

ORDINANCE NO. 2023-03

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 Coastsides 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 rate and fee schedule pursuant to Ordinance No. 2020-04; and

**WHEREAS**, on October 27, 2021, the District adopted Ordinance number 2021-01, which amended the rate and fee schedule to include subsection 1.E.7, Credit Card Transaction Fee for electronic billing through Square, Inc.; and

**WHEREAS**, under subsection 1.E.7 of the rate and fee schedule, transaction fees assessed by Square, Inc. that are attributable to a person or entity making an electronic payment to the District in exchange for services are passed onto that person or entity; and

**WHEREAS**, Square, Inc. has increased the amount of the transaction fees assessed for each electronic payment to the District; and

**WHEREAS**, the District wishes to continue offering the option of accepting electronic payments without incurring cost by increasing the amount of fees assessed by the District to accept those payments consistent with the increase in the fees assessed by Square, Inc.; 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, 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.** Subsection 1.E.7 of Ordinance No. 2020-04, as amended by Ordinance 2021-01, is hereby amended to read as follows:

**E. Special Services.**

**7. Credit Card Transaction Fee for electronic billing through Square, Inc.:**  
3.3% of total fees charged plus \$.30 per transaction.

**Section 2.** All other sections of Ordinance No. 2020-04, as amended by Ordinance 2021-01, remain effective.

**Section 3. 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 4.** This Ordinance shall take effect and be in full force and effect sixty (60) days after its final passage.

**Section 5.** 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 27th day of September, 2023, and passed and adopted on the 25<sup>th</sup> day of October, 2023.

AYES: Burke, Cockrell, Hanna, MacKimmie, Sherrill

NOES: none


ABSENT: none

ABSTAIN: none

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Gary Burke, President

ATTEST:



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Jonathan Cox, Deputy Chief  
Secretary

Board of Directors



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