

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

M E M O R A N D U M

To: Honorable Board of Supervisors

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

Date: December 14, 2010

Subject: **Adopt a Resolution approving the Truckee Fire Protection District Capital Facilities and Mitigation Fee Expenditure Plan for the Year 2010 (effective in the year 2011) which maintains its current fee structure unchanged**

ACTION REQUESTED

Adopt a resolution approving the Truckee Fire Protection District Capital Facilities and Mitigation Fee Expenditure Plan for the Year 2010 (effective in the year 2011) which maintains its current fee structure unchanged.

BACKGROUND

Legal Authority

Government Code 66000 *et seq* (CGC 66000) allows local agencies, including fire protection districts, to *collect* development fees from new development projects to offset the impact that the new project has on the local agency's existing provision of services. The ability to *levy* fees, however, is an authority that remains, by law, with a County's Board of Supervisors. Therefore, in order to allow fire protection districts in Placer County to collect development fees, a legal requirement for new development projects to pay the fees was established by your Board on August 28, 1990 and codified as Chapter 15.36.010 of County Code.

As a condition for *collecting* mitigation fees, CGC 66000 requires a fire protection district to prepare a Capital Facilities Plan with an annual update that is subject to Board of Supervisors approval.

Capital Facilities Plans

A Capital Facilities Plan, while a source of historical data and plans for future accommodation of development, by law must address the following: anticipated impact of development on the provision of services, the specific proposed usage of fees, the reasonable relationship between fees and type of development, a separate accounting system for collected funds, conduct of properly noticed public hearings, and conduct of an annual plan review/update. The Office of Emergency Services has reviewed the Truckee Fire Protection District Capital Facilities Plan for 2009 and confirms that it does in fact address those items and is in compliance with CGC 66000.

District Capital Facilities Plan for 2010

The Board of Directors of the Truckee Fire Protection District held a noticed public hearing on its plan on November 16, 2010. At that meeting the plan was reviewed and formally adopted by the Board of Directors via its Resolution Number 20-2010.

The plan maintains its existing fee schedule (below) without change. The District collected \$174,517 in mitigation fees and had capital outlays \$85,291 in 2009 leaving a mitigation fund year end balance of \$626,806.

Fee schedule :(\$/ft²)

| <u>Occupancy</u> | <u>Rate</u> |
|------------------------------|--------------------|
| <i>Residential</i> | |
| - Single Family | \$0.95 |
| - Multifamily | \$1.26 |
| <i>Nonresidential</i> | |
| - Industrial | \$0.61 |
| - Commercial | \$0.85 |
| - Office | \$1.22 |

FISCAL IMPACT

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

Attachments

Resolution

Truckee Fire Protection District Board of Directors Resolution 20-2010

Truckee Fire Protection District 2010 Capital Facilities and Mitigation Fee Expenditure Plan- on file for public review with Clerk of the Board

Proof of Publication

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

In the matter of: **A RESOLUTION APPROVING
THE TRUCKEE FIRE PROTECTION DISTRICT
CAPITAL IMPROVEMENT PLAN AND MITIGATION
FEE EXPENDITURE PLAN FOR THE YEAR 2010**

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **DECEMBER 14, 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 Government Code 66000 *et seq* allows local agencies to collect fees from new development to offset development's impact on local services, and the Placer County Board of Supervisors created the legal framework, codified in the Placer County Code Chapter 15.36.010, on August 28, 1990 for fire protection districts to collect fees to mitigate development impacts on their services; and

WHEREAS the legal authority to levy fees is by law vested in the Board of Supervisors and therefore, in order to collect mitigation fees on new construction, the fire protection district, not having any direct legal authority itself, must prepare and submit to the Board of Supervisors for its approval, a capital facilities plan that delineates a fee schedule; and

WHEREAS the Board of Directors of the Truckee Fire Protection District held a public hearing on November 16, 2010 to review the Capital Improvement Plan and subsequently adopted it by passing District Resolution 20-2010; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer that the Truckee Fire Protection District Capital Facilities Plan and Mitigation Fee Expenditure Plan for the Year 2010 is hereby approved.

SIERRA SUN

Serving the Truckee Community since 1869

Proof and Statement of Publication

P.O. Box 1888
Carson City, NV 89702
Phone (775) 881-1201
Fax (775) 887-2408

Account Number: #1066719

Legal Account

Truckee Fire Protection District
P.O. Box 2768
Truckee, CA 96160
Attn: Joyce Engler

Rachel Renaud says:

That (s)he is a legal clerk of the SIERRA SUN, a bi-weekly newspaper published at Truckee, in the State of California.

Notice of Public Hearing

Ad #5757752

of which a copy is hereto attached, was published in said newspaper for the full required period of 2 times commencing on **October 29, 2010**, and ending **November 3, 2010**, all days inclusive.

Signed: *Rachel Renaud*

STATEMENT:

| DATE | AMOUNT | CREDIT | BALANCE |
|----------|----------|---------|----------|
| 11/03/10 | \$105.24 | \$ 0.00 | \$105.24 |

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on November 16, 2010, the Board of Directors of the Truckee Fire Protection District will review the Capital Facilities and Mitigation Fee Expenditure Plan for the year 2010 for both Nevada County and Placer County and the Town of Truckee. Historical data about staffing and inventory has been gathered to develop estimations of adequate staffing levels and capital inventory. This information has been used to develop estimations of adequate staffing levels and capital inventory. This information has been used to develop a fair and equitable mitigation fund equation. This meeting is an outline for discussion about the utilization of these funds.

NOTICE IS FURTHER GIVEN that a PUBLIC HEARING on the plan will be held on November 16, 2010 at 5:30 p.m. in the Truckee Sanitary District Boardroom located at 12304 Joerger Drive, Truckee, CA 96161 at which time and place any and all interested parties may appear and be heard thereon.

Joyce Engler
Administrative Officer
Truckee Fire Protection District

Pub: 10/29, 11/03/2010
Ad# 5757752

