

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
December 5, 2017

Resolution
No. 20171205r237

**RESOLUTION WAIVING THE REQUIREMENT DESCRIBED
IN COUNTY CODE SECTION 15.08.130 THAT A REQUEST
FOR PROPOSAL BE ISSUED BY THE COUNTY TO SECURE
ENGINEERING CONSULTANTS OR VENDORS TO
PREPARE THE NEXUS STUDY AND TO DESIGNATE SCI
CONSULTING GROUP AS THE DISTRICT'S IMPACT FEE
CONSULTANT TO PREPARE THE NEXUS STUDY AND FEE
PROGRAM.**

WHEREAS, On March 8, 2016, the Board of Supervisors adopted Ordinance No. 20160308o3068 adding Chapter 5.08 to Title 15 of the Municipal Calaveras County Code relating to fire impact mitigation fees; and,

WHEREAS, the ordinance requires that Fire Districts who wish to implement a fire impact mitigation fee must pass a resolution as required under Title 15, Chapter 15.08 of County Code; and,

WHEREAS, the Calaveras Consolidated Fire Protection District adopted Resolution No. 20170828 accepting the terms of County Code Chapter 15.08 for the establishment of a new fire impact fee for the District: and,

WHEREAS, the District must also agree to pay for the required Nexus Study and outside counsel review of said study of which the cost of the Nexus Study and outside counsel review is borne by the Fire District and cannot be passed on to the developer through fire mitigation impact fees; and,

WHEREAS, the Calaveras Consolidated Fire Protection District circumvented the normal process as outlined in Chapter 15.08 and hired SCI Consulting Group to develop the Fire Impact Fee Nexus Study; and,

WHEREAS, the Board may choose to waive the requirement described in Chapter 15.08, Section 15.08.130 wherein a Request for Proposal would be issued by the County at the District's expense to secure engineering consultants or vendors to prepare the Nexus Study and to designate SCI Consulting Group as the District's impact fee consultant to prepare the Nexus Study; and,

WHEREAS, should the Board choose to waive the requirement described in Chapter 15.08, Section 15.08.130, the next step in the process will be for independent counsel to review the Nexus Study at the cost of the District; and,


WHEREAS, the Fire District must defend and hold the County harmless in the event of a legal challenge of the fire impact mitigation fee.

WHEREAS, if a District performs all its obligations under the Ordinance and the Nexus Study is legally defensible, the County may follow the procedures of the Fee Act and adopt a resolution at a future date imposing the fee.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors, County of Calaveras do hereby waive the requirement described in Chapter 15.08, Section 15.08.130 wherein a Request for Proposal would be issued by the County at the expense of the Calaveras Consolidated Protection District to secure engineering consultants or vendors to prepare the Nexus Study; and,

BE IT RESOLVED, that the Board of Supervisors do hereby designate SCI Consulting Group as the District's impact fee consultant to prepare the Nexus Study.

AYES: Tofanelli, Garamendi, Oliveira, Mills, Clapp



John Garamendi, District 2 Supervisor 12/5/2017

ATTEST



Rebecca Turner, Clerk-Recorder 12/5/2017