

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

MEMORANDUM

To: Honorable Board of Supervisors

From: Thomas Miller, County Executive Officer
by Rui Cunha, Program Manager, Office of Emergency Services

Date: July 13, 2010

Subject: Adopt a Resolution approving the Northstar Fire Department Capital Facilities Plan Fiscal Year 2010-2011 update with no increase in mitigation fees.

ACTION REQUESTED

Adopt a Resolution approving the Northstar Fire Department Capital Facilities Plan Fiscal Year (FY) 2010-2011 update with no increase in mitigation fees.

BACKGROUND

Legal Authority: 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 has staff responsibility for review of all plans submitted and to ensure compliance with CGC 66000.

Northstar Community Service District/Fire Department Plan: The Fire Department's current plan was re-written in FY 2009-2010 and considers the continuing growth in the Northstar service area. The mitigation fee established in that plan was based on a comprehensive review done by the firm of *Willdan Financial Services* and was approved by your Board in April, 2009. For this update, the Board of Directors of the Northstar Community Services District (NCSD) left the mitigation fee unchanged at \$0.90/ft². As required by CGC 66000, the Board of Directors of NCSD held a properly noticed public hearing on May 19, 2010 to review the plan which it subsequently adopted by Resolution 10-05 (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. 10-05
Northstar Fire Department Capital Facilities Plan Update, Fiscal Year 2010-2011:
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 NORTHSTAR FIRE DEPARTMENT CAPITAL
FACILITIES PLAN 2010-2011 UPDATE WHICH
HAS NO INCREASE IN MITIGATION FEES**

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **July 13, 2010** by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:

Clerk of said Board _____

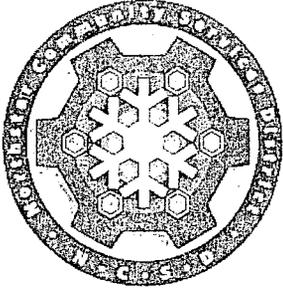
WHEREAS, California Government Code 66000 et seq (CGC 66000) allows local agencies to collect fees on new development to offset any impact on services, but fire districts in and of themselves do not have direct legal authority to levy fees, which is an authority of the Board of Supervisors; and

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 prepared an update to its existing plan that maintains its mitigation fee unchanged, and the Northstar Community Services District Board of Directors held a public hearing for its review and adopted it by Resolution #10-05 on May 19, 2010.

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 Fiscal Year 2010-2011 is hereby approved.



N • C • S • D

Northstar Community Services District
908 Northstar Drive, Northstar, CA 96161

P: 530.562.0747 • F: 530.562.1505 • www.northstarcsd.com

Board of Directors

DUMIE EVAAS
JEANN GREEN
NANCY BILS
MIKE MOUL
FRANK SEELIG

General Manager

MICHAEL STAUDENMAYER

BOARD OF DIRECTORS

NORTHSTAR COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 10-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTHSTAR COMMUNITY SERVICES DISTRICT ADOPTING THE DISTRICT CAPITAL FIRE FACILITIES PLAN AND CAPITAL IMPROVEMENT PLAN, AND ESTABLISHING THE CAPITAL ASSETS MITIGATION FEE FOR THE 2010-2011 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 Improvement Plan in connection with fire protection purposes; and

WHEREAS, the Board has prepared an updated capital improvement plan (the "Updated CIP") in connection with fire protection purposes; and

WHEREAS, the Board has considered the adoption of the 2010 CIP for fire protection purposes; and

WHEREAS, the 2010 CIP supports the current "Mitigation Fee" in the amount of \$0.90 per square foot of new enclosed/habitable construction of over 500 square feet in size, including commercial, residential, miscellaneous buildings and garages; and

WHEREAS, Government Code Section 66002(b) requires that the Mitigation Fee and 2010 CIP be adopted only after a noticed public hearing; and

WHEREAS, the 2010 CIP was available for public inspection and review, and was presented during a public hearing after the requisite notice; and

WHEREAS, after the public hearing and upon due consideration of the 2010 CIP, 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 current sum is necessary for new development to pay its proportionate share of fire protection services; and

WHEREAS, the 2010 CIP reflects the requisite relationship and recommends fees 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 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 2010 CIP with the current Mitigation Fee for all new construction in the District (but excluding areas within the CFD), as follows:

1. A Mitigation Fee equal to \$0.90 per square foot of new enclosed/habitable construction of over 500 square feet in size, including commercial, residential, miscellaneous buildings and garages, effective July 1, 2009.
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, beginning on July 1, 2010. The annual increase, if any, shall be established using the then most current *Engineering News-Record* Construction Cost Index. The Mitigation Fee will not be increased July 1, 2010.
3. Pursuant to Government Code Section 66002(b), the 2010 CIP 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 May 19, 2010, by the following vote:

AYES: Evans, Green, Ives, Seelig

NOES: None

ABSTAIN: None

ABSENT: Moll



Duane E. Evans
President of the Board

Attest:


Myra S. Tanner
Myra S. Tanner
Secretary of the Board

CERTIFICATION

The undersigned, Secretary of the Board of Directors of the Northstar Community Services District, hereby certifies that attached hereto is a true, complete and correct copy of Resolution No. 10-05, duly approved and adopted by the Board of Directors of the Northstar Community Services District on May 19, 2010. Said Resolution is in full force and effect and has not been amended, rescinded, superseded or modified since its date of adoption.

Dated: May 19, 2010

NORTHSTAR COMMUNITY SERVICES
DISTRICT

By: *Myra S. Tanner*
Its: Myra S. Tanner
Secretary of the Board of Directors