364 Main Street, Lower Lake, CA 95457		0.10	783	\$15,000	\$182,439	\$197,439
Station 66						
13065 Anderson Road, Lower Lake, CA 95457	1968	0.30	1,165	\$45,000	\$321,540	\$366,540
TOTAL		3.99	26,790	\$598,500	\$6,319,679	\$6,918,179

Source: Lake County Fire Protection District and Ridgeline

[1] Land value is the greater of (a) actual cost or (b) current market comparables.

[2] Actual land cost and building insured value is provided by the District. Current market value of land is estimated at \$150,000 per acre based on market comparables.

The replacement cost includes the land value and building replacement cost. The land value is the greater of (a) the actual cost paid by the District or (b) the current market comparable. The current land value estimate based on market comparables is provided in **Table B-1 in Appendix B**. The replacement cost of the buildings is based on their insured value as determined by the District’s insurance company.

Station 73 is scheduled to be rebuilt and expanded. Its building insured value is excluded from the table above, but the estimated project cost is included in the planned facility cost estimate below.

PLANNED FIRE STATIONS

To continue providing proper level of Services to its existing and future development, the District plans to rebuild Station 73 and add a new station (Station 71), as shown in **Table 9**.

Table 9
Lake County Fire Protection District
Planned Fire Stations (2023 \$)

Address	Site Area (acres)	Bldg Sq.Ft.	Site Cost [1]	Construction Cost [2]	Total Estimated Cost
New Station (Station 71)	0.75	9,080	\$112,500	\$5,448,000	\$5,560,500
Station 73 Rebuild	0.00	4,550	\$0	\$2,724,000	\$2,724,000
TOTAL	0.75	13,630	\$112,500	\$8,172,000	\$8,284,500

Source: Lake County Fire Protection District and Ridgeline

[1] Site cost estimated at \$150,000 per acre based on market comparables.

[2] Construction cost estimate of \$600 per sq.ft. provided by the District.

The District has not acquired the site for Station 71 at this time. The site cost is estimated based on the current market comparables, as shown in **Table B-1** in **Appendix B**. The construction cost is estimated by the District at \$600 per sq. ft. based on interviews with other fire districts that are in the process of building new fire stations. The timing of the new station construction will depend on funding availability.

FIRE APPARATUS, AMBULANCES, AND OTHER VEHICLES

EXISTING FLEET

Table 10 details the District’s current fleet of firefighting apparatus, ambulances, and other vehicles. The replacement cost estimate was provided by the District and is based on the current market prices of comparable vehicles. These vehicles constitute an essential capital investment needed to provide the Services and have at least a five-year service life.

Table 10
Lake County Fire Protection District
Existing Fire Apparatus and Vehicles Inventory (2023 \$)

Description	Model Year	Qty	Replacement Cost
Engine 6511 Old 1990 Ford	1990	1	\$850,000
Engine 6511 New 2005 Westates OES engine	2005	1	\$850,000
Engine 7012 1996 Spartan Hi Tech	1996	1	\$800,000
Engine 7011 2010 HME Custom Rescue Pumper	2010	1	\$700,000
WT7011 Water Tender 1996 Kenworth	1996	1	\$550,000
Engine 6521 1996 Westate	1996	1	\$450,000
Engine 7021 2013 Engine Model IH	2013	1	\$450,000
Engine 7022 2000 Pierce International	2000	1	\$450,000
Engine 7231 1989 International	1989	1	\$450,000
R7011 1997 Freightliner Rescue	1997	1	\$400,000
WT6511 Water Tender 2022 Freightliner	2022	1	\$400,000
Engine 6561 2006 Ford F550 Type VI	2006	1	\$300,000
M7011 2016 Ford F-450 Leader Ambulance	2016	1	\$350,000
M7012 2016 Ford F-450 Leader Ambulance	2016	1	\$350,000
M7013 2011 Ford F-450 Wheeled Coach Ambulance	2011	1	\$350,000
P715 2011 Dodge Ram P/U	2011	1	\$60,000
BC702 2011 Dodge Ram P/U	2011	1	\$60,000
C700 2021 Ford F250	2021	1	\$60,000
U7022 2001 Ford F250 4X4	2001	1	\$60,000
U7023 2011 Dodge Ram P/U	2011	1	\$60,000
U7021 2007 Chevrolet Tahoe	2007	1	\$50,000
UTV Polaris Ranger	2018	1	\$20,000
TOTAL		22	\$8,070,000

Source: Lake County Fire Protection District

PLANNED FLEET EXPANSION

To maintain adequate service levels and response times, the District plans to expand its fleet by adding an aerial ladder truck and three ambulances, which will be located at the planned new station. **Table 11** details these planned additions, along with the cost estimates based on current market prices of comparable vehicles.

Table 11
Lake County Fire Protection District
Planned Fire Apparatus and Vehicles (2023 \$)

Description	Qty	Cost per Unit	Total Cost
Aerial Ladder Truck	1	\$1,500,000	\$1,500,000
Additional Ambulances (Stations 65, 71 and 73)	3	\$350,000	\$1,050,000
TOTAL	4	\$1,850,000	\$2,550,000

Source: Lake County Fire Protection District

EQUIPMENT

EXISTING EQUIPMENT INVENTORY

Fire protection and emergency medical response is an equipment-intensive service. The District’s facilities, vehicles, and personnel are equipped with and utilize various types of machinery, tools, gear, and technology valued at approximately \$2.5 million, as documented in **Table B-2** in **Appendix B**. The replacement cost estimate was provided by the District and is based on the recent prices paid and current market prices of comparable equipment. This equipment constitutes an essential capital investment needed to provide the Services and all items listed have at least a five-year service life.

PLANNED ADDITIONAL EQUIPMENT

With the Station 73 rebuild and Station 71 addition, the District needs to expand its equipment inventory to maintain service levels. Additionally, the District plans to add solar panels to two stations and upgrade its IT system. The total cost of the additional equipment is estimated at approximately \$3.2 million, as shown in **Table B-3** in **Appendix B**. The cost estimate is based on recent prices paid, current market prices for comparable equipment, and third party estimates.

FACILITY FINANCING COSTS

Financing plays a vital role in ensuring generational equity and facility costs allocation to the service population benefiting most from the facility rather than requiring existing development to pay for facilities for future residents.

The District currently has one loan outstanding. The loan financed a pumper engine and is scheduled to be repaid in 2030. The financing costs associated with this loan are the remaining interest payments and are shown in **Table 12**.

Table 12
Lake County Fire Protection District
Existing Financing Costs (rounded)

Description	Amount
Pumper Lease	\$35,100
Total Existing Financing Costs	\$35,100

Source: Lake County Fire Protection District

The District expects to finance Station 73 rebuild and Station 71 construction projects with bonds or bank loans. Fleet expansion vehicles will also be financed.

The District plans to finance 50 percent of the existing fleet replacement costs for the vehicles costing \$250,000 or more. All vehicle financing is expected to be done through municipal equipment leases, which work like loans (the District pays off the entire financed amount over the term of the lease and keeps the vehicle once the lease is fully paid off).

All equipment is expected to be paid for with cash.

The financing costs include the costs of issuance and interest on the bonds, loans, and leases.

Table 13 shows the expected future financing costs.

Table 13
Lake County Fire Protection District
Planned Facilities Financing Costs (2023 \$)

Description	Financed Amount	Financing Term (yrs)	Interest Rate	Total Payments	Interest Cost	Cost of Issuance	Total Financing Cost
New Station (Station 71)	\$5,560,500	20	4.00%	\$8,183,026	\$2,622,526	\$125,000	\$2,747,526
Station 73 Rebuild	\$2,724,000	20	4.00%	\$4,008,734	\$1,284,734	\$125,000	\$1,409,734
Ariel Ladder Truck	\$1,500,000	10	4.35%	\$1,881,727	\$381,727	\$15,000	\$396,727
Additional Ambulances (Stations 71 and 73)	\$1,050,000	5	4.35%	\$1,190,912	\$140,912	\$10,500	\$151,412
Apparatus Replacement [1]	\$3,850,000	7	4.35%	\$4,548,382	\$698,382	\$38,500	\$736,882
Total (Rounded)	\$14,685,000			\$19,813,000	\$5,128,000	\$314,000	\$5,442,000

Source: Lake County Fire Protection District and Ridgeline

[1] Assumes that 50% of all replacement vehicles costing \$250,000 or more is financed with average term of 7 years.

FACILITIES SUMMARY

Table 14 summarizes the replacement values for the existing facilities and the estimated costs for the planned facilities. The total cost estimate of \$37 million includes approximately \$17.6 million for existing facilities and \$19.4 million for planned facilities and financing costs.

Table 14
Lake County Fire Protection District
Facilities Summary (2023 \$) (rounded)

Description	Source	Amount
<i>Existing Facilities</i>		
Fire Stations and Structures	Table 8	\$6,918,000
Apparatus and Vehicles	Table 10	\$8,070,000
Equipment	Table B-2	\$2,534,000
Financing Costs	Table 12	\$35,000
<i>Subtotal: Existing Facilities</i>		<i>\$17,557,000</i>
<i>Planned Facilities</i>		
Fire Stations and Structures	Table 9	\$8,285,000
Apparatus and Vehicles	Table 11	\$2,550,000
Equipment	Table B-3	\$3,170,000
Financing Costs	Table 13	\$5,442,000
<i>Subtotal: Planned Facilities</i>		<i>\$19,447,000</i>
Total Facilities		\$37,004,000

Source: Lake County Fire Protection District and Ridgeline

These facilities benefit both the existing and future development within the District. The cost allocation among the existing and future development is calculated in the next chapter of the Nexus Study.

IV. FACILITY COST ALLOCATION AND FEE CALCULATION

This chapter of the Nexus Study documents the District’s existing and planned facility cost allocation to the existing and future development and calculation of the proposed Fee amount.

The existing development has paid and will continue to pay its fair share of the costs through the prior Fee payments, property taxes, General Fund balances, and other one-time and on-going revenue sources. The future development is required to pay its fair share of the facility costs through the Fee.

The Fee is comprised of the new development’s share of the facility costs and an administration surcharge, as discussed below.

COST ALLOCATION AND METHODOLOGY

The Act requires that mitigation fee calculations ensure a reasonable relationship between the amount of the fee and the cost of public facilities attributable to the development on which the fee is imposed. In this chapter, the cost of the District’s system-wide facilities is allocated to the existing and future development in proportion to their demand for Services.

The facility cost allocation and the updated Fee amount calculation use the capacity-based methodology, as discussed in **Chapter I**. Capacity-based fees allocate system-wide facility costs to all existing and future development.

For the District, the costs for all existing and planned facilities are allocated to all existing and future development to ensure that the Fee charged to future development covers its proportionate fair share of the total facility costs.

SERVICE DEMAND VARIABLE

To calculate mitigation fees, the relationship between facility needs and development must be quantified through cost allocation formulas. This Nexus Study uses building square footage as the service demand variable representing development’s impact on public facilities.

Service demand variables are selected because they either directly measure service demand or are reasonably correlated with that demand. The recent Act update (AB 2668) requires that all nexus studies adopted after July 1, 2022 calculate mitigation fees for housing development based on building square footage, unless a finding is made that such methodology is not appropriate⁹. The District believes that the methodology recommended by the State is suitable for the Fee calculation. Moreover, the square footage has been the demand variable for the Fee calculation since its original implementation.

⁹ Gov’t Code § 66016.5(5)(A) and (B)

The majority of existing development within the District is residential. Nonresidential development, for the most part, supports the existing residential development. The call data analysis demonstrates that nonresidential development generates higher demand for District services. To ensure that nonresidential development contributes its fair share of facility costs, the District has determined that separate Fee levels are appropriate for residential and nonresidential development.

Development of 3-story and higher buildings and nonresidential buildings with large footprint requires that the District add an aerial ladder engine to its fleet. The District proposes a special surcharge on this type of development going forward to help cover a portion of this cost.

As discussed in **Chapter II**, the District currently services approximately 17.4 million sq. ft. of residential and nonresidential development. The District projects that an additional 1.5 million building sq. ft. will be developed within the District by 2040. The total amount of development serviced by the District is expected to reach 18.9 million sq. ft. by 2040.

NET FACILITY COSTS

As discussed in **Chapter III**, the public facilities needed to serve the existing and projected development are valued at approximately \$37 million (in 2023 dollars).

As of April 30, 2023, the District had approximately \$141,000 in unspent Fee proceeds, which are available to help fund the planned facilities identified in this Nexus Study. **Table 15** calculates the net public facility costs that need to be allocated across the existing and future development.

Table 15
Lake County Fire Protection District
Net Facility Costs (2023 \$)

Description	Amount
Facilities	
Existing Facilities	\$17,557,000
Planned Facilities	\$19,447,000
<i>Total Facility Costs</i>	<i>\$37,004,000</i>
Available Funding Sources	
Mitigation Fee Account Balance	\$141,360
<i>Total Available Revenue</i>	<i>\$141,360</i>
Net Facility Costs	\$36,862,640

Source: Lake County Fire Protection District and Ridgeline

NET FACILITY COSTS ALLOCATION

The next step in calculating the Fee amount is to allocate the Net Facility Costs to the existing and future development.

Ridgeline analyzed the District’s call data for 2021 and 2022 calendar years to determine the service demand generated by residential and nonresidential development. 77 percent of the District’s calls were associated with identified residential and nonresidential addresses. The rest of the calls were associated with hospitals and addresses that could not be tied to a specific parcel (such as intersections or blocks). Based on the distribution of residential and nonresidential calls, nonresidential development generates 2.3x more demand for District’s services per sq.ft. basis than residential development. During the two-year period, the District responded to 0.41 calls per 1,000 sq. ft. of residential development and 0.97 calls per 1,000 sq. ft of nonresidential development.

The District believes that a significant number of nonresidential calls are related to the District residents who are located at a nonresidential location during the call. To adjust for that assumption, the District estimated that nonresidential development generates 25 percent more service demand than residential development.

Table 16 shows the allocation of the Net Facility Costs per sq. ft. of all existing and projected development through 2040.

Table 16
Lake County Fire Protection District
Facility Cost Allocation Factor (2023 \$)

Description		Res Dev't	Nonres Dev't	Total
2021-2022 Service Calls	(a)	6,342	1,957	8,299
2022 Existing Development (Sq. Ft.)	(b)	15,362,102	2,022,309	17,384,411
Calls per 1,000 Sq. Ft.	(c) = (a) x (b)	0.41	0.97	0.48
Allocation Factor	(d)	1.00	1.25	
2040 Projected Dev't (Sq. Ft.)	(e)	16,555,502	2,348,109	18,903,611
Res Sq. Ft. Equivalent Service Factor	(f) = (e) x (d)	16,555,502	2,935,136	19,490,639
Service Demand Allocation	(g)	84.94%	15.06%	100.00%
Net Facility Cost Allocation	(h) = Total Cost x (g)	\$31,311,418	\$5,551,222	\$36,862,640
Cost Per Sq. Ft.	(i) = (h) / (e)	\$1.89	\$2.36	

Source: Lake County Fire Protection District, County of Lake, and Ridgeline

FEE CALCULATION PER SQUARE FOOT

The final step in calculating the Fee amount is to add the administrative surcharge, which is commonly set at 2%. This surcharge covers the Fee Program implementation and management costs, including nexus studies and on-going monitoring and reporting.

Additionally, development of 3-story and higher buildings and nonresidential buildings with footprint of 15,500 sq. ft. or more requires that the District add an aerial ladder engine to its fleet. The cost of such engine is approximately \$650,000 more than the cost of a Type I engine. The District proposes a special surcharge on this type of development going forward to help cover a portion of this cost.

Assuming construction of one 3-story multi-family project totaling approximately 90,000 sq. ft. (25% of projected multi-family development) and allocating 10 percent of future nonresidential development for 3-story buildings and/or big box retail (32,500 sq. ft.), approximately 122,500 sq. ft. of future development within the District will require the availability of an aerial ladder engine. The full allocation of the \$650,000 additional cost to this development will result in \$5.31 per sq. ft. Since the District already has some such development within its service area and given the availability of the engine to respond to other calls, the District proposes to set the surcharge amount initially at \$0.50 per sq. ft. (including the administrative surcharge), subject to the annual inflation adjustment, as discussed in **Chapter VI**.

The proposed Fee amounts for each development type are shown in **Table 17**.

Table 17
Lake County Fire Protection District
Fire Mitigation Fee Calculation (2023 \$)

Description	Amount / Sq.Ft.		
	Residential	Nonresidential	High Impact Surcharge
Base Fee per Sq. Ft.	\$1.89	\$2.36	\$0.49
Administrative Surcharge 2%	\$0.04	\$0.05	\$0.01
Total Fee per Sq. Ft.	\$1.93	\$2.41	\$0.50

Source: Lake County Fire Protection District and Ridgeline

PROJECTED FEE REVENUE

The total Fee revenue through 2040 can be estimated by multiplying the Fee calculated in **Table 17** by the projected square footage of new development from **Table 7**. As shown in **Table 18**, it is estimated at approximately \$3 million, net of the administrative surcharge (in 2023 dollars).

Table 18
Lake County Fire Protection District
Projected Fire Mitigation Fee Revenue Through 2040 (2023 \$)

Description	Amount	%
Proposed Base Fire Mitigation Fee per Sq.Ft.	(a)	
Residential Development	\$1.89	
High Impact Residential Development	\$2.38	
Nonresidential Development	\$2.36	
High Impact Nonresidential Development	\$2.85	
Projected Future Development (thru 2040)	(b)	
Residential Development	1,103,400	
High Impact Residential Development	90,000	
Nonresidential Development	293,300	
High Impact Nonresidential Development	32,500	
Projected Base Fire Mitigation Fee Revenue (rounded)	(c) = (a) x (b)	\$3,084,000
<hr/>		
Total Planned Facility and Financing Costs	(d)	\$19,447,000 100.0%
Less:		
Projected Base Fire Mitigation Fee Revenue	(e)	(\$3,084,000) 15.9%
Mitigation Fee Account Balance	(f)	(\$141,360) 0.7%
Funding Required from Other Sources	(g) = (d) - (e) - (f)	\$16,221,640 83.4%

Source: Ridgeline

The projected Fee revenue is substantially less than the planned facility costs. The current unspent Fee proceeds and projected Fee revenue will fund approximately 17 percent, or \$3.2 million, of the \$19.5 million planned facility costs. The District will need to fund the difference from other sources, including, but not limited to, general obligation bonds, grants, the District’s general fund, existing or new special taxes and assessments, other debt proceeds, etc.

The Fee revenue may be used only for public facilities that expand the District’s system capacity to serve future development and to reimburse the cost of existing facilities’ upsizing for such future development. This approach maintains a reasonable relationship between the new development and the use of the Fee proceeds.

The District may revise the planned facilities scope and substitute other facilities as long as they help expand the District’s system. The Fee revenue may be used to purchase land, construct buildings, expand existing structures, purchase vehicles and equipment with a minimum of a five-year life span, and enhance utility of existing system, as allowed by the Act.

The Fee revenue shall not be used to fund existing deficiencies such as station renovation that do not expand the District’s system capacity.

V. NEXUS FINDINGS

The Mitigation Fee Act requires an agency establishing, increasing, or imposing mitigation fees to make findings to:¹⁰

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put.
3. Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

These findings demonstrate that the fee adheres to the “reasonable relationship,” or “nexus,” standard, as well as the principle of “rough proportionality,” as articulated in court decisions concerning mitigation fees and other exactions.

This Nexus Study has been prepared to update the Fee in accordance with the procedural guidelines established in the Act and makes the following findings pertaining to the Fee calculated herein.

Purpose of the Fee: The purpose of the Fire Mitigation Fee (the “Fee”) calculated in this Nexus Study is to ensure that new development within the Lake County Fire Protection District’s service area contributes its proportionate share of the existing and future one-time public facility costs incurred by the District to provide the Services required by such development. In imposing the Fee on behalf of the District, the City and the County ensure that existing property owners are not subsidizing new development and that the existing service level is maintained even as the service population is increasing.

Use of the Fee: The Fee will be used to fund expansion and/or addition of public facilities (land, buildings, other structures, apparatus and vehicles, and equipment) to mitigate the impact of new development on the need for such facilities within the District, as well as to fund the administration of the Fee Program (Fee collection, accounting, reporting, nexus studies, and other expenses related to compliance with the Act requirements). The Fee revenue will not be used to fund operations, maintenance, or existing facility deficiencies that do not expand the District’s system capacity.

Reasonable Relationship between the Use of the Fee and the Type of Development: The Fee will be used to fund expansion of and/or additions to the District’s public facilities to address the additional demand for fire protection and medical emergency services associated with new

¹⁰ Gov’t Code § 66001(a) and (b)

development within the District. Since the Fee will be used to provide public facilities needed to serve the new residents and employees generated by the new development, a reasonable relationship exists between the use of the Fee and the residential and nonresidential development on which the Fee is imposed.

Reasonable Relationship between the Need for Public Facilities and the Type of Development:

New residential and nonresidential development generates new residents and employees and results in additional demand for fire protection and medical emergency services provided by the District. Additional public facilities are needed to ensure that the increased demand is addressed without reducing the level of services for the existing development. Thus, a reasonable relationship exists between the need for the public facilities and the type of new development on which the Fee is imposed.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to New Development:

The amount of the Fee charged to new development is based on the fair share of the District's public facility costs attributed to such new development on a per square foot basis. The total public facility costs are allocated between the existing and new development in a manner proportional to their demand for facilities. The Fee charged to a development project reflects the impact of that project on the overall need for public facilities needed to provide fire protection and medical emergency services to the project. Thus, a reasonable relationship exists between the amount of the Fee and the costs of the facilities attributable to the new development.

VI. IMPLEMENTATION

This chapter contains recommendations for the adoption, administration, interpretation, and application of the Fee. It provides an overview of the Mitigation Fee Act provisions and common current practices, but is not intended as legal advice.

AUTHORITY TO IMPOSE MITIGATION FEES

Mitigation fees can be imposed by cities and counties as a condition of approval for development projects based on land use authority. Special districts, including fire protection districts, lack such authority and cannot impose mitigation fees.

Moreover, fire districts are specifically prohibited from imposing mitigation fees. California Health and Safety Code § 13916, part of the Fire Protection District Law of 1987, states: “A [fire protection] district board shall not charge a fee on new construction or development for the construction of public improvements or facilities or the acquisition of equipment.”

While the District may not directly impose mitigation fees, it is a common practice for cities and counties to do so for the benefit of special districts providing public services within their jurisdiction. Cities and counties rely on their police powers authority granted by the California Constitution to levy such fees. As such, the Fee must be adopted by the County Board of Supervisors and the City Council on behalf of the District.

FEE ADOPTION PROCESS

To Fee Program update and adoption process should be as follows:

- First, the Board of Directors of the District needs to approve the Nexus Study and the proposed Fee Program.
- Then, the City Council and the County Board of Supervisors need to adopt the Nexus Study and the Fee Program on behalf of the District.

Mitigation fee adoption process is governed by the Act. The general steps for the Fee approval and adoption by the District, City, and County are outlined below. These need to be reviewed and executed in consultation with the legal counsel of the District, City, and County.

FEE APPROVAL BY THE DISTRICT

- a. The Board of Directors of the District should hold at least one open and public meeting, at which oral or written presentation on the proposed Fee Program is made. Such meeting must be a part of a regularly scheduled meeting.

- b. At least 30 days before the meeting, the District shall post a notice of public hearing on its website and where notices are physically posted.
- c. At least 14 days before the meeting, the District should mail a notice of the meeting to any interested party who has filed a written request for notice of the adoption of new or increased fees.
- d. At least ten days before the meeting, the District should make the Nexus Study and all related documents available to the public for review.
- e. At least ten days before the meeting, the District should publish a notice of the time and place of the meeting twice in a newspaper of general circulation with at least five days between the dates of the first and last publication, not counting such publication dates.
- f. After the public hearing, the District’s Board of Directors shall adopt a resolution approving the Nexus Study and the Fee Program with a recommendation that the City Council and the County Board of Supervisors adopt the Fee Program on behalf of the District pursuant to the City’s and the County’s “police powers” under Article XI, Section 7 of the California Constitution.

FEE ADOPTION BY THE CITY OF CLEARLAKE AND THE COUNTY OF LAKE

- a. The City Council and the County Board of Supervisors shall hold at least one open and public meeting, at which oral or written presentation on the proposed Fee Program is made. Such meeting must be a part of a regularly scheduled meeting.
- b. At least 30 days before the meeting, the City and the County shall post a notice of public hearing on their websites and where notices are physically posted.
- c. At least 14 days before the meeting, the City and the County shall mail a notice of the meeting to any interested party who has filed a written request for notice of the adoption of new or increased fees.
- d. At least ten days before the meeting, the City and the County shall make the Nexus Study and all related documents available to the public for review.
- e. At least ten days before the meeting, the City and the County shall publish a notice of the time and place of the meeting twice in a newspaper of general circulation with at least five days between the dates of the first and last publication, not counting such publication dates.
- f. After the public hearing, the City Council and the County Board of Supervisors shall adopt a resolution adopting the Nexus Study and the Fee Program (including the automatic annual adjustment of the Fee for inflation) on behalf of the District, as applicable, pursuant to the City’s and the County’s “police powers” under Article XI, Section 7 of the California Constitution.
- g. The Fee Program becomes effective at least 60 days after the adoption of the resolution, unless an urgency ordinance, valid for 30 days, is adopted (see discussion below).

NEXUS FINDINGS LANGUAGE

As discussed in **Chapter V**, the Act requires specific nexus findings to be made as part of the mitigation fee adoption process. Sample findings language that could be used for the Fee is shown below. This language should be reviewed and approved by the legal counsel of the agencies adopting the Fee.

Sample Finding Language: Purpose of the Fee. The Board of Directors / Board of Supervisors / City Council finds that the purpose of the mitigation fees hereby enacted is to protect the public health, safety, and welfare of the community by requiring new development to contribute to the cost of fire protection and emergency medical response facilities necessary to mitigate the impacts created by that development.

Sample Finding Language: Use of the Fee. The Board of Directors / Board of Supervisors / City Council finds that revenue from the mitigation fees hereby enacted will be used to provide public facilities needed to mitigate the impacts of new development. These facilities are identified in the Lake County Fire Protection District Fire Mitigation Fee Nexus Study prepared by Ridgeline Municipal Strategies, LLC¹¹.

Sample Finding Language: Reasonable Relationship. Based on analysis presented in the Lake County Fire Protection District Fire Mitigation Fee Nexus Study prepared by Ridgeline Municipal Strategies, LLC, the Board of Directors / Board of Supervisors / City Council finds that there is a reasonable relationship between:

- a. The use of the mitigation fee and the types of development projects on which the fee is imposed;
- b. The need for public facilities and the types of development projects on which the fee is imposed; and,
- c. The amount of the fee and the cost of the public facilities attributable to the development on which the fee is imposed.

FEE EFFECTIVE DATE

Once the Fee is adopted, there is a mandatory 60-day waiting period before it takes effect, unless an urgency ordinance, valid for 30 days, is adopted making certain findings regarding the claimed urgency. The ordinance must be readopted at the end of the first period (and possibly at the end of the second period, depending on the City Council and the County Board of Supervisors meeting dates) to cover the next 30 days and, as such, the entire 60-day waiting period. Fees adopted or increased by urgency go into effect immediately.

¹¹ Gov't Code Section 66001(a)(2) stipulates that the use of the fee may be specified in a capital improvement plan, the general or specific plan, or other public documents that identify the public facilities for which the fee is charged. The Nexus Study is an example of such public document.

FEE APPLICABILITY

Once the Fee takes effect, it will be collected by the District on all new residential and nonresidential development, including additions to existing development, which requires the issuance of building permit within the District boundary.

Large or specialized development may necessitate special considerations and could be evaluated on a project-by-project basis. In-lieu mitigation agreements may be required to accurately determine mitigation fees for development projects with unique characteristics.

Accessory dwelling units (“ADUs”) are included in the Fee Program and subject to the Fee if their square footage is 750 sq. ft. or greater. The Fees for ADUs shall be charged proportionately in relation to the square footage of the primary dwelling unit. A change in the State law could result in ADUs under 750 sq .ft. to no longer be exempt from the Fee.

SB 330 (The Housing Crisis Act of 2019) prohibits imposition of new requirements on a housing project once a preliminary application has been submitted. The rule applies to mitigation fee increases, except when the fee resolution or ordinance authorizes automatic inflationary fee adjustments.

The Act stipulates that a local agency shall not require the payment of mitigation fees by residential development prior to the date of the final inspection or of the issuance of a certificate of occupancy, whichever occurs first. However, "utility service fees" (term not defined in the Act) may be collected upon application for utility service. In a residential development project of more than one dwelling, the Act allows the agency to determine whether to collect the fees either for individual units or for project phases upon final inspection or certificate of occupancy, whichever occurs first, or for the entire project upon final inspection or certificate of occupancy, whichever occurs first, for the first dwelling unit.¹²

The Act provides two exceptions when the local agency may require fee payment from residential development at an earlier time¹³:

1. When the local agency determines that the fees “will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy,” or
2. When the fees are “to reimburse the local agency for expenditures previously made.”¹⁴

The Act does not specify any restrictions on the time at which mitigation fees may be collected on nonresidential development.

¹² Gov’t Code § 66007(a)

¹³ Gov’t Code § 66007(b)(1)

¹⁴ This exception does not apply to units reserved for occupancy by lower income households included in residential development proposed by a nonprofit housing developer in which at least 49% of the total units are reserved for occupancy by lower income households at an affordable rent. See Gov’t Code § 66007(b)(2)(A).

If the fees are not fully paid prior to the building permit issuance for residential development, the local agency may require the property owner to execute a contract to pay them within the time specified above and record that contract as a lien against the property until the fees are paid.¹⁵

FEE PROGRAM ADMINISTRATION

The Act establishes procedures for mitigation fee program administration, including collection, handling, accounting, reporting, and refunds.

FEE COLLECTION AND HANDLING

There likely to be a delay in spending collected Fee revenue on facilities until a sufficient fund balance is accumulated. The District is required to deposit, invest, account for, and expend the Fee in a prescribed manner.

The Fee revenue must be deposited into a separate capital facilities account or fund to prevent commingling with other District revenues. Interest earned on the capital facilities account or fund balance must be credited to the Fee Program.¹⁶ Common practice is to maintain separate funds or accounts for mitigation fee revenues by facility category (e.g., fire protection), but not necessarily for individual projects.

The Fee revenue may only be used for the purpose for which it was collected, i.e., for capital facilities that expand the District’s ability to deliver its Services to accommodate new development. This conforms with the reasonable relationship between new development and use of fee revenue standard. The District may revise the planned facilities scope and substitute other facilities as long as they help expand the District’s system.

REPORTING REQUIREMENTS

The Act mandates annual and five-year reporting for mitigation fee programs, as described below. As the Fee must be adopted by the City and the County on behalf of the District, the three agencies should determine who is responsible for such reporting and develop procedures to ensure compliance with the Act reporting requirements.

Annual Report

The Act requires that an “Annual Report” be made available to the public within 180 days of each fiscal year end. The report must contain the following information:

- a brief description of the type of the Fee in the fund;
- the amount of the Fee;

¹⁵ Gov’t Code § 66007(c)

¹⁶ Gov’t Code § 66006(a)

- the beginning and ending balance of the fund;
- the Fee amount collected and the interest earned;
- an identification of each public improvement on which the Fee was expended and the amount of the expenditures for each improvement, including the total percentage of the cost that was funded by the Fee;
- if the District determines that sufficient funds have been collected to complete an incomplete public improvement, an identification of an approximate date by which construction of the facility will commence;
- a description of each inter-fund transfer or loan made from the fund, including the public improvement on which the transferred or loaned Fee will be expended, the date on which any loan will be repaid, and the rate of interest that the fund will receive on the loan; and
- the amount of money refunded under Gov't. Code § 66001.

AB 516 recently added the following requirements to the content of the Annual Report:

- an identification of each public improvement identified in a previous Annual Report as having sufficient fund to complete such improvement and whether construction began on the approximate date noted in the previous report;
- if the construction for the above identified improvement did not commence by the approximate date provided in the previous report, the reason for the delay and a revised approximate date that the agency will commence construction;
- the number of persons or entities identified to receive refunds.

The District must review the Annual Report at the next regularly scheduled public meeting, but not less than 15 days after it was made available to the public. Notice of the time and place of the meeting, including the address where the Annual Report may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any party who files a written request for mailed notice of the meeting. Written requests for mailed notices are valid for one year from the date filed unless renewed by April 1 of each year. A reasonable annual charge for sending notices based on the estimated cost of providing the service may be established.

Five-Year Findings Report

In the fifth fiscal year following the first receipt of any Fee proceeds, and every five years thereafter, the District, City, and County must comply with the Gov't Code § 66001(d)(1) by demonstrating that the District still needs unexpended Fee revenues to achieve the purpose for which it was originally imposed and that the District has a plan on how to use the unspent balance to achieve that purpose. The following findings, entitled "Five-Year Findings Report," shall be made with respect to that portion of the fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the Fee is to be put;
- Demonstrate a reasonable relationship between the Fee and the purpose for which it is charged;

- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate fund.

These findings are to be made in conjunction with the Annual Report discussed above.

The District must refund the unspent or uncommitted Fee revenue portion for which a need could not be demonstrated, unless the administrative costs exceed the amount of the refund.

Fee Refunds for Incomplete Projects

If all necessary funds have been collected to construct a public improvement, but the improvement remains incomplete, the District, within 180 days of determining that sufficient funds have been collected, shall identify an approximate date by which construction will commence. If such identification is not made, the District shall refund to the then current record owner of the development project on a prorated basis the unexpended portion of the Fee and any accrued interest, provided that if the administrative costs of such refund exceed the amount to be refunded.¹⁷

FEE EXEMPTIONS, REDUCTIONS, AND WAIVERS

Several types of development are specifically exempt from the Fee Program:

- All public agencies, including federal and state agencies, public school districts, the County, and the City, unless other arrangements or agreements are negotiated with the District.
- Replacement or reconstruction on the same parcel by the owner of a dwelling or dwellings damaged or destroyed by fire or other calamity or demolished for replacement provided that:
 - The application for building permit to replace such dwelling is filed with the City or County within one (1) year after the destruction or demolition of the dwelling, or within three (3) years of the date a local emergency is declared if the destruction or demolition occurred within the geographical area encompassed by that local emergency declaration and resulted from events giving rise to said declaration;
 - There is no change in occupancy or land use type; and
 - There is no increase in square footage of the structure.
- Residential accessory structures that do not increase covered building square footage such as open decks and pools.
- ADUs that are under 750 sq. ft. Such ADUs are currently exempt from development impact fees by the State law. A change in the law could result in such ADUs to no longer be exempt.

¹⁷ Gov't Code § 66001(e)

Written fee waivers may be available on a case-by-case basis for certain agricultural facilities and temporary structures (including temporary mobile homes).

If a development project is found to have no impact on facilities for which the Fee is charged, such project will be exempted from the Fee.

If a project has characteristics that make its impacts on a particular public facility significantly and permanently smaller than the average impact used to calculate the Fee, the Fee should be reduced accordingly. Since there must be a reasonable relationship between the Fee amount and the cost of the public facility attributable to the development on which the Fee is imposed, the Fee reduction is required if the fee is not proportional to the impact of the development.

In some cases, the District may desire to voluntarily waive or reduce the Fees that would otherwise apply to a project as a way of promoting goals such as affordable housing or economic development. Such a waiver or reduction may not result in increased costs to other development projects, so the effect of such policies is that the lost revenue must be made up from other fund sources.

FEE CREDITS

Developer Fee Credits and Reimbursements

The purpose of the Fee Program is to provide funds for new fire protection and emergency medical response facilities. While it is not anticipated that private developers will dedicate land or provide facilities for the District, should this occur, the developers may enter into a Fee credit and reimbursement agreement with the District. If a developer voluntarily offers to dedicate land or construct facilities in lieu of paying the Fee, the District may accept or reject such offer and negotiate the terms under which such offer is accepted. Excess developer contributions may be offset by reimbursement agreements.

The following conditions will apply to developer credits and reimbursements:

- Only funds collected through the Fee Program shall be used to reimburse a developer who provided eligible facilities or acquired eligible equipment identified in the Fee Program.
- The value of any developer-provided facilities for Fee credit or reimbursement purposes shall be based upon the lesser of (a) the actual facility cost or (b) the cost estimates (as updated) used to establish the Fee amount.
- The use of accumulated Fee revenues shall be in the following priority order: (1) critical projects, (2) repayment of inter-fund loans, and (3) repayment of accrued reimbursement to private developers. A project is considered to be a “critical project” when failure to complete it prohibits further development within the District.

Credit for Existing Development

To comply with the Act and recent court cases, a Fee credit must be given for demolished existing square footage as part of a new development project.

CAPITAL IMPROVEMENT PLAN AND ANNUAL UPDATES

The Act specifies that if a local agency cites a capital improvement plan to identify the use of mitigation fees, that plan must be adopted and annually updated by a resolution of the governing body at a noticed public hearing¹⁸. Alternatively, improvements can be identified by applicable general or specific plans or in other public documents (such as this Nexus Study)¹⁹.

A capital improvement plan often has a limited planning horizon. As such, it may not include all facilities needed to serve future development covered by a fee program.

We recommend that this Nexus Study be cited as the public document identifying the use of the Fee.

ANNUAL AUTOMATIC INFLATION ADJUSTMENT

The Nexus Study calculates the Fee based on current cost estimates expressed in 2023 dollars. To ensure that the Fee Program stays fiscally viable, these estimates should be automatically adjusted annually to account for inflation and changes in the public facilities costs. A recommended index for such adjustments is the Engineering News Record Building Cost Index (20-Cities Average) published monthly in the Engineering News Record for the 12-month period ending in the month before the adjustment takes place.

Any inflationary adjustment must first be authorized in the enacting Fee resolution or ordinance. The adjustments are recommended to take place annually on July 1, beginning on July 1, 2024.

FEE UPDATES

The District should conduct periodic reviews of development patterns and projections, construction costs, and available funding sources. If costs, development projections, or other funding sources change materially, the Fee should be updated accordingly. Any such updates must be presented to the District’s Board of Directors, the City Council, and the County Board of Supervisors before becoming effective.

Additionally, the Act requires²⁰ that nexus studies must be updated at least every eight years. Therefore, the next Nexus Study update is due no later than November 1, 2031. However, if new

¹⁸ Gov’t Code § 66002 (b)
¹⁹ Gov’t Code § 66001 (a) (2)
²⁰ Gov’t Code § 660016.5 (a)(8)

material information becomes available prior to that, the District should consider updating the Fee earlier.

TRANSPARENCY REQUIREMENTS²¹

The District, City, and County must make the following information available on their internet websites:

- A current schedule of or direct link to the Fee;
- The current and five previous Annual Reports;
- The current and any previous nexus studies conducted after January 1, 2018.

All such information needs to be updated within 30 days of any changes.

AB 516 recently added the following transparency requirements:

- A local agency shall inform a person paying a mitigation fee of both of the following:
 - The person’s right to request an audit of the fee program; and
 - The person’s right to file a written request for mailed notice of the local agency’s meeting to review the information made public pursuant to the fee program.
- A local agency shall provide a person paying a mitigation fee a link to the page on the local agency’s internet website where the information made public regarding the fee program is available for review.

TRAINING AND PUBLIC INFORMATION

Effective mitigation fee program administration requires considerable preparation and training. The following practices are recommended:

- Ensure that the District, City, and County staff members responsible for collecting the Fee and for explaining it to the public understand both the details of the Fee Program and its supporting rationale.
- Review all printed materials containing the Fee information for the public to ensure that the Fee is clearly distinguished from other fees, such application fees, and the purpose and use of the Fee are clearly stated.
- Ensure that anyone responsible for accounting, budgeting, or project management for facilities funded by the Fee is fully aware of the Fee revenue use restrictions, and that this Nexus Study is referenced to for a list of facilities on which the Fee calculations are based.

²¹ Gov’t Code § 65940.1 (a)

Appendix A: Development Analysis Supporting Data

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Table A-1
Lake County Fire Protection District
Manufactured Home Communities Detail

Community Name / Address	Single-Wide		Double-Wide		Total	
	Homes	Sq.Ft. [1]	Homes	Sq.Ft. [2]	Homes	Sq.Ft.
Creekside 16425 Dam Road	31	29,760	12	19,200	43	48,960
Lake Front 5545 Old Highway 53	15	14,400	2	3,200	17	17,600
York's Clearlake 5645 Old Highway 53	10	9,600	2	3,200	12	12,800
7665 Cache Creek Way	12	11,520	0	0	12	11,520
Cache Creek 16535 Dam Road	13	12,480	11	17,600	24	30,080
Kingfisher 5845 Old Highway 53	13	12,480	3	4,800	16	17,280
Twin Oaks Village 5755 Old Highway 53	10	9,600	5	8,000	15	17,600
Twin Creeks 8130 State Highway 53	15	14,400	3	4,800	18	19,200
Ponderosa 5825 Old Highway 53	40	38,400	12	19,200	52	57,600
Clear Lake Campground 7805 Cache Cache Creek Way	5	4,800	0	0	5	4,800
Lakeland 5575 Old Highway 53	36	34,560	9	14,400	45	48,960
Galaxy Resort 5935 Old Highway 53	13	12,480	8	12,800	21	25,280
Westwind 11270 Konocti Vista Drive #B	17	16,320	24	38,400	41	54,720
Sleepy Hollow 8750 Bonham Road	4	3,840	11	17,600	15	21,440
Southshore 5725 Old Highway 53	3	2,880	8	12,800	11	15,680
Trombetta's Resort 5865 Old Highway 53	8	7,680	16	25,600	24	33,280
TOTAL	245	235,200	126	201,600	371	436,800

Source: Ridgeline

[1] Assumes 960 sq.ft. per home
 [2] Assumes 1,600 sq.ft. per home

Table A-2
Lake County Fire Protection District
Single Family Home Development Summary

Year	New Homes	Total Sq.Ft.	Avg Sq.Ft.
2018	19	29,579	1,557
2019	12	22,895	1,908
2020	27	48,278	1,788
2021	28	50,177	1,792
2022	19	37,577	1,978
Total	105	188,506	1,795
Average	21	37,700	

Source: Lake County Fire Protection District

Table A-3
Lake County Fire Protection District
Residential Additions and Nonresidential Development

Description / Year	Sq.Ft.
Residential Additions	
2018	10,616
2019	9,005
2020	9,100
2021	10,738
2022	3,758
Total Residential Additions	43,217
Residential Additions Average / Year	8,600
Nonresidential Development	
2018	8,486
2019	1,800
2020	38,549
2021	40,426
2022	1,360
Total Nonresidential Development	90,621
Nonresidential Dev't Average / Year	18,100

Source: Lake County Fire Protection District

Appendix B: District Facility Supporting Data

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Table B-2	Existing Equipment Inventory	Page 49
Table B-3	Planned Equipment Inventory	Page 50

Table B-1
Lake County Fire Protection District
Land Value Estimate (2023 \$)

Property Description	Status	Notes	Sale Date	Acres	Total Price	Price / Acre
3955 Hill Rd, Lakeport, CA	Sold		10/18/2021	5.49	\$210,000	\$38,251
18196 S State Hwy 29, Middletown, CA	Sold		1/5/2022	111.71	\$10,869,880	\$97,304
1900 S. Main St, Lakeport, CA	Sold	Retail Center	3/1/2022	2.23	\$325,000	\$145,740
8840 Red Hills Rd, Kelseyville, CA	Listed	Brightwood Villages		167.1	\$2,300,000	\$13,764
15197 Olympic Drive, Clearlake, CA	Listed			0.99	\$235,000	\$237,374
16125-16175 Main St, Lower Lake, CA	Listed			2.35	\$595,000	\$253,191
5860 Live Oak Dr., Kelseyville, CA	Listed	MF		8.77	\$975,000	\$111,174
15400 Davis Ave, Clearlake, CA	Listed	Distress		32.27	\$900,000	\$27,890
Estimated Land Value for a smaller developable site						\$150,000

Source: CoStar and Marcus & Millichap

Table B-2
Lake County Fire Protection District
Existing Equipment Inventory (2023 \$)

Description	Qty	Replacement Cost Per Unit	Total Replacement Cost
Turnouts	50	\$10,000	\$500,000
Heart Monitors	6	\$32,333	\$194,000
SCBA'S Scott X3 / XT Pro	29	\$6,541	\$189,700
SCBA'S (30)	30	\$6,083	\$182,500
Mobile Radios	25	\$7,120	\$178,000
Lucas Device	7	\$22,236	\$155,650
Fire Hoses			\$153,700
Fire Alarm System - Station 70	1	\$134,400	\$134,400
Portable Radios	89	\$1,000	\$89,000
MTS Power Load for Gurney	3	\$26,500	\$79,500
Bauer SCBA Air Compressor	1	\$72,800	\$72,800
Power Pro Stryker Gurney	3	\$20,200	\$60,600
Fire Alarm System - Station 65	1	\$48,150	\$48,150
Mobil Lifting System - Shop	1	\$39,900	\$39,900
Cell phones, tablets, pagers			\$34,000
Federal Signal 2001-130 Siren	1	\$32,800	\$32,800
Generator - Station 65 App Bay	1	\$31,000	\$31,000
Furniture			\$30,000
Generator - Station 65 Office	1	\$29,000	\$29,000
Holmatro Cutter/Spreader/Pump/Core Set	1	\$27,000	\$27,000
Amkus AMK-24 Spreader & Mini Sumo Pump	1	\$23,900	\$23,900
Thermal Imaging Cameras	3	\$7,833	\$23,500
Onan Vapor Generator	1	\$22,700	\$22,700
Hurst Extraction Jaws	1	\$20,500	\$20,500
AED LP-1000	3	\$6,567	\$19,700
PPE Lockers - Stations 65 and 70			\$18,000
Holmatro Extrication Equipment	1	\$17,700	\$17,700
Fire Hose Angus	2	\$6,850	\$13,700
Ice Machines	2	\$6,000	\$12,000
RKI Eagle C.G.I.	2	\$5,000	\$10,000
Station 70 Plectron Alert System	1	\$9,400	\$9,400
Forklift - Toyota	1	\$7,450	\$7,450
Station 65 Plectron Alert System	1	\$7,150	\$7,150
Amkus AMK-22 Cutter	1	\$6,740	\$6,740
Carseat Trailer-2016 Carry On 3500	1	\$6,550	\$6,550
Computers	12	\$500	\$6,000
Generator Lights	2	\$3,000	\$6,000
Narcotic Boxes	3	\$2,000	\$6,000
Video Surveillance System - ADV Elec Security	1	\$5,650	\$5,650
Connex Storage	1	\$4,000	\$4,000
Fire Hose Storage Rack	1	\$4,000	\$4,000
Fire Hose Dryer	1	\$3,000	\$3,000
Monitors	14	\$200	\$2,800
Extension Ladder	1	\$2,600	\$2,600
ID Maker	1	\$2,000	\$2,000
9000 Tri Fuel Generator	1	\$1,800	\$1,800
Fire Hose Reel	1	\$1,500	\$1,500
Fire Hose Washer	1	\$1,500	\$1,500
Air Compressor	1	\$1,300	\$1,300
Shredder	1	\$1,200	\$1,200
Arsen Cameras	3	\$350	\$1,050
Medical Cabinets	2	\$500	\$1,000
Oxygen Tank Filling Station	1	\$1,000	\$1,000
Printers			\$1,000
TOTAL			\$2,534,090

Source: Lake County Fire Protection District

Table B-3
Lake County Fire Protection District
Planned Equipment Inventory (2023 \$)

Description	Qty	Cost Per Unit	Total Estimated Cost
Solar Station 70			\$1,000,000
Station 71 and 73 HVAC			\$349,000
Fire Alarm Systems	2	\$92,750	\$185,500
Turnouts	21	\$8,714	\$183,000
Solar Station 65			\$175,000
Heart Monitor	3	\$52,000	\$156,000
SCBAs	21	\$6,600	\$138,600
Lucus Device	3	\$29,000	\$87,000
Fire Hoses			\$82,700
Power Load	3	\$27,000	\$81,000
Station 71 and 73 Furnishings			\$80,000
Extraction Equipment	3	\$25,000	\$75,000
Generators	2	\$35,000	\$70,000
Gurney	3	\$21,000	\$63,000
IT System			\$60,000
Security Systems	3	\$20,000	\$60,000
Mobile Radios	5	\$8,400	\$42,000
Electric Sign Boards	2	\$20,000	\$40,000
1,000 gal Diesel Tank	3	\$8,000	\$24,000
1,000 gal Gas Tank	3	\$8,000	\$24,000
Personal Equipment	21	\$1,000	\$21,000
Portable Radios	21	\$1,000	\$21,000
Station AEDs	3	\$6,200	\$18,600
Stair Chairs	3	\$6,000	\$18,000
Plectron Dispatch Systems	2	\$8,300	\$16,600
Station 65 Security System			\$15,000
PPE Lockers	21	\$600	\$12,600
Fire Hose Storage Rack	3	\$4,000	\$12,000
Hand Tools / Small Equipment			\$10,000
Ice Machines	2	\$5,000	\$10,000
Station 71 and 73 Tools	2	\$5,000	\$10,000
Fire Hose Dryer	3	\$3,000	\$9,000
Narcotic Boxes	3	\$2,000	\$6,000
Fire Hose Reel	3	\$1,500	\$4,500
Fire Hose Washer	3	\$1,500	\$4,500
Oxygen Tank Filling Station	3	\$1,000	\$3,000
New Ambulance IPads	3	\$600	\$1,800
Medical Cabinets	2	\$500	\$1,000
TOTAL			\$3,170,400

Source: Lake County Fire Protection District

CONTACT INFORMATION

This report was prepared for Lake County Fire Protection District by Ridgeline Municipal Strategies, LLC (“Ridgeline”).

Ridgeline is a municipal advisory and financial consulting firm registered with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board.



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CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Discussion of the Lake County Sanitation District's Southeast Regional Wastewater System and Operations within the City of Clearlake	MEETING DATE: Mar. 21, 2024
SUBMITTED BY: Alan D. Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to discuss the Southeast Regional Treatment System and operations within the City.

BACKGROUND/ DISCUSSION:

When the City of Clearlake was incorporated in 1980, most of the existing infrastructure was already in place as the areas of Clearlake Highlands and Clearlake Park had developed as unincorporated areas of the county. The City is in a somewhat unusual situation as a municipality that controls no utilities. This makes coordination of the City's land use authority and orderly development difficult. This has been a significant concern with the three separate water districts for some time and more recently with the sewer service in the City, provided through the Southeast Regional Treatment System, operated by Lake County Special Districts.

There are various ways the City can work more directly with Lake County Special Districts related to sewer service within its jurisdiction. One direct way is being involved with the governance of Special Districts, and specifically the Lake County Sanitation District, which is the legal entity that provides sewer collection and treatment services to the Clearlake area and other areas throughout the county. Under the Health and Safety Code (Section 4730), upon the City's incorporation the City is obligated to be involved in the governance of the District, unless that authority was delegated to the Board of Directors (which the Directors currently sit as the Board of Supervisors). After some apparent discussion the City Council indeed did delegate that authority in 1983 to the Board of Directors. The Council could request the City be involved in governance at this time or perhaps there is another method of being involved in planning and decision making of the sewer districts operations in the City.

OPTIONS:

1. Adopt Resolution 2024-16 and Authorize the Mayor to sign.
2. Provide Direction to Staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Attachment:

1. **Resolution 2024-16**
2. **Resolution 83-22**

**CITY COUNCIL OF THE CITY OF CLEARLAKE
RESOLUTION NO. 2024-16**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
REQUESTING A ROLE IN DIRECT GOVERNANCE OF THE LAKE COUNTY
SANITATION DISTRICT’S OPERATIONS OF THE SOUTHEAST REGIONAL
COLLECTION SYSTEM**

WHEREAS, the prior to the incorporation of the City of Clearlake the communities of Clearlake Highlands and Clearlake Park were developed and eventually were provided sewer service through the establishment of the Lake County Sanitation District; and

WHEREAS, the Lake County Sanitation District includes various sewer systems throughout the county, including the Southeast Regional Collection System that provides sewer collection and treatment services in the Clearlake and Lower Lake area; and

WHEREAS, Lake County Sanitation District is operated by Lake County Special Districts with the Board of Supervisors sitting as the Board of Directors; and

WHEREAS, in 1980 when the City was incorporated as a City a change in governance was warranted pursuant to Health and Safety Code Section 4730; and

WHEREAS, in 1983 after some discussion the City Council of the City of Clearlake chose to defer its interest in direct governance and delegate the Board of Supervisors, as the Board of Directors at that time; and

WHEREAS, in the past few years, and particularly in recent months significant concerns related to the maintenance and operation of the system have arisen; and

WHEREAS, City Council now desires to revisit the governance of the Lake County Sanitation District; and

NOW THEREFORE, the City Council of the City of Clearlake hereby resolves as follows:

1. The above recitals are true and correct.
2. The City Council requests the Board of Supervisors/Board of Directors engage in discussions with City officials on a governance model that provides greater involvement from the City in maintenance and operations of the District, and that various options should be explored, including but not limited to direct participation on the Board of Directors of the Lake County Sanitation District, as allowed by Health and Safety Code 4730.

THIS RESOLUTION WAS PASSED AND ADOPTED by the City Council of the City of Clearlake, State of California, at a regular meeting thereof on April 4, 2024 by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

CITY OF CLEARLAKE

David Claffey, Mayor

ATTEST: Melissa Swanson
 City Clerk

By: _____

CITY OF CLEARLAKE

RESOLUTION NO. 83-22

A RESOLUTION REAFFIRMING THE SERVICE AND STATUS OF THE LAKE COUNTY SANITATION DISTRICT AND ITS GOVERNING BOARD

HEREBY BE IT RESOLVED, by the City Council of the City of Clearlake that the City of Clearlake does not now desire to alter the membership of LOCASAN's governing board.

BE IT FURTHER RESOLVED, as a clarification and restatement of what the City of Clearlake deems to be the existing situation, the City hereby designates the Lake County Board of Supervisors as the governing board of the Lake County Sanitation District.

BE IT FURTHER RESOLVED, that the City Council of the City of Clearlake reserves the right to withdraw this designation after notice to the governing board of the district.

PASSED AND ADOPTED by the City Council of the City of Clearlake, State of California, on this 23rd day of May, 1983, by the following vote:

AYES: Vice Mayor Achter, Councilmembers Logoteta, Hewlett and Robey

NOES: None

ABSENT OR NOT VOTING: Mayor Lucich, Absent

Eugene Achter
Eugene Achter, Vice-Mayor

ATTESTED:

Julie So Relle *Sharon Goode*
Julie So Relle, Sharon Goode
City Clerk Deputy City Clerk

