



METRO FIRE

Sacramento Metropolitan Fire District
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Fire Chief



The Fire Protection District Law

The Fire Protection District Law of 1987 is the foundation cornerstone of a fire protection district in the State of California and is found under the California Health and Safety Code beginning with Section 13800

Sometimes referred to as the Bergeson Fire District Law the Fire District Law or 1987 succeeds the Fire Protection District Law of 1961 as the statutory authorization for formation and delivery of fire services as a special district.

The Fire Protection District law outlines the formation of a fire district, the board of directors, powers of the directors, services that may be provided as well as the rights and powers of the district.

Did you know:

- Members of fire district boards must be a resident and registered voter of the district they serve.
- A quorum is a majority of the elected board. A motion/resolution may be passed only with a majority vote of the total board.
- The county treasurer shall act as the district treasurer unless the board adopts a resolution appointing a district treasurer. If a board appoints a district treasurer, this person must be bonded by the district in the amount of \$100,000 or 10% of the total amount of the preceding year's final budget, whichever ever is greatest.
- Districts shall have the power to provide services specifically listed with the act. Districts are not mandated to deliver all listed services under section 13862.
- Districts are required to follow all applicable provisions of the Meyers-Milias-Brown Act as it applies to employee (union) membership.
- District directors are eligible for benefit programs so long as the program is in the compliance with Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.
- Fire districts must adopt a preliminary budget on or before June 30 of each year and must also publish a notice that such budget is open and available for public inspection. The public must also be notified of the date and time of adoption and must be allowed an opportunity to be heard on any budget prior to adoption.
- Similar notification and provision of opportunities for public review of Gann Limit calculations is also required.

- Boards are required to meet and elect officers with 60 days of each election.
- The Uniform District Election law, Part 3 23509 allows newly elected Board members to take office on the first Friday of December following their election.
- There is nothing in the law, which requires districts to follow Roberts Rules of Order when conducting meetings and doing business.
- The Fire District Law of 1987 specifically speaks to a number of methods for obtaining and/or raising revenue. These methods are:
 - a. Levy of voter-approved special tax
 - b. Levy of special tax pursuant to Community Facilities Act (Mello-Roos CFA of 1982)
 - c. Levy of special tax for fire and police protection
 - d. Levy of assessment for fire suppression services
 - e. Levy of assessments to finance capital improvements

Please note:

With the passage of Proposition 218 in November 1996, the authority of fire districts to levy assessments, as an alternative revenue source appears to have been removed. Districts should consult with legal counsel as to the legality of levying any new assessments or fees under Proposition 218.

Additional revenue sources commonly used to offset actual costs of service provisions are fees. The board may adopt a schedule of fees to be charged. It is possible to charge different fee rates to different group types such as taxpayers vs. non-taxpayers. Fees may be charged to other government agencies.

(Fire Districts of California, Fire District Handbook)

[Back to Board of Directors](#)