



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO AMEND THE PARCEL CHARGES FOR THE EXISTING SKI TOWN II PERMANENT ROAD DIVISION - DISTRICT 5

WHEREAS, pursuant to the provisions of Permanent Road Division (PRD) law (Streets & Highways Code section 1160, et seq), the Board of Supervisors is authorized to establish a Permanent Road Division as a method of providing road improvement and maintenance services by the County within the unincorporated area; and

WHEREAS, a majority of Ski Town II PRD property owners who participated in the recent PRD election in May 2020 have signed a petition to amend parcel charges within the PRD pursuant to the Streets and Highways Code, Section 1160, et seq. to fund snow removal and road maintenance services; and

WHEREAS, an Engineer's Report has been prepared to support the amended parcel charges as shown in Exhibit A, and has been prepared in conformance with the requirements of Article XIID, Section 4 of the California Constitution;

WHEREAS, a map of the existing PRD is shown in Appendix C to Exhibit A, attached hereto and incorporated herein; and

WHEREAS, there are 41 parcels benefiting from services within the PRD that will be charged as shown in Appendix A to Exhibit A; and

WHEREAS, Streets and Highways Code Section 1162.6 provides that parcel charges shall be deemed to be assessments within the meaning of Article XIID of the California Constitution, and that proceedings to form a Permanent Road Division may be consolidated with an assessment ballot proceeding to adopt a parcel charge pursuant to Government Code Section 53753.

WHEREAS, on August 25, 2020, the Board adopted Resolution 20-370, a Resolution of Intent to amend the assessments for the existing Ski Town II PRD and conduct an assessment ballot proceeding; and

WHEREAS, the Clerk of the Board published the Petition and notice of public hearing for the proposed amendments to the Ski Town II PRD parcel charges and provided timely mailed notice of the same to the record owner of each parcel within the proposed PRD, in accordance with Streets & Highways Code Sections 1164 and 1196; and

WHEREAS, the Department of Public Works posted a minimum of three (3) notices of public hearing for the proposed amendments to the Ski Town II PRD parcel charges where the PRD is located a minimum of three (3) weeks in advance of the public hearing on October 13, 2020; and

WHEREAS, the Board held a public hearing regarding the proposed amendments to the Ski Town II PRD on October 13, at which a majority protest was not presented; and

WHEREAS, the Board held a Proposition 218 election proposing amendments to the parcel charges for the Ski Town PRD on October 13, 2020, at which a majority protest was not presented; and

WHEREAS, on October 13, 2020, the Board directed the Clerk of the Board of Supervisors to open and count ballots received for the assessment ballot proceedings and a majority of the property owners voted in favor the proposed special tax.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Nevada County Board of Supervisors as follows:

1. The Board of Supervisors finds that the above recitals are true and correct.
2. Approves the amendments to the Ski Town II PRD parcel charges as described in the attached Exhibit A.
3. Authorizes the approved parcel charges for snow removal to be levied annually at the rate of \$275.00 per unimproved parcel and \$820.00 per improved parcel per fiscal year, beginning in Fiscal Year 2020/21, and continuing indefinitely for each fiscal year thereafter, with annual adjustments beginning in Fiscal Year 2021/22 as set forth in the San Francisco Area Consumer Price Index, as of January 1st of each calendar year, not to exceed 5% per annum.
4. Authorizes an annual adjustment to the road maintenance charges beginning in Fiscal Year 2020/21 and continuing indefinitely for each fiscal year thereafter as set forth in the San Francisco Area Consumer Price Index, as of January 1st of each calendar year, not to exceed 5% per annum.
5. Directs the parcels charges to be collected starting in Fiscal Year 2020/21, and each year thereafter, to be amended on the assessment roll. For the current Fiscal Year 2020/21, the pre-amended property tax assessments included in the property tax bills sent by the Nevada County Tax Collector's office, and the difference between the old and new charges will be pro-rated for the year and will be hand billed by the Nevada County Community Development Agency. Property owners of parcels having assessments removed via this Resolution must pay the Fiscal Year 2020/21 property taxes in full, and the Nevada County Community Development Agency will reimburse them for snow removal charges at the end of the Fiscal Year. For each Fiscal Year thereafter, the amended parcel charges will be billed and collected in the same manner as County property taxes.