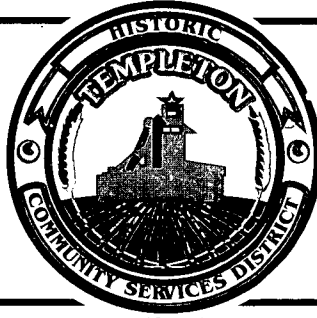

TEMPLETON COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS
Robert Bergman, President
David Brooks, Vice-President
Clifford S. Beere, Director
Judith Dietch, Director
John T. Gannon Jr., Director



STAFF
William Van Orden, General Manager
Laurie A. Ion, Administrative &
Recreation Supervisor
Jay Short, Utilities Supervisor
Greg O'Sullivan, Fire Chief

P.O. Box 780 • 420 Crocker Street • Templeton, California 93465 • FAX (805) 434-4820 • (805) 434-4900

ORDINANCE NO. 2002-3

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TEMPLETON COMMUNITY SERVICES DISTRICT REVISING THE FIRE DEPARTMENT CAPITAL FACILITIES CHARGE

BE IT ORDAINED by the Board of Directors of the Templeton Community Services District as follows:

Section 1. Purposes and Findings.

The Board of Directors hereby determines and finds as follows:

- a. The purpose of revising the District's Fire Department Capital Facilities Charge is to finance the acquisition of certain fire equipment and construct fire facilities within the District as described in attached Exhibit "A". Such equipment and the construction of the fire facilities are needed to reduce the impacts on the District's fire department caused by future development within the District's service area, and to provide for adequate fire protection to this future development.

- b. The proposed Fire Department Capital Facilities Charge collected pursuant to this Ordinance is needed and shall be used to finance fire equipment and for the construction of fire facilities described or identified in Exhibit "A", and will not be used for general revenue purposes.

c. After considering Exhibit "A" and the comments, both oral and written, received by the District, the Board of Directors of the District approves Exhibit "A" and incorporates such herein, and further finds that the new development within the service area of the District will generate additional demands on the District's fire department requiring the new fire equipment and the construction of the new District fire facilities, and that this future development will benefit from such new fire equipment and new fire facilities.

d. There will be a need within the District's service area for the proposed new fire equipment and the construction of the new fire facilities described in Exhibit "A" for which the new development must contribute its fair share towards the costs of said equipment and facility construction.

e. The facts and evidence presented establish that there is a reasonable relationship between the need for the described fire equipment and facility construction and the impacts of the types of development described in Exhibit "A", for which the corresponding Fire Department Capital Facilities Charge is imposed, and there is a reasonable relationship between the charges' use and the type of development for which the charges are imposed, as these reasonable relationships or nexes are in more detail described in Exhibit "A".

f. The cost estimates set forth in Exhibit "A" are reasonable cost estimates for acquiring the described equipment and constructing the described facilities, and the revenue expected to be generated by the proposed revised Fire Department Capital Facilities Charge from the anticipated new development will not exceed the total of these costs.

Section 2. Authority.

This Ordinance is adopted pursuant to, but not necessarily limited to, the authority found in Government Code Sections 61600 (d), 61621, 61621.5, and 61622, and other provisions of law.

Section 3. Imposition of Fire Department Capital Facilities Charge.

Section 3 of Ordinance No. 90-5, as amended, is hereby amended to read in full as follows:

A Fire Department Capital Facilities Charge is hereby imposed on new or enlarged residential, commercial, industrial and other development in the District for which a building permit has not been issued prior to the effective date of this Ordinance and shall be used for the acquisition of the fire equipment and the construction of the District's fire facilities described in Exhibit "A".

Residential, Commercial, Industrial and all Other Buildings. The amount of the charge for any new or enlarged building shall be a one-time charge of \$0.50 per square foot of constructed space or portion thereof. This amount shall be adjusted on July 1 of each year after the 2002-2003 fiscal year by the average percentage change in the Consumer Price Index for the State of California for the prior twelve (12) month period, as reported by the Bureau of Labor Statistics of the United States Department of Labor. This index historically represents a reasonable relationship to the District's actual increasing costs.

Section 4. Timing of Collection and Enforcement.

Except for mobilehome park development, the Fire Department Capital Facilities Charge shall be due and payable by the owner of the land on which the new or enlarged residential, commercial, industrial, or other

development will occur prior to approval by the County of San Luis Obispo of a building

permit for such development. For mobilehome park development, the charge shall be due and payable by the owner of the land on which the mobilehome park development will occur at the time of submitting an application for water service to the District.

Section 5. Determination Under Government Code Section 66007.

In order to require the payment of the Fire Department Capital Facilities Charge at a time earlier than provided by Government Code Section 66007 (a), the Board of Directors determines, authorizes and directs as follows:

- a. The District Manager is authorized and directed to establish a separate Fire Department Capital Facilities Charge account to segregate and keep track of revenue received from the charge and expenditures made from such revenues.
- b. The District Manager is hereby authorized to make expenditures and incur obligations for the specific purposes set forth in, and in accordance with Exhibit "A".
- c. A proposed schedule for the acquisition of the fire equipment and construction of the fire facilities is set forth in Exhibit A.

Section 6. Applicability of CEQA.

The revised Fire Department Capital Facilities Charge is for the purpose of obtaining funds for new fire equipment and the construction of new fire facilities, which are necessary to maintain an adequate level of fire protection service within the District. The revised charge is necessary to

address the burdens and needs created by new development in the District. The new development itself is subject to detailed environmental

review by the County of San Luis Obispo as lead agency with respect to the approval of new development. Consequently, the Board of Directors finds that the establishment of the Fire Department Capital Facilities Charge is exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080 (b) (8) and CEQA Guidelines Section 15273. The Board of Directors also finds that the adoption of the charge is exempt from review pursuant to Section 15061

(b) (3) of Title 14 of the California Code of regulations since it can be seen with certainty that there is no possibility that the adoption of the charge may have a significant effect on the environment. The District Manager is directed to prepare and file an appropriate Notice of Exemption.

Section 7. **Inconsistency.**

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms and conditions of any prior District ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 8. **Severability.**

If any provision of the Ordinance or application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

Section 9. Posting.

The District Manager is directed to post a copy of this Ordinance in three public places in the District within ten (10) days after its final adoption.

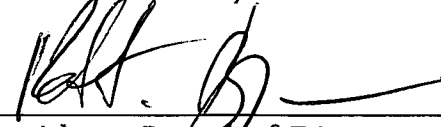
Section 10. Effective Date.

This Ordinance and the charges set forth herein shall take effect 60 days after the adoption of this Ordinance.

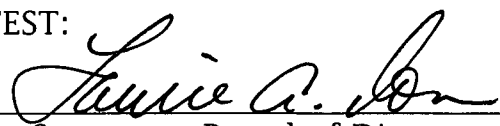
PASSED AND ADOPTED by the Board of Directors of the Templeton Community Services District on the 21st day of May 2002, by the following vote:

AYES: Dietch, Gannon, Beere, Brooks and Bergman
NOES: None
ABSENT: None
ABSTAIN: None

Templeton Community Services District

By: 

President, Board of Directors

ATTEST:
By: 

Secretary, Board of Directors

EXHIBIT "A"

Background

The Templeton Community Services District's population is currently estimated at 5,000. It is the desire of the Board of Directors to upgrade the fire department facilities and equipment to respond to anticipated growth with the associated increase in fire response and protection responsibilities.

In order to meet these responsibilities, the Board of Directors has recommended a new fire station building be constructed housing two pieces of fire apparatus.

The Board believes that this new fire station and fire vehicle acquisition improvement program will accommodate the District's fire safety needs for the next thirty years. The Board also recommends that in order to facilitate the costs of this capital improvement program, a Fire Department Capital Facilities Charge be charged in a sufficient amount to pay for these improvements. This fee would be determined and assessed in a manner directly related to the relative benefits for future development.

Proposed Capital Facilities

A. Purpose for which the Funds will be Expended

1. Firehouse Construction – The project consists of the construction of a 2000 square foot 2-bay garage with office.
2. Apparatus Purchase – Two pieces of apparatus that can provide the required service to the new developing parcels.

B. Costs

1. Fire Station – The entire Fire Station project is estimated to cost \$400,000. (Costs obtained from RRM Design Group of San Luis Obispo)
2. Fire Truck Acquisition – Based on current dollars the estimated cost of purchasing and equipping the two-firefighting apparatus in accordance with past District practices and experience is \$400,000.

Application of fees to future development

Based on information derived from past developments within the Templeton Community Services District, the averaged sized house constructed is approximately 2500 square feet of constructed space. Using the average of 2500 square feet as a baseline and dividing the "rate per unit" fee of \$1252.93, derived from Perry R. Louck's letter report, dated April 3, 2002, a copy of which is attached hereto as Attachment 1 and incorporated herein by this reference, a per square foot charge of \$.050 is determined for residential and commercial development.

Generally speaking, the greater the size of a structure the greater the liability assumed by the fire department. Implementing a fee, based on square footage, ensures that each development stands alone and would be equally and fairly assessed based on the liability it imposes on fire department's services.

Conclusion

The proposed Fire Department Capital Facilities Charge is necessary if current levels of service are desired to be maintained for new development within the District's existing sewer area. The revenues will be deposited in a separate trust account and interest earned on fund balances will be credited to that account. The funds will be transferred from that account as needed to finance the facilities described in this exhibit. By segregating fees in a separate account and documenting the projects that will be financed by these fees, the District complies with Government Code Section 66007 (b) which regulates the collection of fees prior to issuance of the Certificate of Occupancy. By complying with this section of the law, the District will be able to collect the Fire Department Capital Facilities Charge prior to the issuance of the building permit. The District has scheduled construction of the new fire station for fiscal year 2005 and acquisition of the fire equipment during that same year. In order to insure that the District has accumulated adequate funds to construct the fire station and purchase the fire equipment in about 2005, it is necessary to collect the charge prior to issuance of a building permit for any new or enlarged development.

Recommendation

That the Board adopt Ordinance 2002-3, an Ordinance of the Board of Directors of the Templeton Community Services District, revising the Fire Department Capital Facilities Charge at \$0.50 per square foot of constructed space or portion thereof for all land uses.