

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE WOODSIDE FIRE PROTECTION DISTRICT OF SAN MATEO COUNTY, CALIFORNIA ESTABLISHING A SCHEDULE OF FEES TO BE CHARGED BY THE FIRE DISTRICT

The Board of Directors (“Board), as the governing body of the Woodside Fire Protection District (“Fire District”), ordains as follows:

SECTION 1. The purpose of this ordinance is to establish fees, as defined in the California Constitution, that are no more than necessary to cover the reasonable costs of Fire District governmental activities, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the Fire District’s governmental activities.

SECTION 2. The fees established herein are authorized pursuant to Health & Safety Code section 13916 and any other applicable provisions of California statutes and regulations.

SECTION 3. The fees set forth in Attachment A and adopted by this ordinance are not a tax as defined by section 1(e) of Article XIII C of the California Constitution and are exempt from voter approval under that section. The fees are no more than necessary to cover the reasonable costs of the governmental activity, and the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the governmental activity.

SECTION 4. This ordinance is not intended to contain all fees that are or may be charged by the Fire District for services and supplies and to the extent that other fees are customarily charged or are established elsewhere and are not listed in Attachment A, all such fees, charges, and rates shall remain in full force and effect.

SECTION 5. Consistent with the provisions of Health and Safety Code section 13916(a), the fees adopted by this ordinance do not include fees on new construction or development for the construction of public improvements or facilities or the acquisition of equipment.

SECTION 6. Notice of the public hearing for considering the adoption of the fees in this ordinance has been given in accordance with Health & Safety Code section 13916 and all legal requirements for adoption of this ordinance have been met.

SECTION 7. Should any fee herein established be held to be invalid or otherwise unenforceable, such determination shall not affect the validity of the remainder of this ordinance or the remaining fee provisions. The Board hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact

that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8. The adoption of this ordinance shall not in any manner affect any action or be construed as a waiver of any fee, charge, penalty or fine required by or resulting from any previous ordinance imposing a fee, charge, penalty or fine.

SECTION 9. To the extent any action, whether by resolution or ordinance, was adopted by the Board of Directors to set or impose a fee, and to the extent that resolution or ordinance is inconsistent with the provisions of this ordinance, that portion of the previous resolution or ordinance that is inconsistent with the terms of this ordinance are superseded by this ordinance. The adoption of this ordinance shall not amend or affect the remaining portions of any such previously adopted ordinance or resolution.

SECTION 10. This ordinance shall be in full force and effect from and after 30 days after its passage. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 28th day of November, 2023, by the Board of Directors of the Woodside Fire Protection District by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Miller, President
Board of Directors

ATTEST:

Randy Holthaus
District Secretary

APPROVED AS TO FORM:

Jonathan V. Holtzman
District Counsel