

Ordinance No. 282-2025

AN ORDINANCE OF THE CITY OF CLEARLAKE, CALIFORNIA, AMENDING CHAPTER 3-5.6 OF THE CLEARLAKE MUNICIPAL CODE, RELATING TO COLLECTION OF FIRE MITIGATION FEES

RECITALS

WHEREAS, subject to the restrictions of the Mitigation Fee Act (Section 66000 *et seq.* of the California Government Code), the City has the authority to levy mitigation fees upon new development to defray all or a portion of the cost of public facilities related to the development project; and

WHEREAS, in order to serve new development with fire protection and emergency medical services, it is necessary to construct, acquire or expand facilities and equipment needed to these services; and

WHEREAS, pursuant to Chapter 3-5 of the Municipal Code, the City has established a fire mitigation fee to fund needed facilities and equipment; and

WHEREAS, because fire protection and emergency medical services in the City have historically been provided by one or more agencies that are legally distinct from the City, the City largely has relied on these entities to determine what facilities and equipment are required by new development, and what fees will be necessary to fund the costs of providing those facilities and that equipment; and

WHEREAS, the Lake County Fire Protection District is the entity that currently provides these services in the City; and

WHEREAS, the City desires to allow the District to collect the fees rather than the City; and

WHEREAS, the City, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §§21000 and following) and State CEQA Guidelines (14 CCR §§15000 and following) has determined that this ordinance is not a project under CEQA pursuant to Title 14, Section 15378 (b)(5) of the California Code of Regulations;

NOW, THEREFORE, The City Council of the City of Clearlake, California, does hereby ordain as follows:

Section 1. The above recitals are true and are hereby incorporated into this ordinance.

Section 2. Chapter 3-5.6 of the Clearlake Municipal Code is hereby amended to read as follows:

3-5.6 Deposit and Expenditure of Fees.

a. Fees paid under this section shall be collected by the Fire Agency and held in a separate account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the Agency, except for temporary investments. Interest on fee revenue shall also be placed in that account or fund.

b. The Agency may retain from this account or fund the amount necessary to reimburse the Agency for its reasonable costs of collecting and administering the fees.

c. The Fire Agency shall retain this balance in its City of Clearlake Fire Mitigation Fee account or fund, which is governed by the requirements of its resolution adopted in compliance with Clearlake Municipal Code subsection [3-5.7.50\(b\)](#). The Agency must remain in compliance with the requirements of that resolution, which may not be amended by the Agency without the permission of the City. Funds may only be expended in accordance with the requirements of

the resolution setting the rate for the fee.

d. All fees collected pursuant to this section, including any interest accrued after transfer, shall be used by the Agency for the purpose of providing for capital facilities and equipment. Facilities funded by fees collected within the City shall only be spent on facilities within the Clearlake City boundary.

SECTION 3. ENVIRONMENTAL DETERMINATION. The proposed ordinance has been reviewed for compliance with CEQA, the CEQA Guidelines, and the City's environmental procedures. Because the proposed ordinance is an administrative activity which will not result in direct or indirect physical changes to the environment, it has been found to be not a project under Section 15378 (b)(5) of the CEQA Guidelines.

SECTION 4. INCONSISTENCIES. Any provision of the Clearlake Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and/or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

Section 5. EXISTING FEE. Notwithstanding Section 4 of this ordinance, the adoption of this ordinance is not intended to interfere with the ongoing collection and use of any fee already adopted by the City Council under the existing provisions of Section 3-5 of the Municipal Code. The existing fire mitigation fee applicable in the territory of a Fire Agency shall continue to be collected until both (i) the City Council adopts a new rate pursuant to this Ordinance for such fire mitigation fee and (ii) said new rate becomes effective. At that point, new rate shall replace the existing rate.

SECTION 5. SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in a newspaper of general circulation printed and published in the County of Lake and circulated in the City of Clearlake and hereby designated for that purpose by the City Council.

SECTION 7. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in a newspaper of general circulation printed and published in the City of Clearlake, State of California, which said newspaper is hereby designated for that purpose.

Introduced at a regular meeting of the City Council on the 21st day of August, 2025, by the following roll call vote:

MOTION:

AYES:
NOES:
ABSENT
ABSTAINED

Passed and approved at the regular meeting of the City Council on the ____ day of ____, 2025, by the following roll call vote:

MOTION:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST:

City Clerk

Russell Cremer, Mayor

APPROVED AS TO FORM:

Scott Drexel, City Attorney
