

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE BOARD OF DIRECTORS FOR THE COASTSIDE FIRE PROTECTION DISTRICT AMENDING RATE AND FEE SCHEDULE TO RECOVER TRANSACTION FEES ASSOCIATED WITH ELECTRONIC PAYMENTS RECEIVED BY THE DISTRICT

THE COASTSIDE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS DOES HEREBY ORDAIN, as follows:

**WHEREAS**, pursuant to Health and Safety Code Section 13916, the Coastside Fire Protection District ("District") is authorized to adopt reasonable fees to cover the cost of any service which the District provides, or the cost of enforcing any regulation for which the fee is charged; and

**WHEREAS**, the District accepts electronic/credit card payments through its vendor, Square, Inc.; and

**WHEREAS**, Square, Inc. assesses certain standard transaction fees for each payment processed on behalf of the District; and

**WHEREAS**, on July 22, 2020, the District adopted its current rate and fee schedule pursuant to Ordinance No. 2020-04; and

**WHEREAS**, the Fire Chief has recommended that the fee schedule be amended to include transaction fees assessed by Square, Inc. that are attributable to the person or entity making the electronic payment to the District in exchange for services; and

**WHEREAS**, notice of the proposed increases has been published in a newspaper of general circulation in the District and the Board has provided an opportunity to the public to comment on the proposals at a public hearing held in conjunction with a regular meeting of the Board; and

**WHEREAS**, after investigation and discussion, and consideration of the comments received at the public meeting, the Board finds the rates hereinafter set forth to be reasonable and required for the proper operation of the District; and

**WHEREAS**, the Board further finds that the amount of the fees hereinafter set forth does not exceed the amount of the estimated costs required to provide the services for which the fees are levied; and

**WHEREAS**, the Board further finds that the increases in fees affected by this Ordinance are exempt from the California Environmental Quality Act, pursuant to Section 21080(b)(8) of the Public Resources Code, because they are for the purposes of (1) meeting operating expenses, (2) purchasing or leasing supplies, equipment, and materials, (3) meeting financial reserve requirements, and (4) obtaining funds for capital projects necessary to maintain service within existing service areas.

**NOW, THEREFORE**, the Board of Directors of the Coastside Fire Protection District does hereby find, declare, order and ordain as follows:

**Section 1.** All current provisions of Ordinance No. 2020-04 remain effective, which is hereby amended to add the following subsection 1.E.7:

**E. Special Services.**

**7. Credit Card Transaction Fee for electronic billing through Square, Inc.:**  
2.9% of total fees charged plus \$.30 per transaction.

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Coastside Fire Protection District hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional or ineffective.

**Section 3.** This Ordinance shall take effect and be in full force and effect sixty (60) days after its final passage.

**Section 4.** Within fifteen (15) days after the adoption of this Ordinance, the Board Secretary shall have it posted in three (3) public places designated by the Board of Directors.

This Ordinance was introduced and read on the 22<sup>nd</sup> day of September, 2021, and passed and adopted on the 27<sup>th</sup> day of October, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Jonathan Cox, Deputy Chief  
Secretary

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Gary Burke, President  
Board of Directors