



# RESOLUTION No. \_\_\_\_\_

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

### RESOLUTION OF INTENTION FOR PROPOSED COUNTY SERVICE AREA 39, NORTH SAN JUAN FIRE SUPPRESSION SYSTEM, TO ESTABLISH PARCEL CHARGES FOR FIRE SUPPRESSION SERVICES, AND DIRECTING MAILED NOTICE, A PUBLIC HEARING, AND A MAILED BALLOT ELECTION – DISTRICT IV

WHEREAS, pursuant to the provisions of County Service Area (CSA) law, California Government Code Title 3, Chapter 2.5, the Board of Supervisors is authorized to establish a CSA as a method of providing public improvements and maintenance services by the County within the unincorporated area; and

WHEREAS, the County of Nevada intends to construct a fire suppression system in the community of North San Juan in order to facilitate commercial development, which is currently not possible due to fire water storage requirements on new construction; and

WHEREAS, this board has approved Resolution 23-614 which adopted a Mitigated Negative Declaration; Mitigated Monitoring and Reporting Program; and Management Plan for the construction and operation of the North San Juan Fire Suppression System; and

WHEREAS, this board proposed and applied to the Local Area Formation Commission to begin formation of the CSA 39 – North San Juan Fire Suppression System including 142 parcels under Resolution 23-615; and

WHEREAS, in the FY22 federal funding cycle, the County of Nevada was earmarked a Congressionally Directed Spending grant of \$1,050,000 for this project; and

WHEREAS, a CSA must be formed in order to create a funding and operational vehicle for public fire flow service in downtown North San Juan; and

WHEREAS, the cost of these services will be funded by a parcel charge with a cost-of-living escalator, the approval through an assessment ballot proceeding will be a necessary condition for formation of the proposed CSA; and

WHEREAS, the proposed CSA formation is subject to the conditions of approval of the Nevada County Local Area Formation Commission Resolution Number 24-01; and

WHEREAS, an Engineer's Report, included as **Attachment 5**, has been prepared to support the proposed parcel charges, and has been prepared in conformance with the requirements of Article XIID, Section 4 of the California Constitution.

NOW THEREFORE, IT IS 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 Boards intention to establish a County Service Area and new parcel charge assessments within the CSA subject to the conditions of the Local Area

Formation Commission Resolution 24-01 and within the boundaries described in the attached map (**Attachment 3**), which is attached hereto and incorporated herein by this reference.

3. The Board shall hold a public hearing regarding the proposed CSA formation and parcel charges to benefiting parcels within the proposed CSA 39 – North San Juan Fire Suppression System on July 9, 2024, at 11:00 a.m., in the Nevada County Board of Supervisors Chambers, Eric 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 recorded owner of each parcel. At the public hearing, the Board of Supervisors shall consider all objections and protests to the proposed CSA formation and parcel charges, receive and tabulate written protests and assessment ballots, and determine whether to approve the proposed CSA formation and parcel charges for CSA 39 -North San Juan Fire Suppression System.
4. The Board hereby directs that an assessment ballot proceeding be conducted within the proposed CSA 39 – North San Juan Fire Suppression System boundary, to be held on July 9, 2024, at which time there shall be submitted a proposed measure to establish the CSA and impose parcel charges on the properties within the CSA boundary subject to the conditions of the Local Area Formation Commission Resolution 24-01, as established in this Resolution, and directs that an assessment ballot be mailed on or before May 24, 2024, 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 Chief of Staff/Clerk of the Board of Supervisors no later than the close of the public hearing to be held on July 9, 2024. The ballots will be opened and counted at the Board of Supervisors regular meeting on July 9, 2024, after the close of the public hearing.
5. If a majority protest exists, the Board of Supervisors will not pursue formation of the CSA nor impose the proposed parcel charges. For purposes of this assessment ballot procedure, a majority protest exists if upon conclusion of the public hearing, assessment ballots submitted in opposition of the proposed CSA and parcel charge exceed the assessment ballots submitted in favor of the formation of the proposed CSA and parcel charges.
6. Per California Constitution Article 13D, Section 4 (b), an Engineer’s Report has been prepared on the proposed CSA and parcel charges which identifies (a) the services to be funded by the parcel charges, (b) the estimated cost of services and 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 share of the cost of such services based upon that parcel’s special benefit from the service.
7. The question to be placed before the affected property owners shall read as follows:

### **QUESTION**

***Shall the Board of Supervisors of the County of Nevada be empowered to establish CSA 39 – North San Juan Fire Suppression System and empowered to impose and levy an annual assessment of approximately \$130 for fire suppression services for properties within CSA 39 – North San Juan Fire Suppression System as listed in the Engineer’s Report dated November 15, 2023, with a cost-of-living escalator beginning in Fiscal Year 2026/27?***

8. If there is not a majority protest by the property owners, with one ballot per parcel, the Board of Supervisors may approve the CSA formation and parcel charges starting in Fiscal Year 2026/27, and each year thereafter, to be placed upon the assessment roll and billed and collected in the same manner as County property taxes.

9. The Chief of Staff/Clerk of the Board shall publish the notice of public hearing for the proposed CSA formation 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 CSA, in accordance with Article XIID, Section 4 of the California Constitution.
  
10. The parcel charges proposed by this Resolution shall be retained in the CSA 39 – North San Juan Fire Suppression System maintenance fund, to be used only for the purpose of provided fire suppression services within the CSA as approved by the voters.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_, 2024,  
 by the following vote of said Board:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Jeffrey Thorsby  
 Chief of Staff/Clerk of the Board of Supervisors

By: \_\_\_\_\_

\_\_\_\_\_ Chair

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