

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

MEMORANDUM

To: Honorable Board of Supervisors

From: David Boesch, County Executive Officer
by Richard Simmons, Program Manager, Office of Emergency Services

Date: September 11, 2012

Subject: Northstar Fire Department Capital Facilities Plan Update for Fiscal Year 2012-13

ACTION REQUESTED

1. Adopt a Resolution approving the Northstar Fire Department Capital Facilities Plan Update for FY 2012-13 with a 2.9 percent increase in mitigation fees.

BACKGROUND

Legal Authority: California Government Code 66000 *et seq.* (GC 66000) allows local fire agencies (independent districts or departments) to *collect*, but not to *levy* fees to offset the impact of new development on local services. Legal authority to *levy* fees rests only with the Board of Supervisors, which in fact, has enabled independent fire agencies to collect mitigation fees through a legal framework it established in Placer County Code Chapter 15.36.010. However, per GC 66000, in order for a fire district to actually collect fees, it must first submit a Capital Facilities Plan for approval to the local governing body (your Board) and then, once approved, re-submit it annually for approval for as long as fees are in effect.

Capital Facilities Plans: The law requires a Capital Facilities Plan address: anticipated development impacts, proposed usage of fees, establishment of a reasonable relationship between fees and type of development, accounting for funds separately, holding properly noticed public hearings, and conducting an annual program review and update. The Placer County Office of Emergency Services (OES) has staff responsibility for review of all plans to ensure compliance with CGC 66000, and so confirms compliance by the FY 2012-13 update.

Northstar Community Service District/Fire Department Plan: Based on the March 2011-March 2012 change in the *Engineering News Record* Construction Cost Index, the Board of Directors of the Northstar Community Services District (NCS D) increased mitigation fees by 2.9 percent. This resulted in a change from \$0.94/ft² to \$0.97/ft². As required by CGC 66000, the Board of Directors of NCS D held a properly noticed public hearing on August 15, 2012 to review the plan update which it subsequently adopted by Resolution 12-18 (attached). As in the past and in the absence of a local newspaper, a memo announcing the meeting was posted throughout the Northstar community at local offices and businesses.

FISCAL IMPACT

There is no impact to the General Fund as a result of this action.

Attachments

Resolution
Northstar Community Services District Resolution No. 12-18
Northstar Fire Department Capital Facilities Plan Update, Fiscal Year 2012-2013:
Available for Public Review at the Office of the Clerk of the Board

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: **A RESOLUTION APPROVING
THE 2012-13 NORTHSTAR FIRE
DEPARTMENT CAPITAL FACILITIES PLAN
UPDATE WHICH INCREASES FEES BY 2.9 PERCENT**

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **September 11, 2012** by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board _____

WHEREAS, California Government Code 66000 et seq (CGC 66000) allows local agencies to collect fees on new development to offset any impact on services, but fire districts in and of themselves do not have direct legal authority to levy fees, which is an authority of the Board of Supervisors; and

WHEREAS, The Board of Supervisors codified a legal framework specifically for fire districts and departments to collect mitigation fees in County Code Chapter 15.36.010; and

WHEREAS, in order to collect mitigation fees on new development, CGC 66000 requires a fire department prepare and present to the Board of Supervisors for its approval a prescribed format Capital Facilities Plan or annual update thereto; and

WHEREAS, the Northstar Fire Department updated its plan by increasing mitigation fees by 2.9percent based on the change in the Engineering News Record Construction Cost Index, and upon review of the plan by the Northstar Community Services District Board of Directors at a public meeting on August 15, 2012, adopted it by Resolution #12-18.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer that the Northstar Fire Department Capital Facilities Plan Update for F Y 2012-13 is hereby approved.

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N·C·S·D

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Board of Directors

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General Manager

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**BOARD OF DIRECTORS
NORTHSTAR COMMUNITY SERVICES DISTRICT**

RESOLUTION NO. 12-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTHSTAR COMMUNITY SERVICES DISTRICT ADOPTING THE DISTRICT FIRE CAPITAL FACILITIES PLAN UPDATE, AND ESTABLISHING THE CAPITAL ASSETS MITIGATION FEE FOR THE 2012-2013 FISCAL YEAR

WHEREAS, the Board of Directors (the "Board") of the Northstar Community Services District (the "District") has previously adopted and periodically updated a Capital Facilities Plan in connection with fire protection purposes; and

WHEREAS, the Board has commissioned and been presented an updated Capital Facilities Plan (the "Updated CFP") in connection with the fire protection services of the District; and

WHEREAS, the Board has considered the adoption of the 2012 CFP for fire protection purposes; and

WHEREAS, the 2012 CFP supports a "Mitigation Fee" in the amount of \$0.97 per square foot of new enclosed/habitable construction of over 500 square feet in size, including commercial, residential, miscellaneous buildings and garages, which represents an approximate 2.9% increase of the current Mitigation Fee; and

WHEREAS, Government Code Section 66002(b) requires that the Mitigation Fee and 2012 CFP be adopted only after a noticed public hearing; and

WHEREAS, the 2012 CFP was available for public inspection and review, and was presented during a public hearing after the requisite published and posted notice; and

WHEREAS, after the public hearing and upon due consideration of the 2012 CFP, it appears that new development within the Northstar area will adversely impact and degrade the level of fire protection services in the District unless the recommended Mitigation Fee continues and that the established Mitigation Fee at the rate of \$0.97 per square foot is necessary for new development to pay its proportionate share of capital facilities for fire protection services; and

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WHEREAS, the 2012 CFP reflects the requisite relationship between the intended purpose of the fee and its rate, and the recommended fee is reasonably calculated not to exceed the cost of capital improvements or services required by such new development, in compliance with Government Code Section 66000 *et seq.*; and,

WHEREAS the area within the Northstar Community Facilities District No. 1 (the "CFD") is contributing substantial revenues and infrastructure to offset the impact of the CFD on the District's fire protection services, and so the CFD should continue to be excluded from payment of the Mitigation Fee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the District hereby approves and adopts the 2012 CFP with a Mitigation Fee for all new construction in the District (but excluding areas within the CFD), as follows:

1. A Mitigation Fee equal to \$0.97 per square foot of new enclosed/habitable construction of over 500 square feet in size, including commercial, residential, miscellaneous buildings and garages, effective August 15, 2012.
2. The Mitigation Fee may be increased annually at the beginning of each fiscal year to reflect the current cost of the proposed capital facilities projects. The annual increase, if any, shall be established using the then most current *Engineering News-Record* Construction Cost Index.
3. Pursuant to Government Code Section 66002(b), the 2012 CFP shall be annually updated by resolution after a noticed public hearing.
4. The Board requests that the Placer County Board of Supervisors adopt and establish the Mitigation Fee set forth in Section 1.
5. The District shall be responsible for the proper accounting for and expenditure of the Mitigation Fee and further agrees to hold the County of Placer harmless from and defend it against any action, claim or damages related to the Mitigation Fee, including any challenge to the validity, implementation or use thereof.

ADOPTED AND APPROVED by the Board of Directors of the Northstar Community Services District on August 15, 2012, by the following vote:

AYES: Evans, Green Ives, Seelig, Smith

NOES: None

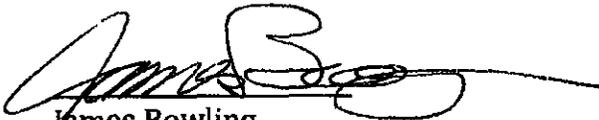
ABSTAIN: None

ABSENT: None



Nancy P. Ives
President of the Board

Attest:


James Bowling
Secretary of the Board

