

**PLACER COUNTY  
OFFICE OF EMERGENCY SERVICES**

**MEMORANDUM**

**To:** Honorable Board of Supervisors

**From:** David Boesch, County Executive Officer  
by John McEldowney, Program Manager, Office of Emergency Services

**Date:** October 22, 2013

**Subject:** Northstar Fire Department Capital Facilities Plan Update for FY 2013-14

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**ACTION REQUESTED**

1. Adopt a Resolution approving the Northstar Fire Department Capital Facilities Plan Update for FY 2013-14 with a 2.0 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 2013-14 update.

Northstar Community Service District/Fire Department Plan: Based on the *Engineering News Record* Construction Cost Index, the Board of Directors of the Northstar Community Services District (NCS D) increased mitigation fees by 2.0 percent. This resulted in a change from \$0.97/ft<sup>2</sup> to \$0.99/ft<sup>2</sup>. As required by CGC 66000, the Board of Directors of NCS D held a properly noticed public hearing on September 18, 2013 to review the plan update which it subsequently adopted by Resolution 13-16 (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.

**Available for Public Review at the Office of the Clerk of the Board**

Northstar Fire Department Capital Facilities Plan Update, FY 2013-14

**Attachments**

Resolution  
Northstar Community Services District Resolution No. 13-16 with Certification  
Proof of Publication

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

In the matter of: **A RESOLUTION APPROVING  
THE 2013-14 NORTHSTAR FIRE  
DEPARTMENT CAPITAL FACILITIES PLAN  
UPDATE WHICH INCREASES FEES BY 2.0 PERCENT**

Resol. No: \_\_\_\_\_

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **October 22, 2013** 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 2.0 percent 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 September 18, 2013, adopted it by Resolution #2013-16.

**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 2013-14 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.org

*Board of Directors*

DUANE EVANS  
JEANN GREEN  
NANCY IVES, PRESIDENT  
FRANK SEELIG  
DARRELL SMITH

*General Manager*

MICHAEL STAUDENMAYER

**BOARD OF DIRECTORS  
NORTHSTAR COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 13-16**

**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 2013-2014 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 (sometimes previously referred to as a "Capital Improvements Plan") in connection with fire protection purposes under Government Code section 66000 and following; and

WHEREAS, the Board has commissioned and been presented an updated Capital Facilities Plan (the "2013 CFP") in connection with the fire protection services of the District; and

WHEREAS, the Board has considered the adoption of the 2013 CFP for fire protection purposes; and

WHEREAS, the 2013 CFP supports a Mitigation Fee in the amount of \$0.99 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 2.0% increase of the current Mitigation Fee; and

WHEREAS, Government Code Section 66002(b) requires that the Mitigation Fee and 2013 CFP be adopted only after a duly noticed public hearing; and

WHEREAS, the 2013 CFP was available for public inspection and review, and was presented during a public hearing on September 18, 2013, after the requisite published and posted notice; and

WHEREAS, after the public hearing and upon due consideration of the 2013 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 \$0.99 per square foot is necessary for new development to pay its proportionate share of capital facilities for fire protection services; and

WHEREAS, the 2013 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 2013 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 \$0.99 per square foot of new enclosed/habitable construction of over 500 square feet in size, including commercial, residential, miscellaneous buildings and garages.
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 2013 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.

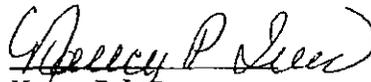
ADOPTED AND APPROVED by the Board of Directors of the Northstar Community Services District on September 18, 2013, by the following vote:

AYES: Evans, Green, Ives, Seelig

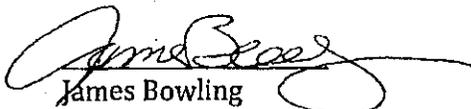
NOES: None

ABSTAIN: None

ABSENT: Smith

  
Nancy P. Ives  
President of the Board

Attest:

  
James Bowling  
Secretary of the Board



# N·C·S·D

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**Board of Directors**

DUANE EVANS  
JEANN GREEN  
NANCY IVES, PRESIDENT  
FRANK SEELIG  
DARRELL SMITH

**General Manager**

MICHAEL STAUDENMAYER

## 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. 13-16, duly approved and adopted by the Board of Directors of the Northstar Community Services District on September 18, 2013. Said Resolution is in full force and effect and has not been amended, rescinded, superseded or modified since its date of adoption.

Dated: September 18, 2013

NORTHSTAR COMMUNITY SERVICES DISTRICT

By:   
Its: James Bowling  
Secretary of the Board of Directors

# SIERRA SUN

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

**Proof and Statement of Publication**  
**Ad #: 9503378D**

**Notice of Public Hearing**

Please take notice that at 9:00 a.m. September 18th 2013 at the Northstar Fire Station, 910 Northstar Drive, Northstar, California 96161, the Board of Directors of the Northstar Community Services District will hold a public hearing to consider the adoption of the updated Capital Facilities Plan. A recommendation will be presented to increase the current mitigation fee from 97 cents per square foot for new enclosed habitable construction, over 500 square feet, including garages, to 99 cents per square foot. The area of real property within which the mitigation fee will be applicable is the area within the boundary of the Northstar Community Services District, but which is outside the boundaries of the Northstar Community Facilities District No. 1

Dated August 27, 2013  
Jim Bowling  
Secretary of the Board

Pub: August 30, 2013

Ad#9503378

**Customer Account: # 1070129**

**Legal Account**

Northstar Community Services Dist.  
908 NORTHSTAR DRIVE  
TRUCKEE, CA 96161  
Attn: Jim Bowling

**Jody Mudgett says:**

That (s)he is a legal clerk of the **SIERRA SUN**, a newspaper published Wednesday and Friday at Truckee, in the State of California.

**Copy Line**

Sept 18 Public Hearing

**PO#:**

**Ad #: 9503378D**

of which a copy is hereto attached, was published in said newspaper for the full required period of 1 time(s) commencing on **8/30/2013**, and ending on **8/30/2013**, all days inclusive.

Signed: \_\_\_\_\_



Date: 09/06/2013 State of Nevada, Carson City

**Price: \$ 49.280**

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_

\_\_\_\_\_  
Notary Public

