

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: May 19, 2020	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Planning/LAFCO
APPROVING PARTY: Tim H. Beals, Director
PHONE NUMBER: 530-289-3251

AGENDA ITEM: Adopt resolution proposing to form a County Service Area Zone within existing County Services Areas 3 and 4 to impose an emergency services assessment to cover the costs of structural fire protection and emergency medical response in the communities of Verdi and Long Valley consistent with Government Code, Section 25217 (County Service Area Law).

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
Resolution will be submitted separate from the initial Board Agenda Submittal.

BACKGROUND INFORMATION: Continued discussion from May 5, 2020 BOS meeting and final resolution as directed. Background from May 5, 2020 is attached for reference.

FUNDING SOURCE: Fund 455 (Verdi Fire) and SCFPD#1
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2020- _____ Agreement 2020- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

_____ CLERK TO THE BOARD	_____ DATE
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Agenda Item: Adopt resolution commencing the CSA zone for emergency services in Long Valley and Verdi.

Background: First and foremost, the agenda item initially suggested adoption of the resolution commencing proceedings but since the matter was scheduled, a few critical procedural questions have arisen that will require discussion and direction from the Board in order to proceed. Thus it will be recommended that the item be discussed and direction given on May 5, 2020 accordingly and the matter will be scheduled for adoption on May 19, 2020

Fire protection for Verdi has been a difficult setting for decades and after the Board initiated fire district formation failed in 1990, the County several years later commenced annual payments to Nevada fire agencies and the Verdi Volunteer Fire Department to provide fire services. The County paid annual costs of \$10000 and the SCFPD#1 contributed its proportion of property tax payments each year in the same manner as the county. This assured service, provided assurances to insurance underwriters of availability of fire and homeowner insurance.

In July of 2004, the Board adopted its resolution 2004-102 and formed a county service area zone and commenced a proceeding to impose a special tax. This was site-specific to two parcels of land being subdivided (O'Sullivan for Feenune Subdivision and Bielser for Vista Verdi Subdivision). No hearing was required at that time under the CSA Law. In September, October and ultimately in November the Board fully discussed the options and the proposed tax measure and on November 2005 the Board adopted its resolution 2005-154 which set the special tax and set a date for an election. The tax was \$300 per parcel per year for seven parcels and this has been assessed annually since 2005. Between 2004 and 2016 the Verdi Volunteer Fire effort began to fall apart and it became apparent that professional, paid fire and medical response service was taking over services for Nevada's portion of Verdi and Cold Springs and eventually the volunteer fire agencies in both Verdi and Cold Springs ended.

Fast forward to 2017 and the SCFPD#1 showed renewed interest in annexing eastern Sierra County and this eventually was successful and took effect in 2019. This approved annexation included Verdi and Long Valley. The Board conducted two key fire protection workshops-one in April 2017 and one in November 2017. From these workshops came several directives that encouraged the SCFPD#1 annexation and directed to begin the discussion of creating a CSA zone of benefit to cover the extreme eastern region of the County, including the communities of Verdi and Long Valley.

So for discussion, it is critical that it is understood that the CSA Law was totally restructured subsequent to the Board's creation of the CSA zone authorized in its 2004 resolution. The new or restructured CSA law requires a couple of additional steps and they include notice and hearing, and other more procedural issues. These steps will be outlined on May 5, 2020 and a hearing will need to be set for May 19 and following the hearing, the Board may be able to adopt the resolution commencing the new zone formation. However, there is a serious question regarding the approach needed here. There is already a CSA zone in existence (2004) so it may be best to not create a new or second zone and only propose to expand the boundary of the existing zone created in 2004. Creating additional confusion is the fact that a special tax, not an assessment, was imposed in 2005 for two parcels (7 lots) and a decision has to be made regarding the continuation of the special tax once this new assessment is adopted by the Board. It is proper that the existing special tax be eliminated and in its place for the seven lots, an assessment of an amount much lower than the former special tax will be substituted and all lots in Verdi and Long Valley that are improved will be paying the same amount as well.

County Counsel offered the opinion to the Board in 2017 and recently that the need to raise the balance of the costs for the emergency services agreement with Truckee Meadows Fire Protection District can be properly implemented with an assessment rather than a special tax. So we will propose to abandon the special tax that is now in place and also propose to simply expand the existing CSA zone to include all of the eastern region along the California Border. Funding as required will be secured through an annual assessment to any property that is improved. All other properties (vacant and unimproved) will not be assessed any assessment.

So as you can see, there are a number of tangential issues needing to be discussed and direction given. I will have a map of the proposed expansion of the CSA zone for review on May 5 and can further discuss the process that will get us to the goal that initially commenced in 2017 through the special Board meetings on fire services. I will also have the computations that show the amount of the annual assessment that will fund the balance of the services agreement with TMFPD not covered by the property tax shift that was implemented to serve the SCFPD#1 annexation (between \$15000 and \$20000) evenly split among 112 improved parcels for the three year life of the services agreement. Thereafter, if additional funds are required for extensions of the agreement with TMFPD, a new election (Prop 218) protest hearing would then be required to authorize the increase..

Recommendation: Conduct a full discussion, clearly point out the options for accomplishing the goal, and determine how to proceed with direction to return to the Board on May 19, 2020 with the final resolution for adoption.

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

IN THE MATTER OF PROPOSING THE FORMATION OF A COUNTY SERVICE AREA
ZONE WITHIN SIERRA COUNTY SERVICE AREA 4

RESOLUTION 2020-

WHEREAS, pursuant to the County Service Area Law commencing with Government Code, Section 25210 and following, the Board of Supervisors on June 1, 1956 adopted its Resolution No. 672 establishing County Service Areas 1, 2, 3, 4, and 5 and fixed the boundaries and the services for each of these County Service Areas; and,

WHEREAS, the Board of Supervisors, when it determines it is in the public interest to provide different authorized services, provide different levels of service, provide different authorized facilities, or raise additional revenues within specific areas of a county service area, may form one or more zones as provided in Government Code, Section 25217; and,

WHEREAS, the Sierra County communities of Verdi and Long Valley and properties surrounding these communities are uniquely located along the border between the State of California and the State of Nevada, often sharing common social and economic interests and services with Washoe County, Nevada, and the greater Reno-Sparks Metropolitan area and the growth currently occurring and forecast for Washoe County and the City of Reno along the border of California will create impacts to public services within Sierra County and as a result, providing emergency services to the residents of these two Sierra County communities has become a very high priority; and,

WHEREAS, the Board of Supervisors and the Board of Commissioners of Sierra County Fire Protection District #1 conducted several community meetings in Verdi and in Long Valley soliciting public input over the need for professional emergency services and the requisite funding to support these services and the support from property owners was very strong to proceed with the formation of the county service area zone and funding mechanism; and,

WHEREAS, the Sierra County Board of Supervisors and the Board of Commissioners of Sierra County Fire Protection District #1 have recently conducted negotiations with emergency service agencies within Washoe County, Nevada, to provide professional emergency services to the Sierra County communities of Verdi and Long Valley consistent with levels of service occurring within Washoe County, Nevada, which necessitates the formation of a county service area zone to create the mechanism to create and administer emergency service agreements and to provide the necessary funding for these agreements: and,

WHEREAS, it is the desire and intent of the Board of Supervisors acting as the Board of Directors of County Service Area 4 to form a county service area zone within Sierra County Service Area 4.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors acting as the Board of Directors of County Service Area 4 declares its intention to form a county service area zone within Sierra County Service Area 4 as provided herein:

- 1) The formation of a county service area zone is in the public interest to provide an adequate and reliable level of emergency services to the Sierra County communities of Verdi and Long Valley and the proceeding to propose the formation is made pursuant to the County Service Area Law, Government Code, Section 25210 and following and specifically, Article 8, Section 25217.
- 2) The proposed boundaries of the county service area zone include all lands in Sierra County located east of the boundary line between the Humboldt-Toiyabe National Forest and Tahoe National Forest. The boundary and area of the proposed county service area zone is represented on the map attached hereto as Exhibit 1 and made a part hereof.
- 3) The metes and bounds legal description of the boundaries of the inhabited territory to be included within the proposed county service area zone is attached hereto as Exhibit 2 and made a part hereof.
- 4) The reasons for forming the county service area zone are to protect lives and property by providing a local governmental structure and mechanism to provide emergency services to the residents/property owners within the county service area zone, including a source of funding, both of which provides assurance that emergency services proposed to be provided under the county service area zone will be reliable, equal, consistent, and accessible.
- 5) The authorized services that the county service area zone will provide include fire suppression and emergency medical services, including any required facilities, directly or through service agreements with California and/or Nevada emergency service agencies. The county service area zone will provide a consistent and equal level of service to all properties that are "improved" by means of a residence authorized under a valid building permit issued by Sierra County; by means for any retail or commercial use that is approved under an approved and valid building and zoning permit issued by Sierra County; and by means of any utility or industrial use authorized under an approved zoning and building permit issued by Sierra County. The funding necessary to support the services authorized and implemented under the county service area zone will be an equal charge to all "improved" properties as defined above to augment property tax or mitigation fee contributions from the County of Sierra and/or the Sierra County Fire

Protection District #1 implemented through any property tax exchange agreements. A report prepared by a California licensed engineer will analyze and identify the funding streams and funding requirements that will be expected from the “improved” properties as defined above within the boundaries of the county service area zone and a protest hearing under Proposition 218 will be conducted for any charge proposed to be imposed on these “improved” parcels. Once the county service area zone is formed and assessment successfully imposed under Proposition 218, the Board of Supervisors will proceed with the process to repeal the existing special tax in place as imposed by Resolution 2006-063 and dissolve the County Service Area Zone established by Resolution 2004-102 and referred to as “County Service Area 4-Verdi Zone” which affects seven (7) parcels within the community of Verdi.

- 6) The methods by which authorized services, levels of service, or authorized facilities will be financed include a protest hearing involving all “improved” parcels as defined above, conducted consistent with Proposition 218; any mitigation fees currently in place or approved in the future by the voters within the county service area zone; and property tax allocations according to any property tax exchange agreements between the County of Sierra and the Sierra County Fire Protection District #1 to support emergency services within the county service area zone. All “improved” properties as defined above within the county service area zone as of the date of formation, will be assessed equal charges for each “improved” parcel. The county service area zone will maintain a list of “improved” parcels as defined above, and any parcel “improved” as defined above subsequent to the date of formation of the county service area zone shall be enrolled and shall be charged thereafter an annual amount equal to the charges imposed on “improved” parcels that were in existence at the time for county service area zone formation.

- 7) The proposed county service area zone will be referred to as “County Service Area 4, Zone 4B-Verdi and Long Valley Emergency Services”.

BE IT FURTHER RESOLVED, that the Board of Supervisors sets a public hearing for _____ , 2020 at _____ pm in the Loyalton Social Hall on the formation of “Sierra County Service Area 4, Zone 4B-Verdi and Long Valley Emergency Services” and approval of the assessment engineering report to support the proposed formation and the basis for a protest hearing under Proposition 218 and notice of the public hearing shall be published, posted, and mailed as is required by Government Code, Section 25217 (d).

Adopted by the Board of Supervisors of the County of Sierra on this 19th day of May 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

BY:

Jim Beard
Chairman of the Board of Supervisors

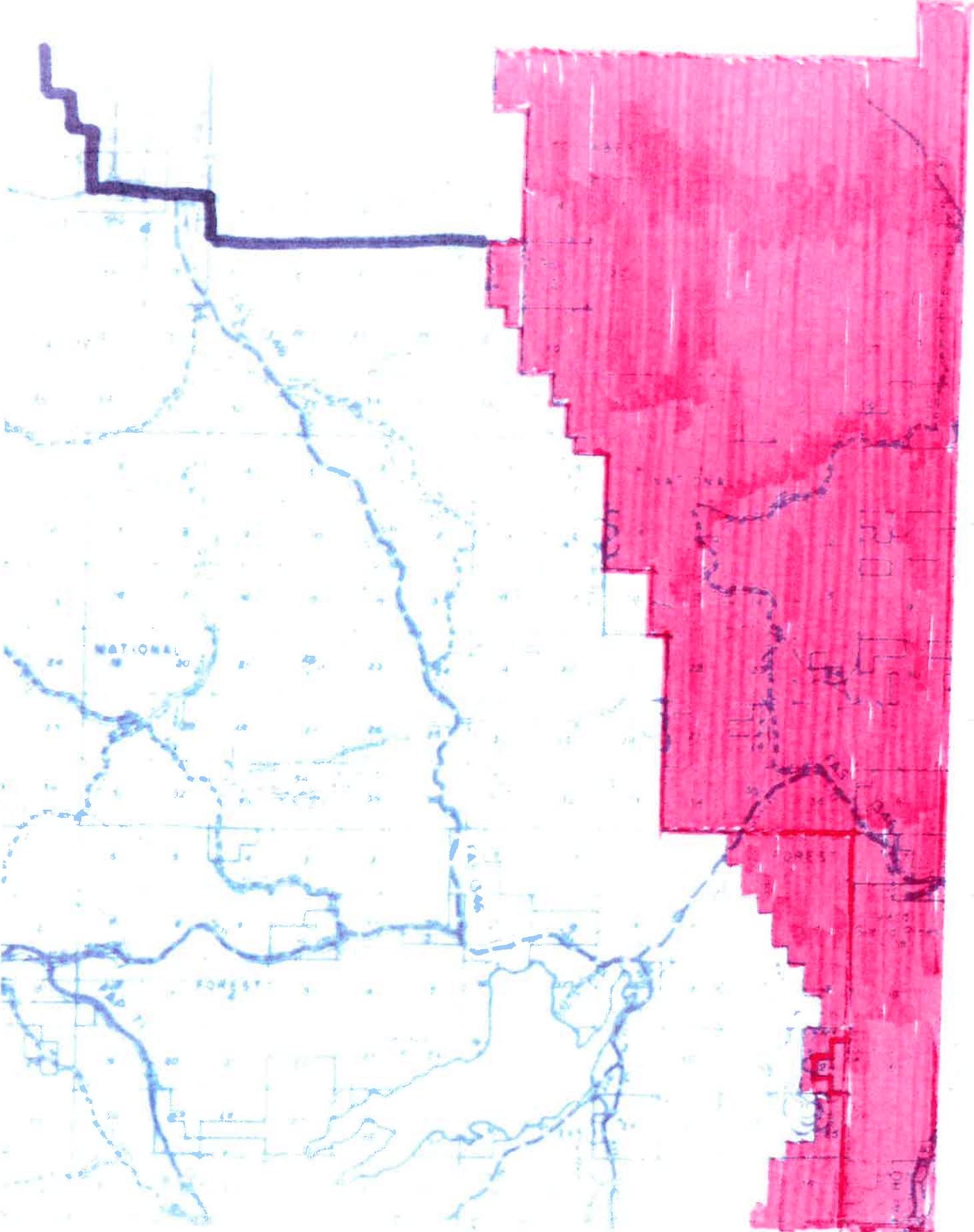
ATTEST:

APPROVED AS TO FORM:

Heather A. Foster
Clerk of the Board

David Prentice
County Counsel

COUNTY SERVICE AREA 4, ZONE 4B
VERDI-LONG VALLEY EMERGENCY SERVICES



County Service Area 4, Zone 4B

Beginning at the Southeast corner of Sierra County at the intersection with the California-Nevada State line; thence Westerly along the South boundary of said Sierra County line to the point of intersection of the centerline of Section 2, T. 18 N., R. 17 E., M.D.B. & M.; thence Northerly along the centerline of Section 2, T. 18 N., R. 17 E., M.D.B. & M. to the North 1/4 corner of said Section 2; thence along the South boundary of T. 19 N., R. 17 E., M.D.B. & M. to the South 1/4 corner of Section 35; thence Northerly along the centerline of said Section 35 to the Northwest corner of the Southwest 1/4 of the Southeast 1/4 of said Section 35; thence Easterly to the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of said Section 35; thence Northerly along the East boundary of the West 1/2 of the East 1/2 of said Section 35 to the Northwest corner of the East 1/2 of the Northeast 1/4 of said Section 35; thence Easterly to the Southeast corner of Section 26, T. 19 N., R. 17 E., M.D.B. & M.; thence Northerly along the East boundary of said Section 26 to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 26; thence Easterly along the North boundary of the South 1/2 of the Southwest 1/4 of Section 25, T. 19 N., R. 17 E., M.D.B. & M. to the Northeast corner of the South 1/2 of the Southwest 1/4 of said Section 25; thence Northerly along the centerline of said Section 25 to the North 1/4 corner of said Section 25; thence Westerly along the South boundary of Section 24, T. 19 N., R. 17 E., M.D.B. & M. to the Southwest corner of the East 1/2 of the West 1/2 of said Section 24; thence Northerly along the West boundary of the East 1/2 of the West 1/2 of said Section 24 to the South boundary of Section 13, T. 19 N., R. 17 E., M.D.B. & M.; thence Easterly along the South boundary of said Section 13 to the South 1/4 corner of said Section 13; thence Northerly along the centerline of said Section 13 to the center of said Section 13; thence Westerly along the centerline of said Section 13 to the Southwest corner of the East 1/2 of the Northwest 1/4 of said Section 13; thence Northerly along the West boundary of the East 1/2 of the Northwest 1/4 of said Section 13 to the South boundary of Section 12, T. 19 N., R. 17 E., M.D.B. & M.; thence Westerly along the South boundary of said Section 12 to the East boundary of Section 11, T. 19 N., R. 17 E., M.D.B. & M.; thence Northerly along the East boundary of said Section 11 to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 11; thence Westerly along the North boundary of the Southeast 1/4 of the Southeast 1/4 of said Section 11 to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 11; thence Northerly along the West boundaries of the Northeast 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Northeast 1/4 of said Section 11 to the Northeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 11; thence Westerly along the North boundary of the Southwest 1/4 of the Northeast 1/4 of said Section 11 to the centerline of said Section 11; thence Northerly along the centerline of said Section 11 to the South boundary of Section 2, T. 19 N., R. 17 E., M.D.B. & M.; thence Westerly along the South boundary of said Section 2 to the Southeast corner of the West 1/2 of the Southwest 1/4 of said Section 2; thence Northerly along the East boundary of the West 1/2 of the Southwest 1/4 of said Section 2 to the Northeast corner of the West 1/2 of the Southwest 1/4 of said Section 2; thence Westerly along the North boundary of the West 1/2 of the Southwest 1/4 of said Section 2 to the West boundary of said Section 2; thence Northerly along the West boundary of said Section 2 to the Northwest corner of said Section 2, T. 19 N., R. 17 E., M.D.B. & M.; thence Westerly along the South Boundary of T. 20 N., R. 17 E., M.D.B. & M. to the East boundary of Section 33,

T. 20 N., R. 17 E., M.D.B. & M.; thence Northerly along the East boundaries of Sections 33, 28, and 21, T. 20 N., R. 17 E., M.D.B. & M. to the Northeast corner of said Section 21; thence Westerly along the North boundary of said Section 21 to the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 16, T. 20 N., R. 17 E., M.D.B. & M.; thence Northerly along the West boundary of the East 1/2 of the East 1/2 of said Section 16 to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 16; thence Westerly along the North boundary of said Section 16 to the Northwest corner of said Section 16; thence Northerly along the East boundaries of Sections 8 and 5, T. 20 N., R. 17 E., M.D.B. & M. to the Southeast corner of the North 1/2 of the Northeast 1/4 of said Section 5; thence Westerly along the South boundary of the North 1/2 of the Northeast 1/4 to the centerline of said Section 5; thence Northerly along the centerline of said Section 5 to the North 1/4 corner of said Section 5; thence Westerly along the South boundary of T. 21 N., R. 17 E., M.D.B. & M. to the Southwest corner of the East 1/2 of the Southeast 1/4 of Section 31, T. 21 N., R. 17 E., M.D.B. & M.; thence Northerly along the West boundary of the East 1/2 of the Southeast 1/4 of said Section 31 to the Northwest corner of the East 1/2 of the Southeast 1/4 of said Section 31; thence Westerly along the North boundary of the Southeast 1/4 of said Section 31 to the center of said Section 31; thence Northerly along the centerline of said Section 31 to the North 1/4 corner of said Section 31; thence Westerly along the North boundary of said Section 31 to the Southeast corner of Section 25, T. 21 N., R. 16 E., M.D.B. & M.; thence Northerly along the East boundary of said Section 25 to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of said Section 25; thence Westerly along the South boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 25 to the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 25; thence Northerly along the West boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 25 to the South boundary of Section 24, T. 21 N., R. 16 E., M.D.B. & M.; thence Westerly along the South boundary of Section 24, T. 21 N., R. 16 E., M.D.B. & M. to the South 1/4 corner of said Section 24; thence Northerly along the centerline of said Section 24 to the North 1/4 corner of said Section 24; thence Easterly along the North boundary of said Section 24 to the Northeast corner of said Section 24; thence Northerly along the East boundaries of Sections 13 and 12, T. 21 N., R. 16 E., M.D.B. & M. to the Southeast corner of Section 1, T. 21 N., R. 16 E., M.D.B. & M.; thence Westerly along the South line of said Section 1 to the South 1/4 corner of said Section 1; thence Northerly along the centerline of said Section 1 at a point on the North Boundary of Sierra County, thence easterly along said North boundary of Sierra County to the Northeast corner of Sierra County also being on the California-Nevada State line; thence Southerly along the East boundary of Sierra County to the Southeast corner of Sierra County, also being the California-Nevada State line, to the Point of Beginning.