

Election Strategies and Prop. 218 Discussion
& SCI Presentation



**NORTH COUNTY FIRE PROTECTION DISTRICT OF
MONTEREY COUNTY**

FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES ASSESSMENT

ENGINEER'S REPORT

FEB 2021

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50078
ET SEQ. AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

SCIConsultingGroup

4745 MANGELS BOULEVARD

FAIRFIELD, CALIFORNIA 94534

PHONE 707.430.4300

FAX 707.430.4319

WWW.SCI-CG.COM

NORTH COUNTY FIRE PROTECTION DISTRICT

COUNTY BOARD OF DIRECTORS

- Don Chapin, Board President
- Jacqueline C. Simon, Vice President
- Ramon Gomez, Secretary
- Stanley Silva, Director
- Pete Scudder, Director

DISTRICT STAFF

- Rick Parker, Fire Chief
- Jesus Mendoza, Division Chief
- Joel Mendoza, Division Chief
- Carolina Bravo, Administrative Officer

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INTRODUCTION

The North County Fire Protection District of Monterey County ("North County FPD," "Fire District," or "District"), is governed by an independent five-member board of directors and serves the communities of Castroville, Elkhorn, Las Lomas, Moss Landing, Oak Hills, Pajaro, Prunedale, and Royal Oaks in the north-most section of Monterey County. North County FPD was originally formed in 1949 as the Castroville Fire Department ("CFD") and responded to emergencies within and immediately surrounding Castroville. A 1971 annexation brought Moss Landing and the Elkhorn area into Castroville's jurisdiction. A 1981 study conducted by the Monterey County Local Agency Formation Commission (LAFCo) concluded that a fully consolidated fire District would provide the most cost effective and operationally efficient fire service from the North Monterey County area. Their recommendations were to consolidate Castroville Fire, Aromas Fire, and Salinas Rural Fire's Station Two area (Prunedale) into one agency. This LAFCo recommendation was pursued by County Leaders and newly consolidated agency was formed in 1982 called the North County Fire Protection District of Monterey County.

North County FPD serves a population of just over 42,000 residents, covering 125 square miles from the coast on the west to the San Benito County line, (with the exception of the area covered by the Aromas Tri-County Fire District). It operates fire stations in Las Lomas, Prunedale, and Castroville. North County FPD responds to over 3,224 service calls per year, including structure fires, brush fires, and vehicle fires, traffic collisions, search and rescues, industrial accidents and hazardous materials incidents and emergency medical calls. In addition, North County FPD provides fire prevention, community education, emergency preparedness and other services relating to the protection of lives and property.

The 3 North County FPD stations are identified as:

Castroville Community

Station 1: Castroville Fire Station

Salinas to Aromas Community

Station 2: Prunedale Fire Station

Las Lomas, Royal Oaks, Pajaro, Parts of Prunedale, and Moss Landing Community

Station 3: Las Lomas Fire Station

Unlike most fire Districts in the region, North County FPD does not have any Special Taxes or Assessments in place to fund crucial fire protection services within the District. Instead, the District receives primary funding through a small portion of local property taxes, as well as other miscellaneous fees. The Fire District is not funded by the State or County, and has never received any funding from the now suspended Cal Fire Prevention Fee.

The Fire District is currently implementing significant budget cuts to streamline operations. These cuts are a direct impact of the loss of significant tax revenue from the reassessment of the Moss Landing power plant, as well as the expiration of the Fire District's SAFER Grant in February 2019, which provided funding for 5 full-time firefighters. On June 30, 2019 the 5 Safer Grant firefighters were laid off. The Fire District has made other budget cuts, deferring equipment rehabilitation and replacement (up to seven years in some cases), and staffing reserve firefighters, instead of full time positions.

Subsequently, in 2019, after a failed 2018 parcel tax measure and also due to the instability of grant funding, the Fire District was forced to reduce its staff by 33% and the permanent fire chief position remains unfilled. The reduction in staff has negatively impacted the Fire District's ability to provide an adequate number of firefighters on the scene of an emergency incident. For example, most engine companies in Monterey County are staffed by 3 or 4 personnel each but with the current staffing model North County FPD engine companies are only staffed by 2 personnel (Fire officer and Firefighter) which significantly reduces the effectiveness of the Fire District's response.

The property owners within the North County FPD currently receive an Insurance Service Office (ISO) fire protection class of 4 and 10. The Fire District has been notified that it will soon be evaluated by ISO, and a new classification will be issued based on the District's ability to provide fire protection services. Under the current guidelines, the District's Fire Protection Class is largely based (50% of the total score) on how well a Fire Agency can protect the community it serves. With the current reduced staffing levels and the number of personnel they can effectively put on a structure fire, the ISO rating is in serious jeopardy of increasing.

"The District's Insurance Services Office (ISO) grade is weighted on the number, type, and age of apparatus. Any negative impact to the District's ISO grade such as utilizing apparatus beyond the 25 year life expectancy could result in higher insurance premiums for our residential and commercial property owners."

Over the last year, several North County residents have also reported that their home insurance policies have been terminated because they lived in a Wildfire Urban Interface. This is a designation given to California's most vulnerable homes built just close to wildland. Facing increased losses, some California property insurers are now reducing the number of policies they issue in California protecting properties in which wildland fire risk is elevated. (Insurers are responding to the fact that damages have mounted to billions of dollars lost in destructive and deadly fires such as the Camp fire in Butte County, and Tubbs fire in Napa and Sonoma Counties.) In the past, the Fire District has been able to provide property owners with letters to insurers stating a good standing ISO rating and this has allowed them to stay insured. A drop in ISO rating could result in either a complete loss of homeowners' coverage or a much higher cost perhaps with less coverage.

North County FPD seeks to return to a higher level of fire protection and emergency response service by returning to appropriate staffing levels and providing for improved apparatus replacement, maintenance of facilities, and improved equipment replacement. This Engineer's Report supports a proposed new assessment to enhance existing funding sources and associated services and equipment, and to fund these improved services and equipment. The proposed rates for this proposed assessment are shown in Table 1, below.

TABLE 1 – PROPOSED ASSESSMENT RATES

Property Type	Proposed		
	Rate	SFE Factors	Unit
Single Family	\$ 97.91	1.0000	each
Multi-Family	\$ 57.52	0.5875	res unit
Commercial/Industrial	\$ 283.38	2.8943	acre
Office	\$ 198.78	2.0302	acre
Storage	\$ 585.86	5.9837	acre
Parking Lot	\$ 26.25	0.2681	each
Vacant	\$ 26.25	0.2681	each
Agriculture	\$ 4.30	0.0440	acre
Range Land & Open Space	\$ 0.09	0.0009	acre

The proposed assessment rates are used along with the relative fire hazard zone factor and the relative travel time factor to calculate the assessment for each parcel. These factors are explained in more detail beginning on page 25.

This Engineer's Report (the "Report") was prepared to:

- Describe the fire suppression, safety and emergency response services and equipment that would be funded by the assessments (the "Services")
- Establish a budget for the Services that would be funded by the assessments in 2021-22
- Determine the special benefits received from the proposed Services by property within the North County Fire Protection District Assessment (the "Assessment District"), and
- Describe the method of apportionment to lots and parcels within the Assessment District.

This Report and the proposed assessments have been made in compliance with California Government Code Section 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article").

The Assessment District is narrowly drawn to include only properties that directly receive the additional fire protection and prevention services provided by the assessment funds and are specially benefited from such Services. The Assessment Diagram included in this Report shows the boundaries of the Assessment District.

LEGAL ANALYSIS OF PROPOSITION 218

The proposed assessment complies with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Articles XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses of a public improvement that provide a special benefit to the assessed property.

Proposition 218 imposes a number of important requirements, including property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE DISTRICT (2008) 44 CAL.4TH 431

On July 14, 2008, the California Supreme Court issued its ruling in *Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space District* ("Silicon Valley"). Several of the most important elements of the ruling are:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

DAHMS V. DOWNTOWN POMONA PROPERTY (2009) 174 CAL.APP.4TH 708

On June 8, 2009, the Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court granted review and transferred the case back to the Court of Appeal for reconsideration in light of the Supreme Court's discussion in the *Silicon Valley* case. In *Dahms*, the Appellate Court then upheld the assessment that was 100% special benefit (i.e. 0% general benefit) holding that the services and improvements funded by the assessments were directly provided to property in the assessment District. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON (2009) 46 CAL.4TH 646

On December 31, 2009, the Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs

within sub-areas of the assessment district, instead of each individual property's proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE (2010) 184 CAL.APP.4TH 1516

On May 26, 2010, the California Court of Appeal issued its decision in *Steven Beutz v. County of Riverside* ("Beutz"). This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified, and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO (2011)199 CAL.APP.4TH 416

On September 22, 2011, California Court of Appeal issued its decision in *Golden Hill Neighborhood Association v. City of San Diego*. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, as in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to document the basis for the assessment on city-owned parcels.

CONCERNED CITIZENS FOR RESPONSIBLE GOVERNMENT V. WEST POINT FIRE PROTECTION DISTRICT (2011)149 CAL. RPTR. 3D 640

On November 28, 2012, the California Supreme Court dismissed as moot petitioners' appeal in the case of *Concerned Citizens for Responsible Government v. West Point Fire Protection District*. The Supreme Court had granted review of the Court of Appeal's decision in this case early in July 2012 after several local government organizations petitioned the Court to have the Court of Appeal's decision de-published because of its apparent conflicts with the California Constitution and potentially overly broad impact on other assessments. The Supreme Court's grant of review caused the Court of Appeal decision to be de-published. The Supreme Court eventually dismissed the appeal as moot.

For fire agencies, the most concerning aspect of the decision from the Court of Appeal was its statement that fire services (as opposed to improvements) may be in whole or in part a general benefit, and therefore unsuitable for funding with an assessment. Fortunately, the Court of Appeal's decision remains unpublished, and cannot be cited as binding precedent.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the *Silicon Valley* decision because the Services to be funded are clearly defined; the Services are available to and will be directly provided to all benefited property in the Assessment District; the Services provide a direct advantage to property in the Assessment District that would not be received in the absence of the

assessment; and the Services are benefits that are over and above general benefits conferred on real property located in the North County FPD or to the public at large by other public entities that make up the membership of North County FPD.

This Report is consistent with *Dahms* because, similar to the *Downtown Pomona* assessment validated in *Dahms*, the Services will be directly provided to property in the Assessment District. More specifically, as discussed hereafter, the Services afford benefits specifically unique and supplied only to property owners within the District, with a corresponding effect that is not shared by other parcels outside of the District or real property in general, including the public at large. While *Dahms* could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more generous separation and quantification of general benefits.

This Report is also consistent with *Bonander* because the Assessment has been apportioned based on the proportional special benefit to each property. Furthermore, the Assessment is consistent with *Beutz* and *Golden Hill* because the general benefits have been explicitly calculated, quantified, and excluded from the Assessment.

ASSESSMENT PROCESS

Following submittal of this Report to North County FPD for preliminary approval, the North County FPD Board of Directors (the "Board") may, by Resolution, call for an assessment ballot proceeding and public hearing on the proposed establishment of a Fire Protection and Emergency Response Services Assessment.

If the Board approves such a Resolution, a Notice of Assessment and Assessment Ballot will be mailed to each property owner within the proposed Assessment District boundaries who will be subject to the proposed assessment. The Notice will include a description of the Services to be funded by the proposed assessment, the total amount of the proposed assessment and the amount chargeable to the owner's parcel, the reasons for the proposed assessment and the basis upon which it was calculated, and an explanation of the process for submitting a ballot. Each notice will also include a postage prepaid return envelope and a ballot on which the property owner may mark his or her approval or disapproval of the proposed assessment as well as affix his or her signature.

After the ballots are mailed to property owners in the Assessment District, a minimum 45 day time period must be provided for the return of the assessment ballots. Following this balloting time period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments. Ballots will be received if previously mailed and received by the public agency before the public hearing, or if physically submitted at the public hearing. At the public hearing, the public will have the opportunity to speak on the issue. The public hearing is currently scheduled to open on May 18, 2021. After receiving ballots and public comment, the public hearing will be closed. The Board will then recess in order that the ballots can be tabulated.

If it is determined that the assessment ballots submitted in opposition to the proposed assessment do not exceed the assessment ballots submitted in favor of the assessment (weighted by the proportional financial obligation of the property for which ballots are submitted), the Board may approve the imposition of assessment for fiscal year 2021-22 and each fiscal year thereafter. If the assessment is confirmed and approved, the Board will order the levy of the assessment to be submitted to the Monterey County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2021-22. The levy and collection of the assessment would continue year-to-year until terminated by the Board.

The assessment granted by the ballot proceeding would be for a maximum assessment rate of \$97.91 per single family home, increased each subsequent year by the consumer price index not to exceed 3% per year.

In each subsequent year for which the assessment will be continued, an updated proposed budget, assessment rate and an updated assessment roll listing all parcels and their proposed assessment for the upcoming fiscal year shall be prepared and considered by

the Board of Directors. At this meeting, the Board will also call for the publication in a local newspaper a legal notice of the intent to continue the assessment for the next fiscal year and set the date for the noticed public hearing. At the annual public hearing, members of the public can provide input to the Board prior to the Board's decision on continuing the services and assessment for the next fiscal year.

If the assessment is so confirmed and approved, the levies would be submitted to the Monterey County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2021-22.

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DESCRIPTION OF SERVICES

North County FPD provides a range of fire suppression protection, prevention, and other fire and emergency related services to properties within its boundaries.

This proposed benefit assessment would provide funding for two major areas of service improvements for its fire suppression and protection operations.

- Increased Firefighter Staffing and Training
- Improved Maintenance and Replacement of Apparatus and Equipment

The formula below describes the relationship between the final level of services, the baseline level of service based on existing funding, and the enhanced level of services funded by the assessment if it is approved. It should be noted, due to the fact that current operating costs are increasing at a faster rate than current funding sources, the baseline level of services is diminishing over time.

<i>Final Level of Service</i>	=	<i>Current Baseline Level of Service</i>	+	<i>Proposed Enhanced Level of Service</i>
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Below is a more detailed description of these improvements that are provided for the special benefit of property in the Assessment District.

INCREASED FIREFIGHTING STAFFING AND TRAINING

Firefighting emergency response staffing levels are described colloquially in terms of "speed and weight," with speed describing the response time and weight describing the number and types of personnel. Also, staffing levels are also commonly described in terms of the number of firefighting staff per fire truck and/or apparatus, such as "4 on an initial response" or "3 on an initial response". North County Fire is satisfied with its response time ("speed") but has determined that its staffing levels ("weight") at "2 on an initial response" are insufficient.

Although there are many approaches to deploying firefighting staff, OSHA guidelines place strict requirements on operations, particularly when firefighters are required to enter potentially Immediately Dangerous to Life and Health (IDLH) environments such as structure fires. In these atmospheres, OSHA requires that personnel use self-contained breathing apparatus (SCBA), that a minimum of two firefighters work as a team inside the structure, and that a minimum of two firefighters be on standby outside the structure to provide assistance or perform rescue. Essentially the "2 in, 2 out" rule severely limits North County FPD's ability to respond effectively to many types of emergencies. The challenge is compounded in the case of multiple calls. North County FPD has determined that an increase in staffing would significantly increase its effectiveness, as well as compliance

with OSHA requirements, and would benefit the property owners with heightened levels of property and human life protection.

Improved and increased firefighting staffing levels will significantly contribute to improved safety and protection of real property within the proposed Assessment District. The proposed assessment is intended to provide funding for additional full-time-staffing, and some additional training. The costs for the proposed staffing increases to support implementation of "4 on an initial response" staffing are included in the Table 4 Budget.

IMPROVED MAINTENANCE AND REPLACEMENT OF APPARATUS AND EQUIPMENT

Much of North County FPD's fleet is aging and in need of replacement, and includes active equipment and apparatus up to 30 years old. The recommended lifespan for a frontline engine is 10-20 years. Obsolete fire engines are unreliable and expensive to repair. Currently the vehicle replacement schedule has been deferred in an effort to reduce costs. Table 2 below lists all the current apparatus in operation in the District. They are listed by the year they were purchased, original purchase price, anticipated life span and the cost of replacement based on the anticipated life span. Items in red are overdue for replacement.

TABLE 2 – CURRENT APPARATUS IN OPERATION

Type of Vehicle	Purchase Year	Purchase Price	Life Span	Replacement Year	Replacement Cost (based on 2019 pricing)
Brush Fire Engine	1988	\$107,570	20	2008	\$575,000
Fire Engine/Plumper	1990	\$170,000	20	2010	\$575,000
Beach Rescue	1998	\$26,800	15	2013	\$65,000
Utility Pickup	1998	\$25,693	15	2013	\$55,000
Command Vehicle	2004	\$22,545	10	2014	\$70,000
Fire Engine/Plumper	1996	\$266,059	20	2016	\$575,000
Fire Engine/Plumper	1996	\$170,000	20	2016	\$575,000
Command Vehicle	2006	\$37,145	10	2016	\$70,000
Utility SUV	2001	\$50,000	15	2016	\$75,000
Command Vehicle	2007	\$43,238	10	2017	\$70,000
Utility Pickup	2002	\$45,000	15	2017	\$55,000
Command Vehicle	2008	\$22,545	10	2018	\$70,000
Water Tender	1995	\$280,511	25	2020	\$425,000
Brush Fire Engine	2001	\$200,271	20	2021	\$438,818
Brush Fire Engine	2001	\$200,271	20	2021	\$438,818
Fire Engine/Plumper	2003	\$350,327	20	2023	\$575,000
Fire Engine/Plumper	2003	\$350,327	20	2023	\$575,000
Heavy Rescue	2005	\$247,034	20	2025	\$400,282
Ladder/Pump Truck	2001	\$490,310	25	2026	\$850,500
Water Tender	2004	\$192,629	25	2029	\$425,000
Fire Engine/Plumper	2010	\$435,000	20	2030	\$575,000
Total Apparatus Replacement Costs:					\$7,533,418

North County FPD desires to ensure maintenance and replacement of apparatus in order to maximize safety and effectiveness for fire suppression. Improved maintenance and replacement will significantly contribute to improved safety and protection of real property within the proposed Assessment District. If approved, the proposed assessment will fund a Dedicated 10-Year Apparatus and Equipment Replacement Plan, and an allocation of \$753,342 has been included in the Table 3 budget (\$7,533,418 from Table 2 divided by 10 years = \$753,342). It should be noted that the need for equipment replacement will be on going beyond the 10 years.

CAPITAL REPAIRS

North County FPD operates out of 3 primary facilities, the Castroville station, the Prunedale station, and the Las Lomas station. Some of the funds from this assessment would allow for critical repairs to be completed across all stations such as new flooring, domestic plumbing, septic system updating, repairs to concrete/asphalt for parking, driveways, etc.

OTHER SERVICES AND SUPPLIES

The Table 3 budget includes and summarizes budget allocations for miscellaneous other services and supplies, including capital repairs, equipment operation and maintenance, facilities maintenance and operation, professional services, supplies and materials, utilities and administration in support of North County FPD's operations.

COST AND BUDGET

The following budget lists the proposed expenditures funded by the Assessment District in Fiscal Year 2021-22.

TABLE 3 – COST AND BUDGET

North County Fire Protection District Improved Fire Protection and Emergency Response Assessment Estimate of Costs Fiscal Year 2020-21		<i>Total Budget</i>
Service Needs		
Firefighter Staffing and Training		\$5,274,633
Capital Purchases		\$830,106
Other Services and Supplies		\$1,000,921
Additional Firefighter Staffing and Training		\$500,000
10 yr. Equipment Replacement Plan		\$753,342
Total Service Needs (a)		\$8,359,002
Less: County Fire Contribution for General Benefit (b)		(\$7,105,860)
Net Cost of Servicing to Assessment District (a-b)		\$1,253,142
Allowance for implementation of assessment and county collection (c)		\$106,823
Allowance for uncollectable assessments		\$18,000
Total Fire Suppression and Protection Services Budget (a-b+c) (Net Amount to be Assessed)		\$1,377,965
Assessment District Budget Allocation to Parcels		
Total Assessment Budget		\$1,377,965
Effective Single Family Equivalent Benefit Units in Assessment District ²		14,073
Assessment per Effective Single Family Equivalent Unit (SFE)		\$97.91

The "Services Needs" cost estimates are presented in the budget table above for the 2021-22 fiscal year only, but are based upon financial forecasting over a 10 year cycle and beyond. This forecasting concludes that these costs these will likely persist consistently into the future. For example, the Dedicated 10-Year Apparatus and Equipment Replacement Plan shown in Table 3 supports the annual \$753,342 budget item shown above, and is consistent with predicted ongoing replacement costs beyond this fiscal year.

Consistent with the General benefit requirement described later in this Report, at least 20% of the total cost of the NCFPD Fire Services must be funded from sources other than this proposed assessment to cover any general benefits from the Services. Therefore, the cost of Services of \$1,377,965, funded by the proposed assessment, can be funded exclusively through the assessment levy as a special benefit since the current County contributions from its dedicated ad valorem property taxes, remaining fund

balance and the existing benefit assessment exceed approximately 81.13%%. (\$7,105,860/\$8,759,002) of the total cost of NCFPD Fire Services, far in excess of the above required 20% non-assessment general benefit funding requirements. The 80.67% funding is from property taxes and other sources.

(b) Other sources includes Penalties; In-Lieu Taxes; Interest; Federal, State and Other Misc Grants; Inspection Charges; Permit Processing Fees; Cost Recovery; Insurance Premium Charges; Other Charges; Insurance Proceeds; Sales of Fixed Assets and Fund Balance.

(h) The Total SFEs are the sum of the assigned Single Family Equivalent units for each affected parcel based upon a parcel-by-parcel analysis of the service area consistent with the Method of Apportionment described later in the Report.

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METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits to be derived from the Services, the criteria for the expenditure of assessment funds, and the methodology used to apportion the total assessment to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within North County FPD boundaries. The method used for apportioning the assessment is based upon the proportional special benefits from the Services to be provided to the properties in the assessment area over and above general benefits conferred on real property or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

1. Identification of all benefit factors derived from the improved services
2. Calculation of the proportion of these benefits that are general
3. Determination of the relative special benefit within different areas within the Assessment District
4. Determination of the relative special benefit per property type
5. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

IMPLEMENTATION OF AN ASSESSMENT FOR FIRE PROTECTION SERVICES

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as NCFPD Fire, to levy assessments for fire suppression services. Section 50078 states the following:

“Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article.”

In addition, California Government Code Section 50078.1 defines the term “fire suppression” as follows:

“(c) “Fire suppression” includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.”

Therefore, the Services to be provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code.

The assessment must be levied based on the special benefit to property. Special benefit means a particular and distinct benefit received by property over and above any general

benefits conferred on real property located in the Assessment District or the public at large. With reference to the requirements for assessment, Section 50078.5 of the California Government Code states:

"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."

"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The following 2 sections describe how and why the Fire Protection Services specially benefit properties. This special benefit is particular and distinct from its effect on other property, and that other real property and the public at large do not share the special benefit.

OVERVIEW OF SPECIAL BENEFITS FROM FIRE PROTECTION SERVICES

Special Benefit is defined in Article XIID of the California Constitution as a "particular and distinct benefit over and above general benefits." The proposed services and improvements provide "particular and distinct" benefit because they are distinctly defined and described, and are provided directly to the parcels within the Assessment District boundaries. The proposed services and improvements are "over and above general benefits" supplied by the member agencies of the North County FPD.

Moreover, this assessment for fire protection services can be clearly contrasted with assessments for parks and recreation, or even open space, as addressed in *Silicon Valley*, because fire services are provided directly to individual parcels in the form of fire prevention and suppression; by contrast, property owners must travel from their properties to dispersed locations to fully enjoy the benefits of parks and open space.

In summary, real property located within the boundaries of the proposed Assessment District distinctly and directly benefits from increased safety and protection of real property and human life in the Assessment District.

DESCRIPTION OF SPECIAL BENEFIT FROM FIRE PROTECTION SERVICES

In order to allocate the assessments, the special benefit arising from the Services that will be provided to property in the Assessment District has been identified and described below. This special benefit must confer a direct advantage to the assessed properties; otherwise it would be general benefit, as described further in this report.

The following special benefit confers to residential, commercial, industrial, institutional, and other lots and parcels resulting from the improved fire protection and emergency response services that will be provided in the Assessment District. This special benefit is summarized as follows:

INCREASED SAFETY AND PROTECTION OF REAL PROPERTY ASSETS FOR ALL PROPERTY OWNERS WITHIN THE ASSESSMENT DISTRICT.

The proposed Assessments will fund improved fire suppression, prevention, protection and emergency response services, and thereby can significantly reduce the risk of property damage, human injury, or death associated with fires within the assessment District. Clearly, fire mitigation helps to protect and specifically benefits both improved properties and vacant properties in the Assessment District.

*"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related cost."*¹

*"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."*²

*"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses."*³

The proposed improved fire suppression, prevention, protection, and emergency response services support this special benefit by providing North County FPD with the needed resources to protect real property from uncontrolled fires.

The proposed increased firefighting staffing supports this special benefit by providing needed personnel resources. For instance, current OSHA regulations require that two firefighters remain outside a structure during an emergency response to a structure fire, while two firefighters may enter. (This OSHA Policy is documented as United States Department of Labor - Occupational Safety and Health Administration — OSHA Regulation "2 in 2 out"— The "2In/2 Out" policy is part of paragraph (g)(4) of OSHA's revised respiratory protection standard, 29 CFR 1910.134.)

This “2 in, 2 out” requirement places significant limitations on North County FPD’s ability to respond to structure fires, particularly when second and third calls are made. The proposed assessment would allow North County FPD to optimize staffing levels and satisfy the “2 in, 2 out” requirement on significantly more emergency calls. Properties receive direct special benefit from the increased staffing because the increase in staffing in turn increases the likelihood that property and life will be protected. For example, if only three firefighters are available to respond to a structure fire, no firefighter would be allowed to enter the structure – potentially impeding the ability to conduct a rescue operation or critical fire suppression activity.

The increased firefighting staffing specifically satisfies the strict legal requirements of the *Silicon Valley* decision in that these Services are clearly defined, are available to and will be directly provided to all benefited property, and will provide a direct advantage that would not be received in the absence of the assessment.

GENERAL VERSUS SPECIAL BENEFIT

Article XIII D of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.”

In other words:

<i>Total Benefit</i>	=	<i>General Benefit</i>	+	<i>Special Benefit</i>
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The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment, therefore, can fund special benefits but cannot fund general benefits.

Please note that the property owners of the parcels subject to the assessment *should not* and *cannot* be required to pay for the general benefits arising from the proposed service and equipment improvements – this is an essential assessment-payer-protection requirement of all Proposition 218–compliant assessments. In order to clearly and overwhelmingly satisfy this important requirement, the general benefit has been calculated in each step favoring its reasonable maximum to totally avoid any possibility that the total general benefit to be funded from other sources is under-calculated.

There is no statutory formula to calculate, quantify and separate general benefit in support of benefit assessment analysis. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct,” and are not “over and above” benefits received by other properties, or the public at large. *Silicon Valley* provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements. Again, in this Report, the general benefit is generously estimated and described, and then budgeted so that it is funded by sources other than the assessment. Although there is not an industry

standard for this general benefit calculation, the three-component (plus an adjustment for emergency medical) approach shown in the formula below has been the most-widely used.

	1.) <i>Benefit to Real Property Outside the Assessment District</i>
+	2.) <i>Benefit to Real Property Inside the Assessment District that is Indirect and Derivative</i>
+	3.) <i>Benefit to the Public at Large</i>
+	<i>(Adjustment for Emergency Medical Services)</i>
=	<i>General Benefit</i>

Special benefit, on the other hand, is defined in the California Constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The *Silicon Valley* decision indicates that a special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted previously, the improved Services are available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and the benefits are only minimally received by property outside the Assessment District or the public at large.

CALCULATING GENERAL BENEFIT

This section provides a measure of the general benefits from the assessments.

1.) BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries. (It should be noted that the Services may, at times, be used outside the North County FPD boundaries. However, this use is part of a mutual aid agreement and is offset, at least in part, by the provision of Services by other outside agencies within the Assessment District boundaries.)

Properties proximate to, but outside of, the boundaries of the Assessment District receive some benefit from the proposed Services due to some degree of indirectly reduced fire risk to their property. Specifically, the parcels immediately contiguous to North County FPD’s boundaries enjoy a reduction to the possibility of a fire “jumping” from an adjacent structure (within the North County FPD boundaries) because North County FPD controls structure fires within its boundaries. Because North County FPD’s primary role is directed towards structure fires, as opposed to wildland fires, and structure fires generally “jump” more slowly, it is reasonable to only consider the directly adjacent, but outside, parcels. These

are estimated to receive some benefit relative to parcels within the Assessment District, but they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment was proposed, the Engineer of Work, using the Geographic Information Systems, quantified the number of parcels proximate to the Assessment District boundary but outside the Assessment District, and thereby determined that there were approximately 313 directly adjacent properties. Further consideration of the types, use, location and other attributes of the outside but proximate parcels is not warranted due to numeric insignificance, and would not materially increase the accuracy of this analysis:

313 parcels outside NCFPD but proximate to the NCFPD Boundaries

11,233 parcels in the Assessment District.

Calculation:

General Benefit to Property Outside the Assessment District =

$313 / (10,842 + 313) = 2.81\%$: ~ rounded to 5.0%

It can reasonably be argued that properties protected inside, but near the Assessment District boundaries, are offset by similar fire protection provided outside, but near, the Assessment District's boundaries, through mutual aid agreements. However, this analysis uses the more generous approach of finding that 5.0% of the Services may be of general benefit to property outside the Assessment District, and cannot be funded by this assessment.

2.) BENEFIT TO PROPERTY INSIDE THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

In determining the proposed Assessment District area, North County FPD has been careful to only include parcels that will directly receive the benefit of the improved Services. All parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to maintain the same improved level of fire suppression and protection throughout the area. Fire protection and suppression will be provided as needed throughout the area. The shared special benefit - reduced severity and number of fires - would be received on an equivalent basis by all parcels in the Assessment District due to the proposed increased funding. Furthermore, all parcels in the Assessment District would directly benefit from the ability to request or receive service from North County FPD and to have a North County FPD resource promptly respond directly to the parcel and address the owner's or resident's service need.

The *Silicon Valley* decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in

situations involving a landowner-approved assessment-funded extension or improvement of a local government service to benefit lands. This Report therefore concludes that, other than the general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), the general benefit from the fire protection services that is “indirect and derivative” is negligible.

3.) BENEFIT TO THE PUBLIC AT LARGE

Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small.

The public at large uses the public highways, and when traveling in and through the Assessment District the public may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within North County FPD, this protection is arguably “indirect and derivative” and possibly benefits people rather than property. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway and throughway street area within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that approximately 1.0% of the land area in the Assessment District is covered by highways and throughway streets.

A 5.0% contribution therefore is a generous, fair and appropriate measure of the general benefit to the public at large within the Assessment District and cannot be funded by this assessment.

ADJUSTMENT TO ACCOUNT FOR EMERGENCY MEDICAL SERVICES AS GENERAL BENEFIT

For the purposes of this Report, an additional adjustment has been made to the general benefits calculation to account for general benefits that may result from the District's rescue and emergency medical services (“EMS”) associated with the proposed Services. *(Limitations on the appropriateness of Proposition 218-compliant assessments to fund EMS is still debated - in any case, this assessment does not include funding for EMS).* This assessment is designed to provide funding for fire protection and emergency response services, including fire-related and non-fire-related rescue and associated medical services. However, it is not designed to fund typical, non-fire/non-rescue medical calls (e.g., a cardiac arrest medical call).

North County FPD is authorized to provide EMS in addition to its primary responsibility of fire prevention and suppression. In fact, a significant portion of North County FPD's emergency service calls are associated with providing EMS. Nonetheless, the largest portion by far of the costs associated (over 97%) with operating North County FPD is support for fire suppression services as illustrated in Table 4, below.

Incremental costs associated with non-fire/non-rescue emergency medical service include almost exclusively the operating costs associated with transportation to such calls such as fuel, maintenance and depreciation. For further clarification, these are costs that are only incurred because of EMS, and do not include fixed costs such as personnel who would be

on active duty in any case as well (as the associated training), and would therefore be incurred in any event in satisfying North County FPD's primary responsibility of fire protection and suppression.

Evaluation of the transportation associated with non-fire/non-rescue emergency medical calls for several similar fire districts in California indicates that typically around 2% of overall operating costs are for such calls. An analysis of North County FPD's actual additional costs for non-fire/non-rescue emergency medical calls is shown in Table 4, below, and supports an adjustment of 8.96%. This adjustment has generously been rounded up to 10%.

TABLE 4 – EMERGENCY MEDICAL EXPENSES VERSUS OVERALL BUDGET

EMS Expense	Annual Costs
EMS Fuel Cost	\$40,248.00
EMS Apparatus Operations and Maintenance Cost	\$104,644.80
EMS Supplies and Equipment	\$566,773.01
Annual EMS Training and Certification Costs	\$3,689.40
Total EMS Cost (a)	\$715,355.21
Total Budget from Table 4 (b)	\$7,983,825
Percentage of Total Budget on Emergency Medical (a/b)	8.96%

The proposed assessment, as indicated through this Report, will exclusively go to fund special benefits conferred upon the properties within North County FPD boundaries, while EMS is directly funded from North County FPD through non-assessment sources including property taxes. For purposes of this Report, EMS costs over and above those necessary for fire suppression have been treated as general benefits, and it is conceded that these general benefits may exist at the same percentage for the proposed Services as with the existing baseline services. Therefore, it can be concluded that NCFPD Fire's services are 8.05% general as a result of providing EMS services-Again, the engineer is requiring a 10% adjustment for this component.

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment Area, we find that approximately 20% of the benefits conferred by the proposed Fire Protection and Emergency Response Assessment may be general in nature and must therefore be funded by sources other than the assessment.

General Benefit Calculation

5.0%	(1. Outside the Assessment District)
+ 0.0%	(2. "Indirect and Derivative" Property within the Assessment District)
+ <u>5.0%</u>	(3. Public at Large)
= 10.0%	(Subtotal of General Benefit)
+ <u>10.0%</u>	(Emergency Medical Adjustment)
= 20.0%	(Total of General Benefits)

The Assessment District's total budget for 2021-22 is \$8,759,002. Of this total assessment budget amount, the County will contribute at least \$7,105,860 which is more than 80% of the total budget from sources other than this proposed assessment including dedicated property taxes and the existing benefit assessment. This contribution constitutes significantly more than the 20% general benefits estimated by the Assessment Engineer, which must be paid for by non-assessment sources.

ZONES OF BENEFIT

The Assessment District has been narrowly drawn. The assessments will fund improved fire protection services relatively uniformly throughout the Assessment District. Properties of similar type will receive essentially equivalent types of special benefit with reasonable, parcel-by-parcel adjustments for fire hazard zone and proximity to fire stations (as explained later in the Method of Assessment section), and no broad, widespread Zones of Benefit are needed. Instead, each parcel is subject to geographic factors, acting as effective individual mini-zones.

The Assessment Area is extremely rural, and includes a patchwork of areas of high and very high fire risk. Further, travel by roadway throughout the Assessment Area is very limited, and travel times from stations to specific parcels vary greatly. Accordingly, in lieu of traditional Zones of Benefits, the specific benefit of each parcel is individually calculated and adjusted for both fire risk zone and response travel time.

ASSESSMENT APPORTIONMENT

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative risk of fire by type of property, the relative fire hazard zone factor, the relative travel time factor, the relative size of the property, and the relative damage value (replacement cost) of fires by property type. This method is further described below.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel (one "Single Family Equivalent Benefit Unit" or "SFE").

This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. In this Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to the benefit received by a single family home on one parcel.

The relative benefit to properties from fire related services is:

EQUATION 1 – RELATIVE SPECIAL BENEFIT TO PROPERTIES

Special Benefit =

$$\sum(\text{Fire Risk Factors}) * \sum(\text{Structure Replacement Factors}) * \sum(\text{Location/Topography Factors})$$

Simply put, the special benefit conferred to property is the product of the fire risk, the structure replacement costs and the location and topographic factors.

Typically, the development of the rate methodology for fire assessments is based upon fire risk and structure value. However, in this case, due to the particular nature of NCFPD fire hazards and terrain, two additional factors (Fire Hazard Zone and Proximity (Travel Time)) were added in support of a uniquely rigorous and detailed, parcel-by-parcel development of rate and assessment.

For example, by this formula, a hypothetical parcel used for a high fire risk operation (i.e., a fireworks factory), with high value structures, in a high fire hazard zone and very close to a fire station, receives a high amount of special benefit. Conversely, a vacant lot not in a high fire hazard area and a long way from a fire station would receive far less special benefit. It follows that the special benefit, and accordingly, the assessment amount, should be calculated and assigned consistent with this logic.

OVERVIEW OF APPROACH

Each parcel is evaluated and the special benefit is calculated using 4 attribute criteria:

Risk and Replacement Factors

- | | |
|---------------------------------|---------------|
| 1.) Fire Risk | (see Table 5) |
| 2.) Structure Replacement Value | (see Table 6) |

These factors are summarized in Table 7

Location and Topography Adjustments

3.) Location and Topography - Hazard Zone (see Table 8)

4.) Location and Topography - Proximity (Travel Time) (see Table 9)

OVERVIEW OF NORMALIZATION IN ADJUSTMENTS IN MULTI-ATTRIBUTE ANALYSIS

One of the greatest engineering challenges in modeling and calculating special benefit on a specific parcel is the need to balance the effect of various attributes in a multi-attribute analysis. In this case, the special benefit method of apportionment is based upon four different attributes and each must be “weighted” to affect the overall special benefit calculation in a reasonable way, commensurate with their effect on the overall special benefit. The general approach taken is to adjust each attribute value towards a reasonable proportion of 1, such that it is consistent with the base unit of 1 Single Family Equivalent. See the “Area Adjustment Factor” used in Table 6 and the Impact Factor used in Tables 8 and 9.

1.) FIRE RISK FACTORS

This fire risk is based upon the specific parcel type and use, including use of structure (e.g., used for cooking), type of structure (centralized heating), etc.

In 2018, the National Fire Protection Association (“NFPA”), one of the preeminent authorities on fire protection in the United States, published the Structure Fires by Occupancy 2012-2016 Annual Averages Report. This report comprehensively tabulates the number of fires for each classification of property type within the United States from 2012-2016, and serves as a reasonable and rational basis to determine fire risk.

The percent of fires for each property is then divided by the total number of that property type to determine un-normalized fire risk factors. Finally, the risk factors are normalized based upon a factor of 1.00 for a single family property. Table 5 below tabulates the Fire Risk Factors for each property type.

TABLE 5 – NORMALIZED FIRE RISK FACTORS

Property Type	Percentage of Study Units(a)	Percentage of Fires(b)	Risk Factor(b/a)	Normalized Risk Factor
Single Family	68.4%	52.9%	0.7742	1.0000
Multi-Family	13.1%	23.5%	1.7977	2.3220
Commercial/Industrial	3.4%	13.7%	4.0375	5.2150
Office	0.6%	0.7%	1.2019	1.5524
Storage	0.5%	4.7%	10.0987	13.0438
Parking Lot(1)	NA	NA	0.0000	0.3179
Vacant	11.7%	2.9%	0.2461	0.3179
Agriculture	1.7%	1.6%	0.0000	1.2310
Range Land & Open Space	0.8%	0.1%	0.0724	0.0935

Structure Fires by Occupancy 2012-2016 Annual Averages, NFPA, and an analysis of the percentage of properties by property type in the State of California by SCI

(1) This study did not provide sufficient analysis to develop risk factors for parking lots, so the vacant property type is used as a proxy.

The effect of installed fire sprinklers on the special benefit received from the proposed services must be tempered by the fact that many factors including fire type, weather, roofing material, building materials response time, defensible space, use of working smoke detectors, type of windows, maintenance of sprinkler system, etc. likely more significantly affect fire protection. These factors are incorporated into our analysis. Sprinklers have been required for commercial parcels for many years, and so that element is already incorporated into our risk analysis. However, sprinklers for new and renovated residential structures have become required more recently. Special cases will be considered as part of the standard appeals process described later in this Report.

2.) STRUCTURE REPLACEMENT VALUE FACTORS

The relative value of different property types was evaluated within the district to determine the Structure Replacement Value Factor according to the following formula:

EQUATION 2 – STRUCTURE REPLACEMENT VALUE FACTORS

Structure Replacement Value =

Normalized: $(((\text{Structure Weighting Factor} * (\text{Average Improved Value})) +$

$((\text{Land Weighting Factor} * (\text{Average Land Value}))) * \text{Area Adjustment Factor}$

Where:

- “Structure Weighting Factor” = 10 to “weight” relative importance of structure over land.
- “Average Improved Value” is average of value of all structures and improvements.
- “Normalized:[]” process is required to adjust the Structure Replacement Value factor as compared to a Single Family property type. The calculated structure replacement value for a specific property type is divided by the structure replacement value for a single family property type – and then it is multiplied by the area adjustment factor.
- Area Adjustment Factor adjusts for various average parcel size as compared to an average single family residence and only affects multi-family parcels for the service area. Hence, the adjustment factor is 0.644 for multi-family parcels and 1.0 (e.g. no effect) for all other property use types.
- “Land Weighting Factor” = 1
- “Average Land Value” is average of value of all land per property type

Table 6 on the next page is a tabulation of the structure replacement values for each property type as defined by Equation 2, on the previous page.

TABLE 6 – STRUCTURE REPLACEMENT FACTORS

Property Type	Average Improvement Values (a)	Average Land Values (b)	Adjusted, Weighted Normalized Replacement Value Factor	Unit
Single Family	\$280,970	\$301,247.52	1.0000	each
Multi-Family	\$181,015	\$185,912.00	0.4134	res unit
Commercial/Industrial	\$246,992	\$250,715.00	0.8745	acre
Office	\$228,946	\$60,187.00	0.7553	acre
Storage	\$131,656	\$385,005.00	0.5470	acre
Parking Lot	NA	NA	0.7350	acre
Vacant	\$77,418	\$107,367.17	0.7350	each
Agriculture	\$7,427	\$28,536.00	0.0330	acre
Range Land & Open Space	\$3,124	\$1,707.00	0.0106	acre

(a) and (b) values derived from an analysis of the 2019 Monterey County Assessor records.

SUMMARY OF RISK AND REPLACEMENT FACTORS

Per Equation 1, the relative special benefit for each property type (the “SFE” or “Single Family Equivalent” Benefit Units) is determined as the product of the normalized Fire Risk Factors and the normalized Structure Replacement Value Factors. Table 7, below, summarizes the benefit for each property type.

Note that to derive an actual Assessment amount, each of these values needs to be then multiplied by the parcel specific Fire Hazard Zone Risk Factors and Proximity (Travel Time) Risk Factors in Tables 8 and 9, below.

TABLE 7 – BENEFIT SUMMARY PER PROPERTY TYPE

Property Type	Fire Risk Factors	Replacement Cost Factors	SFE Factors	Unit
Single Family	1.0000	1.0000	1.0000	each
Multi-Family	2.3220	0.4134	0.9598	res unit
Commercial/Industrial	5.2150	0.8745	4.5607	acre
Office	1.5524	0.7553	1.1725	acre
Storage	13.0438	0.5470	7.1344	acre
Parking Lot	0.3179	0.7350	0.2336	each
Vacant	0.3179	0.7350	0.2336	each
Agriculture	1.2310	0.0330	0.0407	acre
Range Land & Open Space	0.0935	0.0106	0.0010	acre

RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Residential properties on parcels that are larger than one acre receive additional benefit and are assigned additional SFEs on an "Agricultural/Rangeland" basis. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of dwelling units that occupy each property. The relative benefit for multi-family properties was determined per Equation 1 to be 0.9598 SFEs per residential unit. This rate applies to condominiums as well.

COMMERCIAL/INDUSTRIAL & OFFICE PROPERTIES

Commercial and industrial properties are assigned benefit units per acre, since there is a relationship between parcel size, structure size and relative benefits. The relative benefit for commercial and industrial properties was determined per Equation 1 to be 4.5607 SFEs per acre. The relative benefit for office properties was determined per Equation 1 to be 1.1725 SFEs per acre.

VACANT AND UNDEVELOPED PROPERTIES

The relative benefit for vacant properties and stand-alone parking lots was determined per Equation 1 to be 0.2336 SFEs per parcel.

RANGELAND & OPEN SPACE PROPERTIES

The relative benefit for range land & open space properties was determined per Equation 1 to be 0.0010 SFEs per acre. (This group includes TPZ parcels.)

AGRICULTURAL PROPERTIES

The relative benefit for agricultural properties requires additional analysis, as required by Government Code 50078 *et seq* and the unique aspects of agricultural properties within the boundaries. This analysis considered how agricultural operations may mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression service provided. Agricultural properties have been analyzed for fire risk and replacement cost per Equation 1. The relative benefit for agricultural properties was determined per Equation 1 to be 0.0407 SFEs per acre.

OTHER PROPERTIES

Properties that do not fit within the major categories described above have been individually reviewed and the special benefit has been individually calculated. These properties are primarily mixed-use properties with the relative special benefit calculated from the relative proportion of each of the underlying property uses.

Article XIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

All public properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small and other parcels such as roads, and right-of-way parcels typically do not have significant risk of fire damage. Moreover, for common area parcels, the fire benefits are assigned to the other improved parcels in the project that share common ownership of the common area. These miscellaneous parcels receive minimal benefit from the Services and are assessed an SFE benefit factor of 0.

3.) FIRE HAZARD ZONE RISK FACTORS

CAL FIRE works with local agencies to study various fire risk factors throughout rural California including terrain, vegetation, fuel load, wind, weather, etc. and designates specific geographic areas according to fire risk. Within the Assessment Area certain areas are designated as Very High, High, or Moderate as well as areas that do not fall into any of these zones ("None"). Accordingly, parcels receive higher special benefit from the fire protection and emergency response services if they are higher risk zones.

Refer to Appendix A for a diagram of the Fire Hazard Areas in North County FPD.

Table 8 shows the normalized Fire Hazard Risk Factor for each fire risk zone.

TABLE 8 – FIRE HAZARD ZONE RISK FACTORS

Fire Hazard Zone ¹	Score	Impact Effect	Normalization
Very High	2	120	1.20
High	1.2	112	1.12
Moderate	1	110	1.10
None	0	100	1

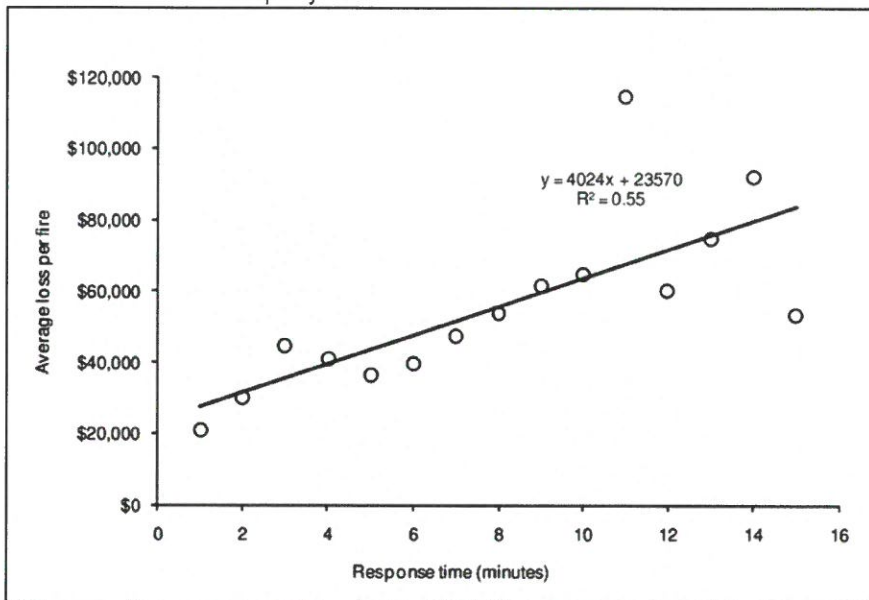
The Score is relative special benefit conferred for each risk zone. The Impact Factor is the relative weight for this risk factor on the overall special benefit calculation, and is the Score multiplied by 10 and added to the base value of 100.

4.) PROXIMITY (TRAVEL TIME) RISK FACTORS

Timely response is a critical factor in responding to emergency calls to ensure the safety of people and protection of property. Numerous studies have confirmed this well-established understanding and the results of one such study is included with this Report. The graph

below shows the linear function relationship ranking between response time and loss in dollars. Accordingly, parcels that are closer to a fire station require a shorter travel time for response, and receive a higher level of special benefit than parcels with a longer travel time.

Travel Time versus Property Loss



Source: Neil Challands "The Relationships Between Fire Service Response Time and Fire Outcomes," Fire Technology, July 2010.

Travel time from the closest of the 3 fire stations to each parcel was calculated and analyzed using Geographical Information Systems.

Refer to Appendix B for a diagram of the Response Areas Travel Time in North County FPD.

Table 9 on the next page shows the relative normalized value of travel time

TABLE 9 – TRAVEL TIME PREMIUM FACTOR

Travel Time	Score (\$)	Impact Effect	Normalization
<2	43,690	138	1.15
2-4	63,810	126	1.05
4-6	83,930	120	1.00
6-8	104,050	116	0.97
8-10	124,170	114	0.95
10+	144,290	112	0.93

ASSESSMENTS CALCULATION

Each parcel's assessment is calculated by multiplying the assessment rate by the SFE benefit factor (Table 7), fire hazard zone factor (Table 8) and travel time premium factor (Table 9):

EXAMPLE CALCULATIONS

Case #1: Single Family Residence in High Very Hazard Zone with a 10 minute Travel Time

Assessment Rate = Annual Base SFE Rate * 1.000 (from table 7) * 1.20 * 1.05 = 1.26 * Annual Base SFE Rate

Case #2: Single Family Residence in Moderate Hazard Zone with a 28 minute Travel Time

Assessment Rate = Annual Base SFE Rate * 1.000 (from table 7) * 1.10 * 0.95 = 1.045 * Annual Base SFE Rate

Case #3: Commercial Property on 2 Acres in High Very Hazard Zone with a 10 minute Travel Time

Assessment Rate = Annual Base SFE Rate * 4.5607 (from table 7) * 2 acres * 1.20 * 1.05 = 11.4929 * Annual Base SFE Rate

Case #4: Vacant Lot not in a Hazard Zone with a 4 minute Travel Time

Assessment Rate = Annual Base SFE Rate * .2336 (from table 7) * 1.00 * 1.15 = 0.2686 * Annual Base SFE Rate

Annual Base SFE Rate = \$97.91 for 2021-22

APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment or for any other reason, may file a written appeal with the North County FPD Fire Chief, or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Chief, or his or her designee, will promptly review the appeal and any information provided by the property owner. If the Chief, or his or her designee, finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Chief, or his or her designee, is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Chief, or his or her designee, shall be referred to the North County FPD Board of Directors; the decision of the Board shall be final.

ADDITIONAL BACKGROUND ON RELATIVE BENEFIT

When property owners decide how to cast their ballot for a proposed assessment, each property owner should weigh the perceived value of the Services proposed to them and their property against the proposed cost of the assessment to their property. If property owners of a certain type of property are either opposed or in support of the assessment in much greater percentages than owners of other property types, this is an indication that, as a group, these property owners perceive that the proposed assessment has relatively higher or lower “utility” or value to their property relative to owners of other property types. One can also infer from these hypothetical ballot results, that the apportionment of benefit (and assessments) was too high or too low for that property type. In other words, property owners, by their balloting, ultimately indicate if they perceive the special benefits to their property to exceed the cost of the assessment, and, as a group, whether the determined level of benefit and proposed assessment (the benefit apportionment made by the Assessment Engineer) is consistent with the level of benefits perceived by the owners of their type of property relative to the owners of other types of property.

CRITERIA AND POLICIES

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report cannot be substantially modified; however, the Board may adopt additional criteria to further clarify certain criteria or policies established in this Report, or to establish additional criteria or policies that do not conflict with this Report.

- **DURATION OF ASSESSMENT**

It is proposed that the Assessment be levied for fiscal year 2021-22 and continued every year thereafter, so long as the risk of fire on property in the Assessment District remains in existence and NCFPD Fire requires funding from the Assessment for improved fire protection and suppression services. As noted previously, if the Assessment and the duration of the Assessment are approved by property owners in an assessment ballot proceeding, the Assessment can be imposed and continued annually after the Board approves an annually updated budget and rate for the Assessment. In addition, the Board must hold an annual public hearing to continue the Assessment.

ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE NORTH COUNTY FPD AREA

The net available assessment funds, after incidental, administrative, financing and other costs, shall be expended exclusively for Services within the boundaries of the Assessment District, namely, the North County FPD area.

ASSESSMENT

WHEREAS, the Board of Directors of the North County Fire Protection District formed the Fire Protection and Emergency Response Services Assessment District and is proceeding with the proposed levy of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article");

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an allocation of the estimated costs of the Services upon all assessable parcels within the Assessment District;

NOW, THEREFORE, the undersigned hereby recommends the following assessment to cover the estimated cost of said Services, including incidental costs.

The amount to be paid for said Services and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2021-22 is generally as follows:

TABLE 10- SUMMARY COST ESTIMATE

FISCAL YEAR 2021-22 BUDGET	
Total for Servicing	\$8,359,002
Contribution from North County Fire	(\$7,105,860)
Total Allowance for Implementation & Uncollectable Assessments	\$124,823
Total Fire Suppression & Protection Services Budget	\$1,377,965

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion said net amount of the cost and expenses of said Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the Consumer Price Index-U for San Francisco-Oakland-Hayward as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%.

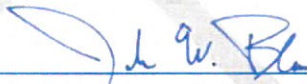
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of Monterey County for the fiscal year 2021-22. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Monterey County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2021-22 for each parcel or lot of land within the said Assessment District.

Dated: Feb 16, 2020

Engineer of Work

By

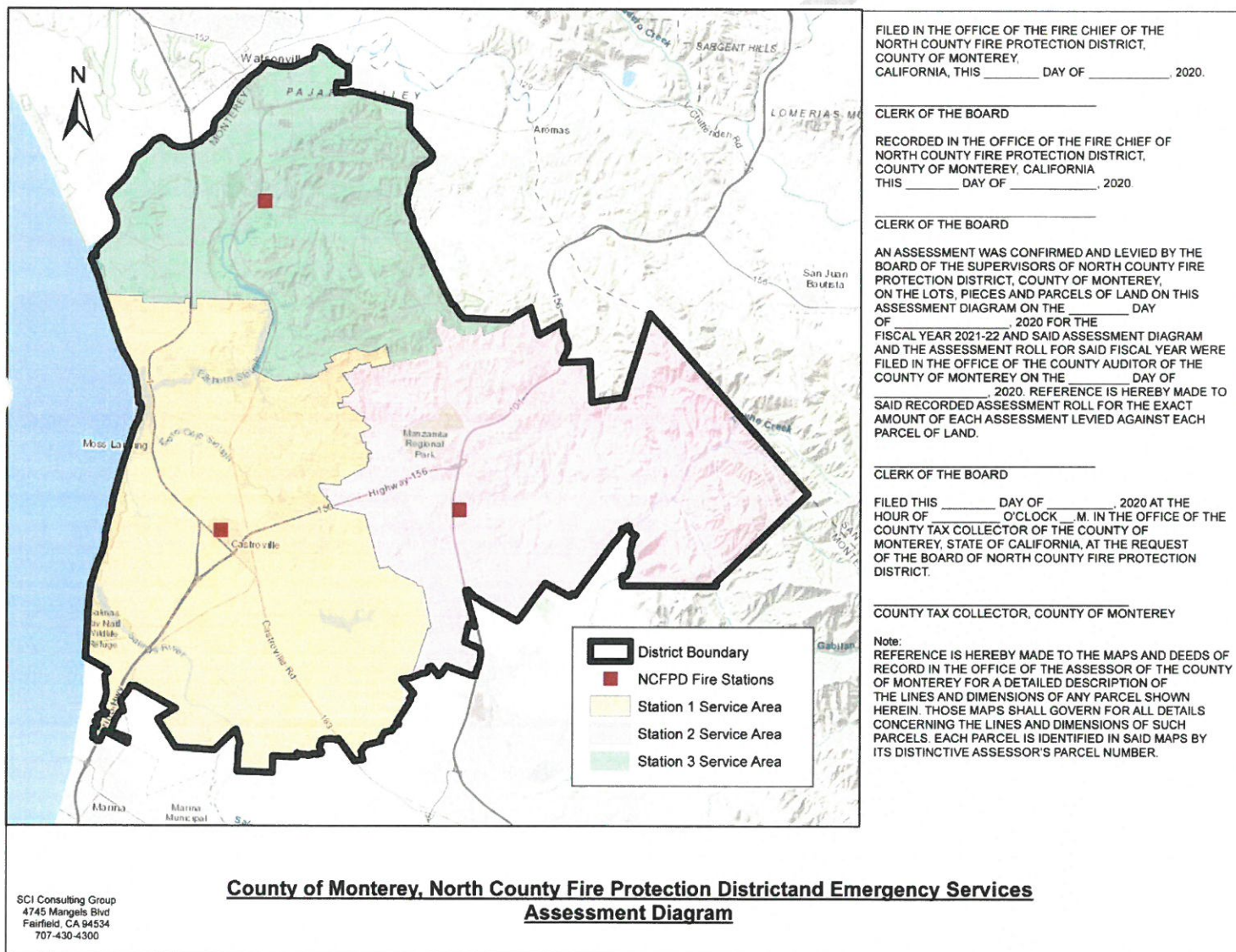


John W. Bliss, License No. C052091

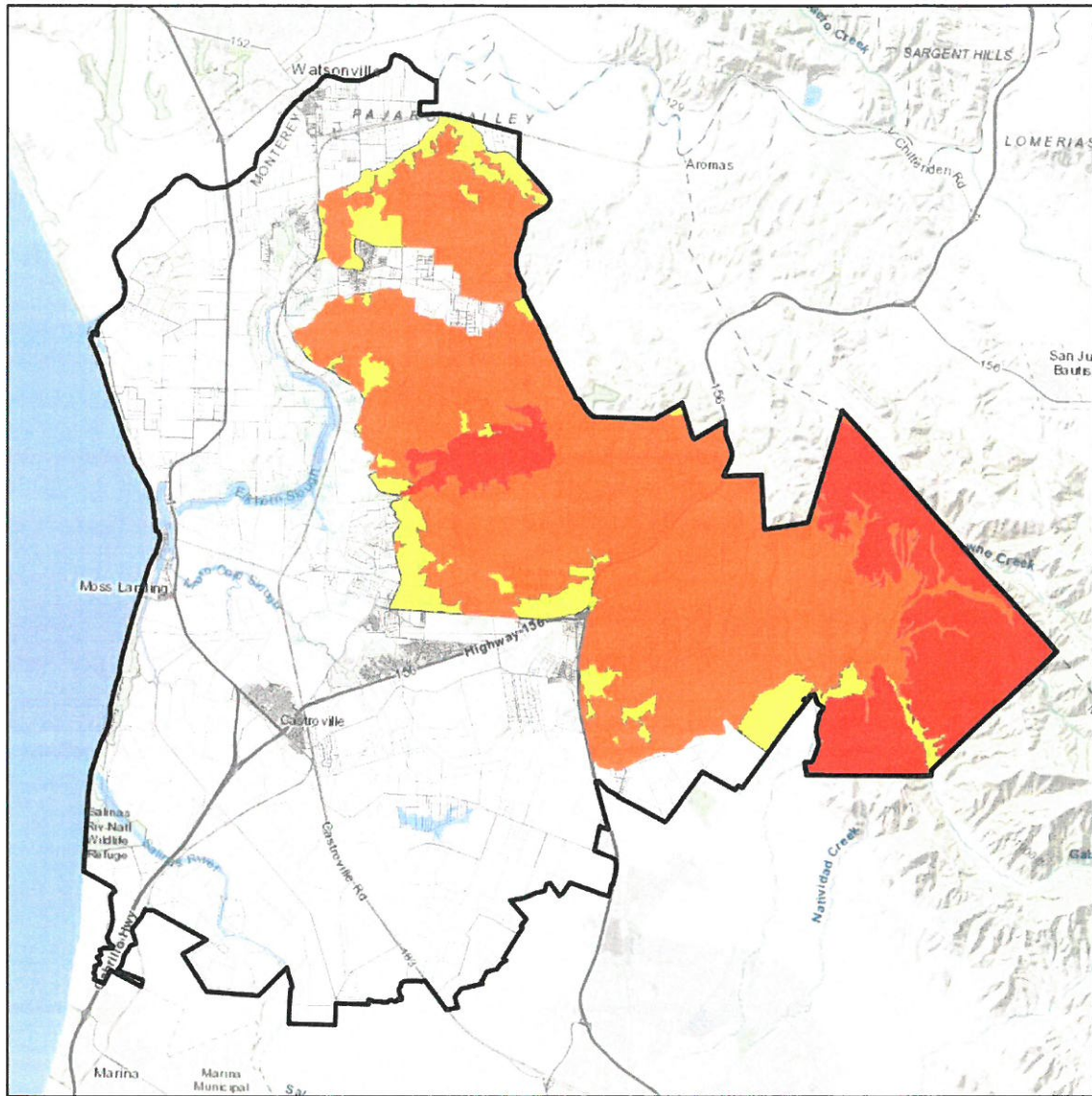
DRAFT

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of the Fire Protection and Emergency Response Services District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of Monterey County, and are incorporated herein by reference, and made a part of this Diagram and this Report.



APPENDIX A – FIRE HAZARD AREAS DIAGRAM

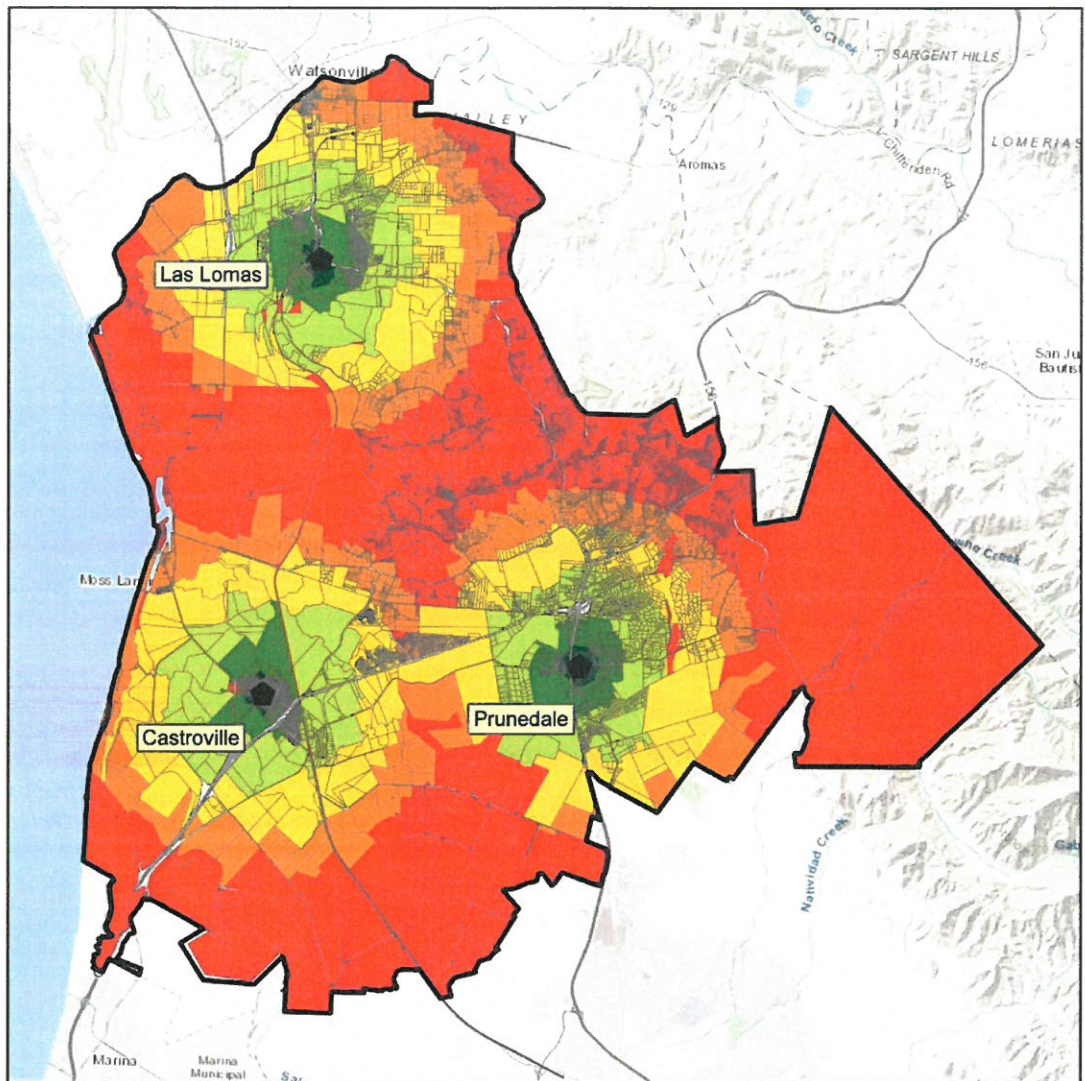


Fire Hazard Zones


-  High
-  Moderate
-  Very High


-  District Boundary
-  North County FPD Parcels

APPENDIX B – RESPONSE AREAS TRAVEL TIME DIAGRAM



Travel Time

-  < 2.00 min
-  2.01 - 4.00
-  4.01 - 6.00
-  6.01 - 8.00
-  8.01 - 10.00
-  > 10.01

-  District Boundary
- North County FPD Parcels

APPENDIX C – ASSESSMENT ROLL, FISCAL YEAR 2021-22

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this Report. These records shall govern for all details concerning the description of the lots of parcels.

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END NOTES

1 Insurance Services Offices Inc. <http://www.rockwall.com/documents/fire/ISO.pdf>

2 Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage," <http://www.ibhs.org/publications/view.asp?id=125>

3 *ibid.*, p.2

DRAFT

Take Action on Resolution adopting initiating proceedings, providing intention to levy assessments, preliminarily approving engineer's report, and providing notice of hearing, and the mailing of assessment ballots for the North County Fire Protection District of Monterey County, fire protection and emergency response services assessment.

PURPOSE: To adopt Resolution 21-3-2 The Preliminary Engineers Report and proposal for services from SCI Consulting Group.

OUTLINE: Due to the Districts financial situation and current staffing levels, this item has been brought before the Board of Directors for consideration. District revenues are insufficient to sustain operations. Additional revenues must be generated to enable the District to sustain services. SCI consulting will provide the services outlined in the attached proposal for amounts not to exceed for the following services.

- Engineer's Report - \$33,500
- Election Services - \$29,250
- Community Outreach - \$16,000
- First Year Levy Administration - \$14,000

RECOMMENDATION: That the Board adopt Resolution 21-3-2 initiating proceedings, providing intention to Levy Assessments, preliminarily approving Engineers Report, providing for Notice of Hearing, and the mailing of the assessment ballots and direct the Fire Chief to sign any documents as required with SCI Consulting for services listed above.

Rick Parker, Fire Chief

NORTH COUNTY FIRE PROTECTION DISTRICT

Resolution No.: 21-3-2

A RESOLUTION INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING, AND THE MAILING OF ASSESSMENT BALLOTS FOR THE NORTH COUNTY FIRE PROTECTION DISTRICT OF MONTEREY COUNTY, FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES ASSESSMENT

WHEREAS, the North County Fire Protection District of Monterey County was established in 1949 (the "District"); and

WHEREAS, District desires to initiate the proceedings for the formation of a fire protection and emergency response services assessment district pursuant to Government Code sections 50078—50078.20 and Cal. Const. art. XIID to provide improved fire protection and fire suppression services for all the properties within the boundaries of the District; and

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIID to the California Constitution; and

WHEREAS, Article XIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, an Engineer's Report (the "Report") has been prepared by SCI Consulting Group (the "Assessment Engineer") and submitted to the Board of Directors (the "Board"), in which a new assessment is proposed to fund the cost of providing fire suppression services and improvements within the District boundaries. This proposed assessment shall be described as the "Fire Protection and Emergency Response Services Assessment District" (hereinafter the "Assessment District") of the North County Fire Protection District of Monterey County.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF NORTH COUNTY FIRE PROTECTION DISTRICT OF MONTEREY COUNTY AS FOLLOWS:

1. **Reference to Initiation.** Pursuant to the District and direction from the Board, SCI Consulting Group, (the "Engineer of Work"), prepared an Engineer's Report pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 3.6 of the California Government Code, "Fire Suppression Assessments", beginning with Section 50078 and Article XIID of the California Constitution. The Report has been made, filed with the Clerk of the Board and duly considered by the Board and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to this resolution.

2. **Description of the Services.** Within the Assessment District, the proposed services and equipment to be funded by the assessments (“Services”) are generally described as including, but not limited to, obtaining, furnishing, operating, and maintaining fire suppression, protection and emergency services equipment and apparatus; paying salaries, benefits and other compensation for firefighting and fire prevention personnel; training and administration of personnel performing said fire suppression, protection and emergency services; community fire prevention education and fire inspection.
3. **Reference to Engineer’s Report.** Reference is hereby made to the Report for a full and detailed description of the Services, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District.
4. **Report of the Assessment Engineer.** The Report, which is available for public review at the North County Fire Protection District of Monterey County Headquarters, 11200 Speegle Street, Castroville, CA, is hereby incorporated by reference. This Engineer’s Report includes:
 - A. A description of the Services to be funded with assessment proceeds;
 - B. An estimate of the annual cost of such Services;
 - C. A description of the assessable parcels of land within the district and proposed to be subject to the new assessment;
 - D. A description of the proportionate special and general benefits conferred on property by the proposed assessment;
 - E. A description of the boundaries of the proposed assessment district, and
 - F. A specification of the amount to be assessed upon various types of assessable land to fund the cost of the Services.
5. **Description of Assessment District.** The Assessment District consists of the lots and parcels shown within the boundary map of the Assessment District on file with the Clerk of the Board, and reference is hereby made to such map for further particulars.
6. **Proposed Assessment Rate.** It is the intention of this Board to levy and collect assessments within the Assessment District. The estimated fiscal year 2021-22 cost of providing the Services is \$1,377,965. This cost results in a proposed assessment rate of NINETY SEVEN DOLLARS AND NINETY ONE CENTS (\$97.91) per single-family equivalent benefit unit for fiscal year 2021-22.
7. **Public Hearing.** The public hearing on the proposed assessment shall be held before the Board of Directors located at 11160 Speegle Street, Castroville, CA. on Tuesday, June 15, 2021, at the hour of 10:00 a.m. for the purpose of this Board’s determination of

whether the public interest, convenience and necessity require the Services and this Board's final action upon the Report and the assessments therein.

8. **Notice and Ballot.** The Board Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 7 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the District. The mailed Notice shall be given by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Monterey, or in the case of any public entity, the representative of such public entity at the address thereof known to the Board Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Assessment District for fiscal year 2021-22, the assessment proposed for the owner's particular parcel(s) and the duration thereof and the reason for the assessment. Each Notice shall also contain the proposed assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, the date, time, and location of the public hearing and a statement that the existence of a majority protest will result in the assessment not being imposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

10. **Additional Information.** To get additional information about the proposed assessments, the Assessment District or the proposed Services contact: Rick Parker, Fire Chief, North County Fire Protection District of Monterey County Headquarters, 11200 Speegle Street, Castroville, CA, phone number (831) 633-2578. The Engineer's Report and other written material about the Assessment District may also be reviewed at the District Headquarters during regular business hours.

11. **Annual Assessments.** The assessments are proposed to be levied annually. If the proposed assessments are approved and confirmed by the Board of Supervisors, the assessments may increase in future years by an amount equal to the annual change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-Hayward, not to exceed 3% (three percent) per year without a further vote or balloting process. In each subsequent year in which the assessments will be levied, an updated proposed budget and assessment rate shall be prepared and considered by the Board of Directors at a noticed public hearing. The updated budget and assessment rate shall serve as the basis for the continuation of the assessments.

PASSED AND ADOPTED by the Board of Directors of the North County Fire Protection District of Monterey, State of California, this 16th day of March 2021 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

Don Chapin, President

ATTEST:

Ramon Gomez, Secretary

APPROVED AS TO FORM

District Counsel

**Take Action on Resolution Adopting Proposition 218 Assessment Ballot
Proceedings Procedures**

PURPOSE: To adopt Resolution 21-3-3 The commencement of a Prop. 218 balloting proceedings procedures and approve proposal for services from SCI Consulting Group.

OUTLINE: Due to the Districts financial situation and current staffing levels, this item has been brought back before the Board of Directors for consideration. District revenues are insufficient to sustain operations. Additional revenues must be generated to enable the District to sustain services. SCI consulting will provide the services outlined in the attached proposal for amounts not to exceed for the following services.

- Engineers Report - \$33,500
- Election Services - \$29,250
- Community Outreach - \$16,000
- First Year Levy Administration - \$14,000

RECOMMENDATION: That the Board adopt Resolution 21-3-3 for Proposition 218 Assessment Ballot Proceedings Procedures and direct the Fire Chief to sign any documents as required with SCI Consulting for services listed above.

Rick Parker, Fire Chief

NORTH COUNTY FIRE PROTECTION DISTRICT

Resolution No.: 21-3-3

A RESOLUTION ADOPTING PROPOSITION 218 ASSESSMENT BALLOT PROCEEDINGS PROCEDURES

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIII C and XIII D to the California Constitution; and

WHEREAS, Article XIII D of the California Constitution impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, the North County Fire Protection District of Monterey County was established in 1949 (the "District"); believes it to be in the best interest of the District and its property owners to confirm and memorialize the District procedures and guidelines regarding implementation of the provisions of Proposition 218 and pertinent statutes relating to assessments.

NOW, THEREFORE, the Board does hereby resolve as follows:

SECTION 1. Statement of Legislative Intent. In adopting this resolution, it is the Board of Directors (the "Board") intent to adopt assessment ballot proceedings, which are consistent and in compliance with Articles XIII C and XIII D of the California Constitution and with Government Code Sections 53750 through 53754. It is not the intent of the Board to vary in any way from the requirements of either the California Constitution or the laws of the State of California. If there is any inconsistency of each between a provision of this resolution and state law, state law will govern.

SECTION 2. Definition of Assessment. Proposition 218 defines "assessment" as "any levy or charge by an agency upon real property that is based upon the special benefit conferred upon the real property by a public improvement or services, that is imposed to pay the capital cost of the public improvement, the maintenance and operation expenses of the public improvement or the cost of the service being provided." "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment," and "special assessment tax."

SECTION 3. Assessment Ballot Proceeding. The following procedures shall be used in an assessment ballot proceeding that follows the requirements of Cal. Const. art. XIII D, section 4:

- A. **Amount of Assessment.** Only special benefits are assessable. The amount assessment shall be each identified parcel's proportionate share of the cost of the additional fire suppression services based upon that parcel's special benefit from the Service. The amount shall be proportional to and no greater than the special benefits conferred on the property.
- B. **Engineer's Report.** The Board shall direct the filing of an engineer's report that shall comply with the applicable state statute authorizing the assessment and with Cal. Const. art. XIID, Section 4. The engineer's report shall explain the special benefits conferred by the improvements and/or services funded by the assessments. The engineer's report shall also provide the evidence upon which the Board may find that a special benefit exists. If the improvement or service confers a general benefit, the engineer's report shall describe the general benefit and an alternative funding source for any general benefits. The engineer's report shall be prepared by a registered professional engineer certified by the State of California, (the "Assessment Engineer"). The cost of preparing the engineer's report shall be included as a cost of the assessment.
- C. **Notice.** The following guidelines shall apply to giving notice of an assessment:
1. The record owner(s) of each parcel to be assessed shall be determined from the last equalized property tax roll. If the property tax roll indicates more than one owner, each owner shall receive notice. Only property owners shall receive notice;
 2. The notice shall be sent at least forty-five (45) days prior to the date set for the public hearing on the assessment;
 3. The notice provided by this section shall contain the following information:
 - a. The total amount to be assessed for the entire assessment district;
 - b. The amount to be assessed to the owner's particular parcel;
 - c. The duration of the payments;
 - d. The reason for the assessment;
 - e. The basis upon which the amount of the proposed assessment was calculated;
 - f. The date, time and location of the public hearing on the proposed assessment;
 - g. A summary of the procedures for the completion, return and tabulation of the assessment ballots;
 - h. A disclosure statement that the existence of a majority protest will result in the assessment not being imposed; and

- i. A ballot to be completed by the owner, as further described in section D of this resolution.
4. The notice provided by this section and in accordance with Government Code Sections 53753(b) and (c) shall supersede and be in lieu of any other statutes requiring notice to levy or increase an assessment, including but not limited to the notice required by the state statute authorizing the assessment and Government Code section 54954.6;
5. Failure of any person to receive notice shall not invalidate the proceedings;
6. The cost of providing notice shall be included as a cost of the assessment.

D. Assessment Ballot. The following guidelines shall apply to the assessment ballot:

1. The ballot required by Article XIID, section 4(d), of the California Constitution shall be mailed to all property owners of record subject to the proposed assessment at least forty-five (45) days prior to the date of the public hearing on the proposed assessment. This ballot shall comply with Government Code Sections 53753(b) and (c). The ballot shall be designed in such a way that, once sealed, its contents are concealed.
2. All ballots must be returned either by mail or by hand delivery; not later than the date for return of ballots stated on the notice and ballot described in this section. Mailed ballots must be returned to North County Fire Protection District of Monterey County Headquarters, 11200 Speegle Street, Castroville, CA 95012, or, if delivered at the time and location of the public hearing, to be held at the Castroville Library located at, 11160 Speegle Street, Castroville, CA 95012, and handed to the Clerk of the Board (the "Clerk"). Ballots must be returned either by mail or by hand delivery prior to the conclusion of the public input portion of the public hearing. The Tabulator shall tabulate the ballots (the "Tabulator") at a time and location which will be accessible to the public.
3. Each ballot must be signed under penalty of perjury. In the event that more than one of the record owners of a parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown on the record, as established to the satisfaction of the Board or Assessment Engineer by documentation provided by the record owners. If two or more persons own a parcel subject to the assessment, any one owner may cast an assessment ballot for all owners.
4. If a parcel has multiple owners, any owner may request a proportional assessment ballot. If the ownership interest of the owner is not shown on the last equalized secured property tax assessment roll, such request must include evidence, satisfactory to the District, of the owner's proportional rights in the parcel. The Assessment Engineer will provide the proportional ballot to the owner at the address shown on the assessment roll. Any request for a ballot to be mailed to another location must include evidence, satisfactory to the District, of the identity

of the person requesting the ballot. Each proportional ballot will be marked to identify it as a proportional ballot and to indicate the owner's proportional rights in the parcel. The Assessment Engineer will keep a record of each proportional ballot provided to an owner.

5. The District will only accept official ballots mailed or otherwise provided to owners by the Assessment Engineer.
6. If an assessment ballot is lost, withdrawn, destroyed or never received, the Assessment Engineer will mail or otherwise provide a replacement ballot to the owner upon receipt of a request delivered to the District or the Assessment Engineer. The replacement ballot will be marked to identify it as a replacement ballot or a replacement proportional ballot. Any request for a replacement or replacement proportional ballot to be mailed to another location must include evidence, satisfactory to the District or the Assessment Engineer, of the identity of the person requesting the ballot. The same procedure applies to replacement ballots or replacement proportional ballots, which are lost, withdrawn, destroyed, or never received.
7. If an assessment ballot is returned by the United States Post Office as undeliverable, the Assessment Engineer may mail a redelivered ballot to the current property owner, if updated ownership or owner mailing address can be determined. The redelivered ballot will be marked to identify it as a redelivered ballot.
8. An assessment ballot proceeding is not an election.
9. An assessment ballot is a disclosable "public record" as that phrase is defined by Government Code section 6252 during and after tabulation of the ballots.
10. The California Government Code requires that assessment ballots be signed by property owners. However, property owner names and corresponding votes will remain strictly confidential, except as necessary to count the votes or as disclosure is required by California law.
11. To complete an assessment ballot, the owner of the parcel or his authorized representative must (1) mark the appropriate box (or circle) supporting or opposing the proposed assessment, and (2) sign, under penalty of perjury, the statement on the ballot that the person completing the ballot is the owner of the parcel or the owner's authorized representative. Only one box (or circle) may be stamped or marked on each ballot. All incomplete or improperly marked ballots shall be disqualified from balloting. The Tabulator will retain all such invalid ballots.
12. After returning an assessment ballot to the District, or the Tabulator on behalf of the District, the person who signed the ballot may withdraw the ballot by submitting a written statement to the District directing the District to withdraw the ballot. Such statement must be received by the District or the Tabulator prior to the close of the public input portion of the public hearing on the proposed

assessment. When ballots for the assessment are tabulated, the Tabulator will segregate withdrawn ballots from all other returned ballots. The Tabulator will retain all withdrawn ballots and will indicate on the face of such withdrawn ballots that they have been withdrawn.

13. In order to change the contents of a ballot that has been submitted, the person who has signed that ballot may (1) request that such ballot be withdrawn, (2) request that a replacement ballot be issued, and (3) return the replacement ballot fully completed. Each of these steps must be completed according to the procedures set forth above.

E. Tabulating Ballots. The following guidelines shall apply to tabulating assessment ballots:

1. Assessment ballots shall remain sealed until tabulation commences.
2. An independent third party shall tabulate the assessment ballots. The Tabulator shall follow the rules and procedures of the laws of the State of California, this resolution and any other rules and procedures of the Board. If the Tabulator needs clarification, then they shall inquire of the Board, who is the final arbiter. All ballots shall be accepted as valid except those in the following categories:
 - a. A photocopy of a ballot, a letter or other form of a ballot that is not an official ballot provided by the District or the Assessment Engineer on behalf of the District;
 - b. An unsigned ballot, or ballot signed by an unauthorized individual;
 - c. A ballot which lacks an identifiable mark in the box for a "yes" or "no" vote or with more than one box marked, will not be counted;
 - d. A ballot which appears tampered with or otherwise invalid based upon its appearance or method of delivery or other circumstances;
 - e. A ballot for which the barcode representing the parcel number is damaged or obstructed, unless the parcel number or property ownership information is legible and allows the Tabulator to clearly determine the property(s) identified on the ballot.
 - f. A ballot received after the close of the balloting time period.

The Tabulator's decision, after consultation with the Board's legal counsel that a ballot is invalid shall be final and may not be appealed to the Board.

3. If more than one of the record owners of a parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the parcel shall be allocated to each ballot in proportion to the respective record ownership interests,

as shown on the record or as established to the District's satisfaction by documentation provided by the record owners.

4. In the event of a dispute regarding whether the signer of a ballot is the owner of the parcel to which the ballot applies, the Board will make such determination from the official County Assessor records and any evidence of ownership submitted to the Board prior to the conclusion of the public hearing. The Board will be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership will be final and conclusive.
5. In the event of a dispute regarding whether the signer of a ballot is an authorized representative of the owner of the parcel, the Board may rely on the statement on the ballot signed under penalty of perjury that the person completing the ballot is the owner's authorized representative and any evidence submitted to the Board prior to the conclusion of the public hearing. The Board will be under no duty to obtain or consider any other evidence as to whether the signer of the ballot is an authorized representative of the owner and its determination will be final and conclusive.
6. A property owner who has submitted an assessment ballot may withdraw the ballot and submit a new or changed ballot up until the conclusion of the public input portion of the public hearing on the assessment. Assessment ballots may be withdrawn and newer changed ballots submitted up until the conclusion of the public input portion of the public hearing on the assessment.
7. A property owner's failure to receive an assessment ballot shall not invalidate the proceedings conducted under this section and Cal. Const. art. XIID, section 4.
8. The District shall retain all ballots for a period of two (2) years from the date of the public hearing.

F. Public Hearing.

1. At the public hearing, the Board shall hear and consider all public testimony, objections and protests regarding the proposed assessment and accept ballots until the close of the public input portion of the public hearing.
2. Reasonable time limits may be imposed on both the length of the entire hearing and the length of each speaker's testimony.
3. At the conclusion of the public input portion of the hearing, but prior to the conclusion of the public hearing, the Tabulator shall begin tabulation of the ballots at the direction of the Board, including those received during the public hearing.

4. If it is not possible to tabulate the ballots on the day of the public hearing, or if additional time is necessary for public testimony, the Board may continue the public hearing to a later date to receive additional testimony, information, or to finish tabulating the ballots.
5. If according to the final tabulation of the ballots, ballots submitted against the assessment exceed the ballots submitted in favor of the assessment, weighted according to the proportional financial obligation of the affected property, a "majority protest" exists and the Board shall not impose the assessment.

PASSED AND ADOPTED by the Board of Directors of the North County Fire Protection District of Monterey, State of California, this 16th day of March 2021 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

Don Chapin, President

ATTEST:

Ramon Gomez, Secretary

APPROVED AS TO FORM

District Counsel