

REFERENCE TITLE: fire districts; facilities benefit assessments

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2490

Introduced by
Representatives Mason: Tobin

AN ACT

AMENDING SECTION 48-805, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-805.01; RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-805, Arizona Revised Statutes, is amended to
3 read:

4 48-805. Fire district; powers and duties

5 A. A fire district, through its board or elected chief and
6 secretary-treasurer, shall:

7 1. Hold public meetings at least once each calendar month.

8 2. Prepare an annual budget containing detailed estimated expenditures
9 for each fiscal year which shall clearly show salaries payable to employees
10 of the district, including the elected or appointed chief. The budget shall
11 be posted in three public places and published in a newspaper of general
12 circulation in the district thirty days prior to a public hearing at a
13 meeting called by the board or elected chief to adopt the budget. Copies of
14 the budget shall also be available to members of the public upon written
15 request to the district. Following the public hearing, the district board or
16 elected chief and secretary-treasurer shall adopt a budget.

17 3. Determine the compensation payable to district personnel.

18 4. Require probationary employees in a paid sworn firefighter
19 position, a reserve firefighter position or a volunteer firefighter position
20 to submit a full set of fingerprints to the fire district. The fire district
21 shall submit the fingerprints to the department of public safety for the
22 purpose of obtaining a state and federal criminal records check pursuant to
23 section 41-1750 and Public Law 92-544. The department of public safety may
24 exchange this fingerprint data with the federal bureau of investigation.

25 B. A fire district, through its board or elected fire chief and
26 secretary-treasurer, may:

27 1. Employ any personnel and provide services deemed necessary for fire
28 protection, for preservation of life and for carrying out its other powers
29 and duties, including providing ambulance transportation services when
30 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a
31 member of a district board shall not be an employee of the district. The
32 merger of two or more fire districts pursuant to section 48-820 or the
33 consolidation with one or more fire districts pursuant to section 48-822
34 shall not expand the boundaries of an existing certificate of necessity
35 unless authorized pursuant to title 36, chapter 21.1, article 2.

36 2. Construct, purchase, lease, lease-purchase or otherwise acquire the
37 following or any interest therein and, in connection with such construction
38 or other acquisition, purchase, lease, lease-purchase or grant a lien on any
39 or all of its present or future property, including:

40 (a) Apparatus, water and rescue equipment, including ambulances and
41 equipment related to any of the foregoing.

42 (b) Land, buildings, equipment and furnishings to house equipment and
43 personnel necessary or appropriate to carry out its purposes.

1 3. Finance the acquisition of property as provided in this section and
2 costs incurred in connection with the issuance of bonds as provided in
3 section 48-806. Bonds shall not be issued without the consent of a majority
4 of the electors of the district voting at an election held for that
5 purpose. For the purposes of an election held under this paragraph, all
6 persons who are eligible to vote in fire district elections under section
7 48-802 are eligible to vote.

8 4. Enforce the fire code adopted by the district, if any, and assist
9 the state fire marshal in the enforcement of fire protection standards of
10 this state within the fire district including enforcement of a nationally
11 recognized fire code when expressly authorized by the state fire marshal.

12 5. After the approval of the qualified electors of the fire district
13 voting at a regular district election or at a special election called for
14 such purpose by the district board or the elected chief and
15 secretary-treasurer, as appropriate, or at any election held in the county
16 which encompasses the fire district, adopt the _____ fire code, which is
17 a nationally recognized fire code approved by the state fire marshal. The
18 words appearing upon the ballots shall be "Should _____ fire
19 district adopt the _____ fire code, which is a nationally recognized
20 fire code approved by the state fire marshal--yes", "Should _____
21 fire district adopt the _____ fire code, which is a nationally
22 recognized fire code approved by the state fire marshal--no". Such code
23 shall be enforced by the county attorney in the same manner as any other law
24 or ordinance of the county. Any inspection or enforcement costs are the
25 responsibility of the fire district involved. The district shall keep on
26 file such code which shall be open to public inspection for a period of
27 thirty days prior to any election for the purpose of adopting a fire code.
28 Copies of the order of election shall be posted in three public places in the
29 district not less than twenty days before the date of the election, and if a
30 newspaper is published in the county having a general circulation in the
31 district, the order shall be published in the newspaper not less than once a
32 week during each of the three calendar weeks preceding the calendar week of
33 the election.

34 6. Amend or revise the adopted fire code, including replacement of the
35 adopted fire code with an alternative nationally recognized fire code, with
36 the approval of the state fire marshal and after a hearing held pursuant to
37 posted and published notice as prescribed by subsection A, paragraph 2 of
38 this section. The district shall keep three copies of the adopted code,
39 amendments and revisions on file for public inspection.

40 7. Enter into an agreement procuring the services of an organized
41 private fire protection company or a fire department of a neighboring city,
42 town, district or settlement without impairing the fire district's powers.

43 8. Contract with a city or town for fire protection services for all
44 or part of the city or town area until the city or town elects to provide
45 regular fire department services to the area.

1 9. Retain a certified public accountant to perform an annual audit of
2 district books.

3 10. Retain private legal counsel.

4 11. Accept gifts, contributions, bequests and grants and comply with
5 any requirements of such gifts, contributions, bequests and grants not
6 inconsistent with this article.

7 12. Appropriate and expend annually such monies as are necessary for
8 the purpose of fire districts belonging to and paying dues in the Arizona
9 fire district association and other professional affiliations or entities.

10 13. Adopt resolutions establishing fee schedules both within and
11 outside of the jurisdictional boundaries of the district for providing fire
12 protection services and services for the preservation of life, including
13 emergency fire and emergency medical services, plan reviews, standby charges,
14 fire cause determination, users' fees, facilities benefit assessments or any
15 other fee schedule that may be required. **FACILITIES BENEFIT ASSESSMENTS**
16 **SHALL COMPLY WITH SECTION 48-805.01.**

17 14. Adopt resolutions for a schedule for financial reimbursement to
18 taxpayers for installation of certain fire protection systems such as
19 sprinklers and monitored alarms. Any resolution to offer reimbursements
20 shall include all of the following:

21 (a) A nationally recognized analysis of the cost savings to the
22 district by using the fire protection systems.

23 (b) The specifications of all qualifying systems.

24 (c) The requirements for claiming reimbursement. The amount of
25 reimbursement offered shall bear a reasonable relationship to the cost
26 savings that accrue to the district as a result of the installation of
27 qualifying systems.

28 (d) The requirement that the resolution to offer reimbursements
29 expires one year after its adoption unless specifically readopted by the
30 governing board. A resolution to readopt a schedule for financial
31 reimbursement shall additionally include a statement as to the program's
32 effectiveness. The statement shall include the amount of reimbursements paid
33 to each taxpayer for the installation of the fire protection system.

34 15. The governing board of a fire district, with the approval of two of
35 the three members of a three member board, four of the five members of a five
36 member board or five of the seven members of a seven member board, may change
37 the district's name and on so doing shall give written notice to the board of
38 supervisors of the change.

39 16. Require all employees to submit a full set of fingerprints as
40 prescribed by subsection A, paragraph 4 of this section.

41 17. Enter into intergovernmental agreements or contracts as follows:

42 (a) Enter into an intergovernmental agreement with another political
43 subdivision for technical or administrative services or to provide fire
44 services to the property owned by the political subdivision, including
45 property that is outside the district boundary.

1 (b) Enter into a contract with individuals to ~~+~~
2 ~~(+)~~ provide technical or administrative services.
3 ~~(+)~~ (c) ENTER INTO A CONTRACT WITH INDIVIDUALS TO provide fire
4 protection services to property owned by the individual located outside the
5 district boundaries if the individual's property is not located in a county
6 island as defined in section 11-251.12 and at least one of the following
7 apply:
8 ~~(aa)~~ (i) The existing fire service provider where the individual's
9 property is located has issued a notice to the individual that the provider
10 plans to discontinue service.
11 ~~(bb)~~ (ii) Fire service is not available to the individual's property.
12 ~~(cc)~~ (iii) Fire service is offered pursuant to a contract or
13 subscription and the individual has not obtained service for a period of
14 twenty-four months before the date of the contract with the district.
15 ~~(e)~~ (d) Enter into a contract with individuals to provide fire
16 services to property owned by the individual located outside the district
17 boundaries, where the individual's property is located in a county island as
18 defined in section 11-251.12, if both of the following apply:
19 (i) The existing fire service provider where the individual's property
20 is located has issued a notice to the residents of the county island and the
21 individual that the provider plans to discontinue or substantially reduce
22 service.
23 (ii) The district offers contracts to all residents and property
24 owners of the county island who will be affected by the discontinuance or
25 substantial reduction in service by the current fire service provider.
26 ~~(d)~~ (e) For purposes of subdivision (a), (b), ~~or~~ (c) OR (d) of this
27 paragraph, a district may contract with any public or private fire service
28 provider to provide some or all of the contractual services the district is
29 contracting to deliver.
30 ~~(e)~~ (f) Any contract entered into pursuant to subdivisions (b), and
31 (c) AND (d) of this paragraph shall include a provision setting forth the
32 cost of service and performance criteria.
33 C. The chairman and clerk of the district board or their respective
34 designees or the elected chief and secretary-treasurer, as applicable, shall
35 draw warrants on the county treasurer for money required to operate the
36 district in accordance with the budget and, as so drawn, the warrants shall
37 be sufficient to authorize the county treasurer to pay from the fire district
38 fund.
39 D. The district shall not incur any debt or liability in excess of
40 taxes levied and to be collected and the money actually available and
41 unencumbered at the time in the fund, except as provided in subsection B,
42 paragraph 2 of this section and in sections 48-806 and 48-807.
43 E. For a county island fire district formed pursuant to section
44 48-261, subsection H, the following apply:

1 1. The district may be formed only in county islands that are located
2 in an area that is within the 911 service provider district in which the
3 largest city has a population of more than three hundred ninety-five thousand
4 persons but less than five hundred thousand persons and that is located
5 within the municipal planning area of a town with a population of one hundred
6 thousand or more persons as designated in the land use map of the
7 municipality's general plan. The district may only be formed if the district
8 contains all of the county islands that are prescribed in this paragraph and
9 after compliance with the petition requirements prescribed by section 48-261,
10 subsection H.

11 2. The district is authorized only to receive fire protection services
12 and emergency medical services from the adjacent city or town government or
13 some other provider of fire protection and emergency medical services. A
14 county island fire district has no authority to provide fire protection
15 services or emergency medical services by any method other than as prescribed
16 by this subsection. The city or town shall charge a reasonable rate to the
17 county island fire district to recover the costs of the service and excluding
18 the costs of any awards made pursuant to section 48-261, subsection H,
19 paragraph 2, and the district board may assess and levy a secondary property
20 tax pursuant to this article to pay for the costs of the service. The amount
21 charged by the city or town is limited as follows:

22 (a) For each residence or commercial building, an amount to buy into
23 service from the city or town. The amount chargeable pursuant to this
24 paragraph is limited to the portion of any new home impact fee being charged
25 by that city or town that is designated for fire protection, and that amount
26 shall be deferred and payable over a three year period.

27 (b) If additional infrastructure is reasonably necessary to provide
28 service to the county island fire district, the city or town may charge a fee
29 of up to seventy-five dollars per year for each household or other structure
30 for up to five years.

31 (c) An operation and maintenance charge that is determined by
32 calculating the annual operation and maintenance charge for the city or town
33 and dividing that amount by the sum of the number of households and
34 commercial buildings located in the city or town and the number of households
35 and commercial buildings located in the county island fire district.

36 (d) Administrative costs of up to five per cent of the annual
37 operating and maintenance costs per year but not more than twenty-five
38 dollars per household or commercial building per year.

39 3. Within ten business days after the appointment of the board of
40 directors for the district, the district shall issue a request for proposals
41 for providers of fire protection and emergency medical services for the
42 county island fire district. Notwithstanding any other law, the request for
43 proposals is deemed a lawful procurement if the district provides for
44 expedited public notice of the request for proposals, the due date and the
45 terms of the request for proposals. If there are no responsive and qualified

1 bidders on the request for proposals or if the service provider withdraws
 2 from its contract, the fire protection and emergency medical services shall
 3 be provided by the adjacent city or town. The request for proposals shall
 4 provide that the service provider shall be paid not more than the monies
 5 prescribed by this subsection and shall also provide for a maximum of thirty
 6 days for the receipt of proposals from service providers. The request for
 7 proposals shall include the following provisions:

8 (a) A successful bidder shall post a ten million dollar performance
 9 bond, which shall be forfeited if the successful bidder does not fully
 10 perform the contract or terminates the contract with less than one year's
 11 notice.

12 (b) The performance standards for fire protection and emergency
 13 services shall conform to those of surrounding municipalities.

14 (c) Any municipality that bids to provide services is exempt from the
 15 performance bond prescribed by subdivision (a) of this paragraph.

16 (d) Nothing in the request for proposals shall preclude a private fire
 17 service provider from submitting and being eligible for a bid for the
 18 proposed services.

19 F. Until formation of a county island fire district is certified by
 20 the county board of supervisors, a city or town fire service provider is not
 21 liable for any fire protection services for any areas outside of the city's
 22 or town's jurisdiction and a city or town has no legal obligation to provide
 23 fire protection services to residents of the county who are not located
 24 within the boundaries of the city or town.

25 G. Notwithstanding any other law, a city or town is liable if the city
 26 or town is grossly negligent in providing fire or emergency medical services
 27 to a county island fire district formed pursuant to this section. For
 28 purposes of title 23, chapter 6, for a city or town that provides fire or
 29 emergency medical services to a county island fire district pursuant to this
 30 section, the providers of those services are acting within the scope of their
 31 duties to the city or town while providing those services to a county island
 32 fire district and the city or town shall provide workers' compensation
 33 coverage to those providers.

34 H. Subsection E of this section does not apply to and a county island
 35 fire district cannot be formed to include real property owned by a public
 36 service corporation that is regulated by the corporation commission or real
 37 property owned by a special taxing district organized pursuant to ~~title 48,~~
 38 chapter 17 **OF THIS TITLE**.

39 I. The county attorney may advise and represent the district when in
 40 the county attorney's judgment such advice and representation are appropriate
 41 and not in conflict with the county attorney's duties under section 11-532.
 42 If the county attorney is unable to advise and represent the district due to
 43 a conflict of interest, the district may retain private legal counsel or may
 44 request the attorney general to represent it, or both.

1 Sec. 2. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
2 amended by adding section 48-805.01, to read:

3 48-805.01. Facilities benefit assessments: reports: hearing:
4 fund: definitions

5 A. A FIRE DISTRICT MAY ASSESS FACILITIES BENEFIT ASSESSMENTS TO OFFSET
6 COSTS TO THE FIRE DISTRICT OF PROVIDING FIRE AND EMERGENCY MEDICAL SERVICES
7 TO SPECIFIC DEVELOPMENTS AS PART OF A CAPITAL IMPROVEMENTS PLAN.

8 B. FACILITIES BENEFIT ASSESSMENTS CHARGED BY A FIRE DISTRICT UNDER
9 THIS SECTION ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

10 1. FIRE AND EMERGENCY MEDICAL SERVICES THAT ARE THE SUBJECT OF A
11 FACILITIES BENEFIT ASSESSMENT SHALL BE ADDRESSED IN A CAPITAL IMPROVEMENTS
12 PLAN FORMALLY ADOPTED BY THE GOVERNING BODY OF THE FIRE DISTRICT BEFORE THE
13 INITIAL CHARGE OF THE FACILITIES BENEFIT ASSESSMENT. A CAPITAL IMPROVEMENTS
14 PLAN MAY BE PREPARED AS PART OF AND INCLUDED IN THE BUDGET OF THE FIRE
15 DISTRICT PREPARED IN ACCORDANCE WITH THIS ARTICLE. THE CAPITAL IMPROVEMENTS
16 PLAN, FOR EACH SERVICE THAT IS THE SUBJECT OF A FACILITIES BENEFIT
17 ASSESSMENT, SHALL IDENTIFY THE ESTIMATED COST OF PROVIDING THE SERVICE, THE
18 LEVEL OF SERVICE ON WHICH THE COST ESTIMATE IS BASED AND THE ESTIMATED TIME
19 WHEN THE COST WILL BE INCURRED AND SHALL COMPLY WITH THE FOLLOWING:

20 (a) A FIRE DISTRICT SHALL GIVE AT LEAST SIXTY DAYS' ADVANCE NOTICE OF
21 INTENTION TO ADOPT OR AMEND A CAPITAL IMPROVEMENTS PLAN. IF THE ADOPTION OR
22 AMENDMENT OF A CAPITAL IMPROVEMENTS PLAN INCLUDES THE ADOPTION OR AMENDMENT
23 OF A FACILITIES BENEFIT ASSESSMENT, THE NOTICE REQUIRED BY THIS SUBDIVISION
24 SHALL SPECIFICALLY STATE THAT SUCH ACTION IS CONTEMPLATED. THE NOTICE MAY BE
25 GIVEN IN CONJUNCTION WITH THE FIRE DISTRICT'S SCHEDULE TO ADOPT AN ANNUAL
26 BUDGET PURSUANT TO SECTION 48-805. CONCURRENT WITH THE NOTICE, THE FIRE
27 DISTRICT SHALL RELEASE TO THE PUBLIC A WRITTEN REPORT THAT INCLUDES ALL
28 DOCUMENTATION SUPPORTING THE PROPOSED CAPITAL IMPROVEMENTS PLAN OR AMENDMENT
29 TO THE CAPITAL IMPROVEMENTS PLAN.

30 (b) THE FIRE DISTRICT SHALL CONDUCT A PUBLIC HEARING ON THE PROPOSED
31 CAPITAL IMPROVEMENTS PLAN OR AMENDMENT AT ANY TIME AFTER THE EXPIRATION OF
32 THE SIXTY DAY NOTICE OF INTENTION TO ADOPT OR AMEND A CAPITAL IMPROVEMENTS
33 PLAN AND AT LEAST THIRTY DAYS BEFORE THE SCHEDULED DATE OF ADOPTION OF THE
34 CAPITAL IMPROVEMENTS PLAN OR AMENDMENT. THE PUBLIC HEARING MAY BE HELD IN
35 CONJUNCTION WITH THE PUBLIC HEARING REQUIRED TO BE HELD BY THE FIRE DISTRICT
36 FOR ADOPTION OF ITS ANNUAL ESTIMATE OF EXPENDITURES PURSUANT TO SECTION
37 48-805 IF THE HEARING OCCURS AT LEAST THIRTY DAYS BEFORE THE SCHEDULED DATE
38 OF ADOPTION OF THE CAPITAL IMPROVEMENTS PLAN OR AMENDMENT.

39 2. IF A CAPITAL IMPROVEMENTS PLAN INCLUDES FIRE AND EMERGENCY MEDICAL
40 SERVICES THAT WILL BE SUPPORTED BY A PROPOSED FACILITIES BENEFIT ASSESSMENT,
41 THE REPORT REQUIRED BY THIS SUBSECTION SHALL:

42 (a) ESTABLISH ONE OR MORE SERVICE AREAS.

43 (b) IDENTIFY THE EXISTING LEVEL OF SERVICE IN THE FIRE DISTRICT AND
44 THE LEVEL OF SERVICE TO BE PROVIDED IN EACH SERVICE AREA.

(c) INCLUDE A DETERMINATION BY THE FIRE DISTRICT THAT FIRE AND EMERGENCY MEDICAL SERVICES SUPPORTED BY THE FACILITIES BENEFIT ASSESSMENT WILL BENEFIT THE DEVELOPMENT THAT IS SUBJECT TO THE ASSESSMENT.

(d) IDENTIFY THE ESTIMATED COSTS OF PROVIDING FIRE AND EMERGENCY MEDICAL SERVICES TO EXISTING AND NEW DEVELOPMENT, AS APPLICABLE, AND THE ESTIMATED DATES WHEN THE COSTS WILL BE INCURRED. ESTIMATED COSTS MAY INCLUDE INTEREST CHARGES AND OTHER COSTS OF FINANCING IF A FACILITIES BENEFIT ASSESSMENT WILL BE USED TO PAY PRINCIPAL AND INTEREST ON DEBT SERVICE IDENTIFIED IN THE CAPITAL IMPROVEMENTS PLAN AND ISSUED BY THE FIRE DISTRICT TO PAY THE COSTS OF PROVIDING THE FIRE AND EMERGENCY MEDICAL SERVICES FOR WHICH THE FACILITIES BENEFIT ASSESSMENT IS CHARGED.

(e) IDENTIFY THE ESTIMATED CONTRIBUTION MADE OR TO BE MADE IN CASH OR BY TAXES, FEES OR ASSESSMENTS BY THE PROPERTY OWNER, ANY CONTRIBUTION RECEIVED FROM THE FEDERAL OR STATE GOVERNMENT OR ANY POLITICAL SUBDIVISION OF THE FEDERAL OR STATE GOVERNMENT.

(f) TO THE EXTENT ANY PORTION OF THE COST OF THE FIRE AND EMERGENCY MEDICAL SERVICES IS ATTRIBUTABLE TO EXISTING DEVELOPMENT, IDENTIFY THE ANTICIPATED SPECIFIC MEANS AND METHODS AND ESTIMATED TIME BY WHICH THE FIRE DISTRICT WILL FUND THAT PORTION OF THE COST FROM EXISTING REVENUES.

3. MONIES RECEIVED FROM A FACILITIES BENEFIT ASSESSMENT CHARGED PURSUANT TO THIS SECTION SHALL BE PLACED IN A SEPARATE FUND AND ACCOUNTED FOR SEPARATELY AND MAY BE USED ONLY FOR THE FIRE AND EMERGENCY MEDICAL SERVICES THAT ARE SUBJECT TO THE FACILITIES BENEFIT ASSESSMENT. INTEREST EARNED ON MONIES IN THE SEPARATE FUND SHALL BE CREDITED TO THE FUND.

4. THE SCHEDULE FOR PAYMENT OF FEES SHALL BE PROVIDED BY THE FIRE DISTRICT. THE FIRE DISTRICT SHALL PROVIDE FOR A CREDIT TOWARD THE PAYMENT OF A FACILITIES BENEFIT ASSESSMENT IF THE DEVELOPER TO WHICH THE FACILITIES BENEFIT ASSESSMENT IS CHARGED PROVIDES REAL PROPERTY OR CONTRIBUTES OTHER GOODS OR SERVICES. THE DEVELOPER OF RESIDENTIAL DWELLING UNITS SHALL BE REQUIRED TO PAY FACILITIES BENEFIT ASSESSMENTS WHEN CONSTRUCTION PERMITS FOR THE DWELLING UNITS ARE ISSUED.

5. THE AMOUNT OF ANY FACILITIES BENEFIT ASSESSMENTS ASSESSED PURSUANT TO THIS SECTION MUST BEAR A REASONABLE RELATIONSHIP TO THE BURDEN IMPOSED ON THE FIRE DISTRICT TO PROVIDE ADDITIONAL FIRE AND EMERGENCY MEDICAL SERVICES TO THE DEVELOPMENT SUBJECT TO THE FACILITIES BENEFIT ASSESSMENTS AND SHALL NOT INCLUDE ANY PORTION OF THE COST OF THE PUBLIC SERVICES ATTRIBUTABLE TO EXISTING DEVELOPMENT.

6. A FACILITIES BENEFIT ASSESSMENT SHALL BE ASSESSED IN A NONDISCRIMINATORY MANNER.

7. IN DETERMINING AND ASSESSING A FACILITIES BENEFIT ASSESSMENT APPLYING TO LAND IN A COMMUNITY FACILITIES DISTRICT ESTABLISHED UNDER CHAPTER 4, ARTICLE 6 OF THIS TITLE, THE FIRE DISTRICT SHALL TAKE INTO ACCOUNT ALL PUBLIC INFRASTRUCTURE PROVIDED BY THE COMMUNITY FACILITIES DISTRICT AND SHALL NOT ASSESS ALL OR A PORTION OF THE FACILITIES BENEFIT ASSESSMENT BASED ON THE PUBLIC INFRASTRUCTURE PROVIDED BY THE COMMUNITY FACILITIES DISTRICT.

1 C. A FACILITIES BENEFIT ASSESSMENT ADOPTED OR AMENDED PURSUANT TO THIS
2 SECTION SHALL NOT BE EFFECTIVE UNTIL THIRTY DAYS AFTER ITS FORMAL ADOPTION OR
3 AMENDMENT BY THE GOVERNING BODY OF THE FIRE DISTRICT.

4 D. IF A PUBLIC SERVICE THAT IS THE SUBJECT OF A FACILITIES BENEFIT
5 ASSESSMENT ASSESSED BY A FIRE DISTRICT IS ADDRESSED IN A CAPITAL IMPROVEMENTS
6 PLAN OR AMENDMENT TO CAPITAL IMPROVEMENTS PLAN ADOPTED PURSUANT TO THIS
7 SECTION, THE FIRE DISTRICT MAY ADJUST THE FACILITIES BENEFIT ASSESSMENT
8 WITHOUT FURTHER AMENDMENT OF THE CAPITAL IMPROVEMENTS PLAN IF THE ADJUSTMENT
9 IS BASED ON A RECOGNIZED INDEX APPLICABLE TO THE COST OF THE PUBLIC SERVICE
10 THAT IS THE SUBJECT OF THE FACILITIES BENEFIT ASSESSMENT. A FIRE DISTRICT
11 SHALL GIVE AT LEAST SIXTY DAYS' ADVANCE NOTICE OF INTENTION TO ADJUST A
12 FACILITIES BENEFIT ASSESSMENT PURSUANT TO THIS SUBSECTION AND SHALL RELEASE
13 TO THE PUBLIC A WRITTEN REPORT THAT INCLUDES ALL DOCUMENTATION SUPPORTING THE
14 ADJUSTMENT IN THE FACILITIES BENEFIT ASSESSMENT. THE FIRE DISTRICT SHALL
15 CONDUCT A PUBLIC HEARING ON THE PROPOSED ADJUSTMENT AT ANY TIME AFTER THE
16 EXPIRATION OF THE SIXTY DAY NOTICE OF INTENTION TO ADJUST THE FACILITIES
17 BENEFIT ASSESSMENT AND AT LEAST FOURTEEN DAYS BEFORE THE SCHEDULED DATE OF
18 ADOPTION OF THE ADJUSTMENT BY THE GOVERNING BODY. AN ADJUSTMENT IN A
19 FACILITIES BENEFIT ASSESSMENT ASSESSED PURSUANT TO THIS SECTION SHALL NOT BE
20 EFFECTIVE UNTIL THIRTY DAYS AFTER ITS FORMAL ADOPTION BY THE GOVERNING BODY
21 OF THE FIRE DISTRICT.

22 E. EACH FIRE DISTRICT THAT CHARGES FACILITIES BENEFIT ASSESSMENTS
23 SHALL SUBMIT AN ANNUAL REPORT ACCOUNTING FOR THE COLLECTION AND USE OF THE
24 FEES. THE ANNUAL REPORT SHALL INCLUDE THE FOLLOWING:

- 25 1. THE AMOUNT CHARGED BY THE FIRE DISTRICT.
- 26 2. THE BALANCE OF EACH FUND MAINTAINED FOR EACH TYPE OF FACILITIES
27 BENEFIT ASSESSMENT CHARGED AS OF THE BEGINNING AND END OF THE FISCAL YEAR.
- 28 3. THE AMOUNT OF INTEREST OR OTHER EARNINGS ON THE MONIES IN EACH FUND
29 AS OF THE END OF THE FISCAL YEAR.
- 30 4. THE AMOUNT OF FACILITIES BENEFIT ASSESSMENT MONIES USED TO REPAY:
31 (a) BONDS ISSUED BY THE FIRE DISTRICT TO PAY THE COST OF A CAPITAL
32 IMPROVEMENT PROJECT THAT IS THE SUBJECT OF A FACILITIES BENEFIT ASSESSMENT.
33 (b) MONIES ADVANCED BY THE FIRE DISTRICT FROM FUNDS OTHER THAN THE
34 FUNDS ESTABLISHED FOR FACILITIES BENEFIT ASSESSMENTS IN ORDER TO PAY THE COST
35 OF A CAPITAL IMPROVEMENT PROJECT THAT IS THE SUBJECT OF A FACILITIES BENEFIT
36 ASSESSMENT.
- 37 5. THE AMOUNT OF FACILITIES BENEFIT ASSESSMENT MONIES SPENT ON EACH
38 CAPITAL IMPROVEMENT PROJECT THAT IS THE SUBJECT OF A FACILITIES BENEFIT
39 ASSESSMENT AND THE PHYSICAL LOCATION OF EACH CAPITAL IMPROVEMENT PROJECT.
- 40 6. THE AMOUNT OF FACILITIES BENEFIT ASSESSMENT MONIES SPENT FOR EACH
41 PURPOSE OTHER THAN A CAPITAL IMPROVEMENT PROJECT THAT IS THE SUBJECT OF A
42 FACILITIES BENEFIT ASSESSMENT.

43 F. WITHIN NINETY DAYS FOLLOWING THE END OF EACH FISCAL YEAR, EACH FIRE
44 DISTRICT SHALL SUBMIT A COPY OF THE ANNUAL REPORT TO THE CLERK OF THE
45 APPROPRIATE BOARD OF SUPERVISORS. COPIES SHALL BE MADE AVAILABLE TO THE

1 PUBLIC ON REQUEST. THE ANNUAL REPORT MAY CONTAIN FINANCIAL INFORMATION THAT
2 HAS NOT BEEN AUDITED.

3 G. A FIRE DISTRICT THAT FAILS TO FILE THE REPORT REQUIRED BY THIS
4 SECTION SHALL NOT COLLECT FACILITIES BENEFIT ASSESSMENTS UNTIL THE REPORT IS
5 FILED.

6 H. A FIRE DISTRICT SHALL HAVE TWO YEARS FROM THE DATE THAT A
7 FACILITIES BENEFIT ASSESSMENT ASSESSED UNDER THIS SECTION IS PAID OR PAYABLE
8 TO THE FIRE DISTRICT TO NOTIFY THE PAYOR OF THE FACILITIES BENEFIT ASSESSMENT
9 OF ANY DISCREPANCY IN THE ASSESSMENT AND COLLECTION OF THE FACILITIES BENEFIT
10 ASSESSMENT, AND IF NO SUCH NOTICE IS PROVIDED, NO ACTION MAY BE TAKEN TO
11 COLLECT ANY ADDITIONAL AMOUNT FOR THAT FACILITIES BENEFIT ASSESSMENT.

12 I. FOR THE PURPOSES OF THIS SECTION:

13 1. "CAPITAL IMPROVEMENTS PLAN" MEANS ONE OR MORE WRITTEN PLANS THAT
14 INDIVIDUALLY OR COLLECTIVELY IDENTIFY EACH PUBLIC SERVICE THAT IS PROPOSED TO
15 BE THE SUBJECT OF A FACILITIES BENEFIT ASSESSMENT AND THAT OTHERWISE COMPLIES
16 WITH THE REQUIREMENTS OF THIS SECTION.

17 2. "DEVELOPMENT" MEANS THE IMPROVEMENT OF REAL PROPERTY THROUGH THE
18 CONSTRUCTION, INSTALLATION, RECONSTRUCTION, REDEVELOPMENT, CONVERSION,
19 STRUCTURAL ALTERATION, ENLARGEMENT OR RENOVATION OF NEW OR EXISTING
20 STRUCTURES OR OTHER IMPROVEMENTS OR ADDITIONS TO STRUCTURES.

21 3. "LEVEL OF SERVICE" MEANS THE RATIO OF USE OF A PUBLIC SERVICE TO
22 THE TYPE OF LAND USE, INCLUDING RESIDENTIAL, COMMERCIAL, RETAIL AND
23 INDUSTRIAL LAND USES.

24 4. "PUBLIC INFRASTRUCTURE" MEANS CAPITAL IMPROVEMENTS FOR PUBLIC USE
25 AND INCLUDES THE DESIGN, ENGINEERING, CONSTRUCTION, RECONSTRUCTION,
26 UPGRADING, INSTALLATION, CONVERSION, RENOVATION OR ACQUISITION OF CAPITAL
27 IMPROVEMENTS FOR PUBLIC USE.

28 5. "PUBLIC SERVICE" MEANS PUBLIC INFRASTRUCTURE THAT PROVIDES A
29 SERVICE THAT IS WITHIN THE SCOPE OF SERVICES A FIRE DISTRICT IS AUTHORIZED TO
30 PROVIDE UNDER THIS TITLE AND INCLUDES ALL NECESSARY OR DESIRABLE
31 APPURTENANCES, INCLUDING EQUIPMENT, VEHICLES, FURNISHINGS AND OTHER
32 PERSONALTY AND THE ACQUISITION OF INTERESTS IN REAL PROPERTY FOR SUCH PUBLIC
33 INFRASTRUCTURE.

34 6. "SERVICE AREA" MEANS ALL OR ANY PORTION OF THE LAND AREA WITHIN THE
35 CORPORATE BOUNDARIES OF A FIRE DISTRICT TO BE SERVED BY A PUBLIC SERVICE AND
36 MAY INCLUDE ALL OR ANY PORTION OF THE LAND AREA WITHIN THE PLANNING AREA OF
37 THE FIRE DISTRICT, AS REFLECTED IN THE ADOPTED GENERAL PLAN OF THE FIRE
38 DISTRICT, THAT WILL BE SERVED BY THE PUBLIC SERVICE IF THE PUBLIC SERVICE AND
39 THE FACILITIES BENEFIT ASSESSMENT FOR THE PUBLIC SERVICE ARE PROVIDED FOR IN
40 AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE FIRE DISTRICT AND THE COUNTY IN
41 WHICH THE LAND AREA IS LOCATED.