



# **RESOLUTION NO. \_\_\_\_\_**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

### **RESOLUTION OF INTENT TO AMEND THE ASSESSMENTS FOR THE EXISTING SKI TOWN II PERMANENT ROAD DIVISION AND CONDUCT AN ASSESSMENT BALLOT PROCEEDING – 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, Nevada County Department of Public Works staff has held a meeting with the property owners of the Ski Town II PRD in which there was a verbal consensus to amend parcel charges on properties within the existing Ski Town II PRD pursuant to the Streets and Highways Code, Section 1160, et seq. to fund 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; and

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

WHEREAS, there are 43 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.

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. It is the Board's intention to amend the existing parcel charge assessments within the existing PRD located within the boundaries described in the attached map (Exhibit A), which is attached hereto and incorporated herein by this reference.
3. The Board shall hold a public hearing regarding the proposed parcel charge amendments to the Ski Town II PRD on May 12, 2020, at 11:00 a.m., in the Nevada County Board of Supervisors Chambers, Rood Administrative Center, 950 Maidu Avenue, Nevada City, California, which hearing shall be not less than 45 days after notice has been mailed to the record owner of each parcel. At the public hearing, the Board of Supervisors shall consider all objections and protests to amend the proposed PRD parcel charges, receive and tabulate written protests and assessment ballots, and determine whether to approve the proposed amended parcel charges for the Ski Town II PRD.

4. The Board hereby directs that an assessment ballot proceeding be conducted within the proposed Ski Town II PRD area, to be held on May 12, 2020, at which time there shall be submitted a proposed measure to amend the existing parcel charges on the properties within the proposed Ski Town II PRD, as set forth in this Resolution, and directs that an assessment ballot be mailed on or before March 27, 2020, to the record owner of each of the affected parcels. The ballots shall state that they must be marked and sealed in a designated envelope, and that they must be received back by the Clerk of the Board of Supervisors no later than the close of the public hearing to be held on May 12, 2020. The ballots will be opened and counted at the Board of Supervisors regular meeting on May 12, 2020, after the close of the public hearing.

5. If a majority protest exists, the Board of Supervisors will not impose the proposed amended parcel charges. For purposes of the assessment ballot procedure, a majority protest exists if upon the conclusion of the public hearing, assessment ballots submitted in opposition to the proposed parcel charges exceed assessment ballots submitted in favor of such proposed parcel charges.

6. Per California Constitution Article 13D, Section 4 (b), an Engineer's Report has been prepared on the proposed Parcel Charges which identifies (a) the services to be funded by the parcel charges, (b) its estimated cost, the entire special benefit attributable to the service, (c) the lots which will receive a special benefit from the proposed services and (d) each identified parcel's proportionate share of the cost of such services based upon that parcel's special benefit from the service.

7. The questions to be placed before the affected property owners shall read as follows:

### **QUESTIONS**

***1. Shall the Board of Supervisors of Nevada County be empowered and authorized to impose and levy an amended annual assessment for snow removal for properties within Ski Town II PRD as listed in Appendix A to the Engineer's Report dated March 4, 2020, in the amount of \$437 per 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 according to the Consumer Price Index (CPI) 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?***

***Parcel Charge – Yes***

***Parcel Charge – No***

***2. Shall the Board of Supervisors of Nevada County be empowered and authorized to impose and levy an amended annual assessment for road maintenance for properties within Ski Town II PRD as listed in Appendix A to the Engineer's Report dated March 4, 2020 to add an annual adjustment according to the Consumer Price Index (CPI) 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, beginning in Fiscal Year 2020/21?***

***Parcel Charge – Yes***

***Parcel Charge – No***

8. If there is not a majority protest by the property owners within the proposed PRD, the Board of Supervisors may approve the amended parcel charges starting in Fiscal Year 2020/21, and each year thereafter, to be amended on the assessment roll and billed and collected in the same manner as County property taxes.

9. The Clerk of the Board shall publish the Petition and the notice of public hearing for the proposed amended PRD and imposition of the proposed parcel charges, and shall provide 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.

10. If the proposed PRD parcel charge amendments are authorized, then all expenses associated with processing and amending the PRD, providing engineering services and

conducting the assessment ballot proceedings shall be paid by the Ski Town II PRD in accordance with Streets & Highways Code section 1197.

11. The parcel charges proposed by this Resolution shall be retained in the Ski Town II PRD road maintenance and snow removal funds, to be used only for the purpose of providing road maintenance and snow removal services within the Ski Town II PRD, as approved by the voters.