



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

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

### **RESOLUTION OF INTENT TO ANNEX TERRITORY (RETFERFORD ROAD AREA) INTO THE DARKHORSE PERMANENT ROAD DIVISION AND CONDUCT AN ELECTION - DISTRICT 2**

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, the Board of Supervisors has received a petition, signed by a majority of landowners within the proposed PRD annexation area, attached as Exhibit A, requesting annexation into the Darkhorse PRD pursuant to the Streets and Highways Code, Section 1160, et seq. and that a special tax be imposed and levied on the annexed properties; and

WHEREAS, the Board desires to initiate the annexation pursuant to Streets and Highways Code Sections 1162.5; and

WHEREAS, of the 25 homeowners listed on the Assessor's report for the proposed annexation area, 17 homeowners in nine properties have a homeowner exemption, indicating those properties are owned and occupied as the owner's principal place of residence; and

WHEREAS, the County has estimated an average of 2.36 persons inhabit single-family residential households, resulting in approximately 21 individuals inhabiting the proposed annexation area; and

WHEREAS, an Engineer's Report and legal description for the PRD annexation has been prepared, attached hereto as Exhibit B and incorporated herein; and

WHEREAS, the information contained in this Resolution, including Exhibits A and B, satisfy the requirements of Streets and Highways Code, Sections 1162 and 1163; and

WHEREAS, the proposed services to be provided within the PRD include road and storm drainage maintenance; and

WHEREAS, Streets and Highways Code Section 1162.6 provides that PRDs may be funded by special taxes; and

WHEREAS, Streets and Highways Code Section 1178 requires a two-thirds vote of the votes cast for the tax in order to levy the special tax in the PRD; and

WHEREAS, Streets and Highways Code Section 1179 authorizes the collection of the special tax to be performed in the same manner as county property taxes.

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 annex territory into the Darkhorse PRD located within the boundaries described and shown in Exhibit B, attached hereto and incorporated herein by this reference.
3. The Board shall hold a public hearing regarding the proposed annexation into the Darkhorse PRD and imposition of the proposed special tax on April 9, 2019, 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 formation of the proposed PRD annexation, receive and tabulate written protests and ballots, and determine whether to annex territory into the Darkhorse PRD and impose the proposed special tax.
4. The Board hereby directs that a ballot proceeding be conducted within the proposed Darkhorse PRD annexation area, to be held on April 9, 2019, at 11:00 a.m., at which time there shall be submitted a proposed measure to impose special taxes on the properties within the proposed Darkhorse PRD annexation, as set forth in this Resolution, and directs that a ballot be mailed on or before February 22, 2019, 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 April 9, 2019, at 11:00 a.m. The ballots will be opened and counted at the Board of Supervisors regular meeting on April 9, 2019, after the close of the public hearing.
5. An Engineer's Report has been prepared on the proposed special tax which identifies (a) the services to be funded by the special tax, (b) its estimated cost, (c) the lots which will receive a benefit from the proposed services and (d) each identified parcel's share of the cost of such services.
6. The question to be placed before the affected property owners shall read as follows:

**QUESTION**

***Shall the Board of Supervisors of Nevada County be empowered and authorized to impose and levy an annual special tax for road maintenance for properties annexed into the Darkhorse PRD, in the amount of \$298 per single-family residential parcel per fiscal year, beginning in Fiscal Year 2019/20, and continuing indefinitely for each fiscal year thereafter?***

***Tax – Yes***

***Tax – No***

7. If a simple majority protest exists (50% + 1 vote), the Board of Supervisors will not annex the territory or impose the special tax.
8. The Board of Supervisors will impose a special tax if, upon conclusion of the public hearing, at least two-third of ballots submitted approve the proposed special tax.

9. If at least two-thirds of the ballots submitted by property owners within the proposed PRD approve the special tax, the Board of Supervisors may impose the special tax starting in Fiscal Year 2019/20 and each year thereafter, to be enrolled on the assessment roll and billed and collected in the same manner as County property taxes.
10. The Clerk of the Board shall publish the Petition and the notice of public hearing for the proposed formation of the PRD annexation and imposition of the proposed special tax, and shall provide timely mailed notice of the same to the record owner of each parcel within the proposed PRD annexation area, in accordance with Streets & Highways Code Sections 1164 and 1196.
11. The special tax proposed by this Resolution shall be retained in the Darkhorse PRD fund, to be used only for the purpose of providing road maintenance services within the Darkhorse PRD, as approved by the voters.