



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

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

**RESOLUTION CALLING FOR AND ORDERING AN ELECTION TO SUBMIT TO THE VOTERS OF THE COUNTY A PROPOSED URGENCY ORDINANCE ADDING ARTICLE 9 TO CHAPTER V OF THE NEVADA COUNTY GENERAL CODE IMPOSING A ONE-HALF CENT (0.5%) NEVADA COUNTY WILDFIRE PREVENTION, EMERGENCY SERVICES AND DISASTER READINESS TRANSACTIONS AND USE TAX FOR CRITICAL EMERGENCY SERVICES AND OTHER GENERAL GOVERNMENT USE, AND ORDERING CONSOLIDATION OF THE ELECTION WITH THE NOVEMBER 8, 2022, STATEWIDE GENERAL ELECTION (4/5 AFFIRMATIVE VOTE REQUIRED)**

WHEREAS, as wildfires become more frequent and more destructive, heat events become increasingly common, and climate uncertainties mean more risk of droughts, floods, and extreme weather events, Nevada County must be well prepared for ongoing natural disasters; and

WHEREAS, since 2019, Nevada County has had several major wildfires, power shut-offs, drought and heat events, and major storms. The 2021 Winter Snowstorm downed large trees, which knocked over powerlines, crashed through roofs, and blocked roadways. Thousands of residents were without power, water, communications, food, medicine, and fuel for many days, even weeks; and

WHEREAS, in Nevada County, residents live with the peril of wildfire that does not respect boundaries. With 92% of County households located in high and very high fire severity zones, residents are requesting solutions to better protect Nevada County homes and businesses; and

WHEREAS, the County intends to use Countywide “Nevada County Wildfire Prevention, Emergency Services and Disaster Readiness” funds to save lives, reduce the threat of wildfires, and improve all-hazards disaster readiness and evacuation safety; and

WHEREAS, with wildfires getting larger, faster, and deadlier, this Ordinance (“Measure”) will provide for prevention and preparedness including safer evacuation routes to get residents out quickly and first responders in during an emergency; will enhance emergency alert and early warning systems to notify residents; will remove flammable brush countywide from our roadways, homes, businesses, and critical infrastructure; will help low-income seniors and disabled residents maintain defensible space around their homes; and will create fuel breaks to protect our cities and town from wildfire; and

WHEREAS, since Nevada County has the second most Firewise communities of any County in the state, dedicated to neighborhood preparedness and self-reliance, this measure will provide County support for defensible space and home hardening programs including education, enforcement, abatement, and grants for neighborhood projects and programs such as expanded chipping programs and training programs; and

WHEREAS, because illegal campfires increase the threat of wildfires countywide, this Measure will help law enforcement ensure that our parks, forests, trails, and other public recreation areas are monitored to prevent wildfires and are safe and secure for everyone; and

WHEREAS, this Measure will make the County eligible for more state and federal funding for wildfire prevention; and

WHEREAS, this Measure will generate locally controlled funding for critical services that cannot be taken away by the state; this Measure is not a tax on homes or property and is not applied to groceries purchased as food or prescription medicines; and visitors and tourists to Nevada County will also pay their fair share; and

WHEREAS, funds from the measure are intended to serve the entire County, both its unincorporated and incorporated parts; the plan anticipates direct allocations to the County's municipal partners, and/or other eligible entities, to support fuels reduction projects, defensible space programs, and other eligible uses in the categories of preparedness, mitigation, response, and recovery, with allocations memorialized in a Memorandum of Understanding (MOU), subject to Board approval, and revocable only by the participating entities; and

WHEREAS, the County is committed to the principle of regional equity, and recognizes the unique public safety needs in western and eastern county; and if approved by voters, the fund would provide for regional equity between western and eastern county ("eastern county" is defined as longitudinally east of the I-80/Hwy 20 junction); and

WHEREAS, County allocations of the fund to eastern county will equal 25% of the total annual revenue for direct programs and projects in eastern county, and for indirect programs and services such as countywide planning, shared grant writing, emergency communications, outreach and education programs, etc.; and

WHEREAS, the County implements the following actions for the sake of accountability and transparency:

- 1) The Board of Supervisors will appoint a Citizens Oversight Committee (COC). The COC will consist of seven members. Each of the five County Supervisors will appoint one member from their district. The full Board will select the two at-large members. The Citizens Oversight Committee's roles and responsibilities will include reporting annually to the Board of Supervisors and public on the receipt and expenditures of Measure revenue, reviewing revenue and expenditures for conformity to the text of the Measure, and reporting any inconsistencies; and
- 2) Revenue and expenses related to the Measure will be recorded in the accounting system distinct from other revenues and expenses to allow for clear tracking and reporting across all County departments and programs. Unspent revenue will be tracked annually and added to cumulative balances that will be clearly delineated from other County funds; and
- 3) Measure funds will be subject to the Annual Comprehensive Financial Report (audit) performed annually by an independent auditor; and

4) To ensure accountability and transparency, the County will establish an eastern and a western Technical Advisory Committee (TAC) comprised of subject matter experts, which in concert with approved plans, will recommend funding priorities as part of the County's annual budget cycle. TAC recommendations will be based on expertise, adherence to approved plans, tactical needs arising from emergencies, and commitment to cooperation and collaboration; and

WHEREAS, Revenue and Taxation Code section 7285 authorizes the County, with voter approval, to establish a one-half cent (0.5%) transactions (sales) and use tax; and

WHEREAS, the authority to levy the tax imposed shall expire ten (10) years from the operative date; and

WHEREAS, the Board of Supervisors desires to submit the Measure to the voters at the next regularly scheduled County and Statewide general election on November 8, 2022; and

WHEREAS, consolidating an election on the Measure with the November 8, 2022, County and Statewide general election significantly reduces the cost to taxpayers for conducting an election while providing for the highest level of voter participation in the election process.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Nevada, State of California, hereby directs that:

1. The foregoing recitals are adopted as findings of the Board of Supervisors as though set forth fully herein.
2. The Board of Supervisors hereby calls for and orders an election to be held and conducted in and for the County of Nevada on Tuesday, November 8, 2022, for the purpose of submitting the Measure to the voters of Nevada County, and further orders that the election be consolidated with the County and Statewide general election to be held on November 8, 2022.

3. Pursuant to Elections Code section 9140 and Government Code section 53724, the Board of Supervisors hereby submits to the voters of the County of Nevada, the following Measure:

To maintain critical County of Nevada services with locally controlled funding that cannot be taken by the State, such as: wildfire prevention / emergency preparedness; reducing flammable brush countywide; improving evacuation routes; preventing illegal campfires; helping seniors / disabled residents maintain defensible space; enhancing emergency communications, early warning / 911 response; and for general government use; shall the County of Nevada measure establishing a ½ % sales tax, providing \$12,000,000 annually for ten years, with citizen oversight / audits, be adopted?

☐ Yes

☐ No

4. The Measure shall pass only if a simple majority of the votes cast by the voters voting on the Measure are "yes" votes. In the event fifty percent plus one of the electors voting on the Measure vote in favor thereof, the Nevada County General Code shall be amended to read as set forth in Attachment "A" attached hereto and incorporated herein and, pursuant to Elections Code section 9122 and Government Code section 25123(c) and (d) shall become effective immediately once approved by the majority of the voters voting in the November 8, 2022, general election and shall expire ten (10) years from the operative date.
5. The Nevada County Registrar of Voters is hereby directed to prepare and conduct all functions for the election and canvass the returns of the election as set forth in the Elections Code, and to do all things required by law to present the proposed Measure to the electorate, including but not limited to, preparing and publishing all required postings, notices, and filings. The full text of the proposed Ordinance shall be as set forth in Attachment "A" attached hereto and made a part hereof.
6. The full text of the proposed Measure shall be as set forth in Attachment "A" attached hereto and made a part hereof. The Nevada County Registrar of Voters is hereby directed to print the full text of the Measure in the voter information pamphlet mailed to all voters in the County of Nevada.
7. Pursuant to Elections Code section 9160(b), the Board of Supervisors hereby directs the County Counsel to prepare an impartial analysis of the proposed Measure.
8. Pursuant to Elections Code section 9160(c), the Board of Supervisors hereby directs the County Auditor-Controller to prepare a fiscal analysis of the proposed Measure.
9. Arguments for and against the Measure may be filed and published consistent with Elections Code section 9162, et seq.

10. After its adoption, the Clerk of the Board is hereby directed to submit a certified copy of this Resolution to the Registrar of Voters for the County of Nevada on or before August 12, 2022.
11. The Board of Supervisors hereby finds and determines that approval of this Resolution is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378 because the ballot measure involves a government funding mechanism and related fiscal activities, which does not involve a commitment to a specific project.