

**COUNTY OF EL DORADO**

**POLICY AND PROCEDURE GUIDELINES FOR  
CREATION AND ADMINISTRATION OF  
ZONES OF BENEFIT WITHIN A  
COUNTY SERVICE AREA**

**AMENDED VERSION ADOPTED ~~JUNE 2, 1987~~**

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**POLICY AND PROCEDURE GUIDELINES FOR CREATION  
AND ADMINISTRATION OF ZONES OF BENEFIT  
WITHIN A COUNTY SERVICE ~~AREAS~~AREA**

**INTRODUCTION**

**PURPOSE**

The purpose of these ~~guidelines~~Policy and Procedure Guidelines (Guidelines) is to establish ~~criteria~~a guide for creating, operating and maintaining “zones of benefit” within county ~~services~~service areas of ~~the County of El Dorado~~ County.

~~Zones of benefit may be established within a~~ county service area (CSA) ~~to provide, in whole or in part, the extended services authorized may be established~~ pursuant to the “provisions of the County Service Area Law” (Title 3, Division 2, Part 2, Chapter 2.5, ~~formerly Chapter 2.2,~~ of the California Government Code), ~~provided that such extended services are authorized within, or successor statute)~~ as a method to finance and provide needed public facilities and services to the applicable residents and property owners in unincorporated areas. ~~A county service area~~CSA, ~~The County Service Area Law will be referred to hereafter as~~ may include the “Act.” ~~Section 25210.8 of the Act enables the County to establish zones of benefit with the service area.~~entire county or only a specific geographic area within the county.

~~There are two ways in which the formation of a zone of benefit may be initiated: 1) the Board of Supervisors may initiate formation proceedings by its own motion when it is determined that the broad interests of the County would be best served by such an action; 2) a second way is for a group of citizens to petition the Board of Supervisors to form such a zone of benefit. In cases where the benefits to be derived from the proposed extended services are limited to a specific geographical area or sub areas, proceedings to form a zone of benefit shall be initiated by the petition process.~~

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Zones of benefit may be established pursuant to Section 25217 of the CSA Law within a CSA to provide, in whole or in part, different authorized services, different levels of service, or to raise additional revenue within specific areas of a county service area.

These Guidelines are intended to comply with California Government Code, Public Contract Code, the California Constitution, El Dorado County Ordinance Code, policies of the El Dorado County Board of Supervisors and other applicable rulings, but are not intended to take the place of, or supersede, any such regulations.

These Guidelines are intended to apply to all CSAs of El Dorado County.

## DEFINITION OF TERMS

Unless the context requires otherwise, as used in the *Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area*, the following terms have the following meanings:

“Act” means Title 3, Division 2, Part 2, Chapter 2.5 (formerly Chapter 2.2) of the California Government Code, commencing with Section 25210, or successor statute; also known as “County Service Area Law” or “CSA Law.”

“Action” means a formation, annexation, detachment, dissolution of, or changes to the services provided within a zone of benefit.

“Advisory Committee” means an advisory body of persons appointed by the El Dorado County Board of Supervisors to serve as liaison between the property owners and residents in a zone of benefit and the County of El Dorado.

“Applicant” and “Petitioner” mean a person or person(s), either registered voter, property owner, or combination thereof, who submit a petition to the Board to initiate an action under the Act.

“Benefit Assessment” means any levy or charge by an agency upon real property that is based on the special benefit conferred upon the real property by a public improvement or service, 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<sup>[EJ]</sup>. New or increased benefit assessments require approval of a weighted majority of property owners through a majority protest proceeding consistent with the requirements of Article XIID of the California Constitution, as described in Government Section 53753 *et seq.*, or successor statute.

“Board” means the El Dorado County Board of Supervisors.

“County” means the County of El Dorado, California.

“County Service Area” means an entity established under CSA Law, or successor statute, for the purpose of providing a method to finance and provide needed public facilities and services, specific types of county services, or a higher level of county services within a territory that are not otherwise provided by some other entity.

“County Service Area Law” and “CSA Law” mean Title 3, Division 2, Part 2, Chapter 2.5 (formerly Chapter 2.2) of the California Government Code, commencing with Section 25210, or successor statute, also known as the Act.

“Guidelines” means the County of El Dorado *Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area*, Adopted March 12, 1985, Amended June 2, 1987, and Amended herein.

“Inhabited Territory” for the purposes of a petition for an action as described in these Guidelines means territory within which there reside twelve or more registered voters. All other territory shall be deemed “uninhabited.”

“Legal Description” means the written metes and bounds description of the boundaries of a territory, and which is prepared by a licensed professional land surveyor.

“Majority Protest Proceeding” means a proceeding conducted pursuant to Article XIID of the California Constitution and Government Code §53750 *et seq.*, or successor statute.

“Property Owner” means any person shown as the owner<sup>[E2]</sup> <sup>[JDS3]</sup> of land on the County’s most recent assessment roll, except where that person is no longer the owner. Where that person is no longer the owner, the property owner is any person entitled to be shown as the owner of land on the next assessment roll.

[JDS4]



“Services” means construction and/or maintenance, operation and/or financing of improvements or facilities, vector control or library operations that are not provided through some other entity, but are specifically designated [E5] through a CSA as different County services, and may be provided through a zone of benefit established therein.

“State Board of Equalization” and “SBE” mean the agency responsible as one of many functions for establishing unique tax rate areas for territories within the State of California, including CSAs and zones of benefit.

“Special Tax” means a tax imposed for specific purposes. New or increased special taxes require approval by 2/3 majority of the electorate.

“Territory” means a geographic area that lies within the boundaries described in a legal description and depicted in a professionally prepared map.

“Zone of Benefit” and “Zone” mean a territory or a specific area within an existing CSA established pursuant to Title 3, Part 2, Chapter 2.5 (formerly Chapter 2.2), Article 8 of the Government Code, or successor statute, for the purpose of providing specific additional or different level of County services within said territory or specific area. The services are funded through various mechanisms such as a benefit assessment or special tax that are approved through the appropriate proceedings.

**PART I**  
**INITIATION OF FORMATION PROCEEDINGS BY THE BOARD OF**  
**SUPERVISORS**

Proceedings for the ~~establishment~~formation of a zone of benefit within a county service area may be ~~instituted~~initiated by the Board of Supervisors ~~upon its own motion in~~accordance with Government Code Section 25217, or successor statute. Prior to initiating proceedings, the Board will comply with all requirements of Part II of these Guidelines, as applicable.

**A. Adoption of Resolution of Intention**

~~Within thirty (30) days of approving a motion to~~To initiate proceedings, the Board shall adopt a resolution of intention to ~~establish~~form the zone of benefit. The resolution of intention shall do all of the following:

1. State that the ~~proposal to form a~~ zone of benefit ~~within an existing county service area is proposed to be established and stated~~made pursuant to Article 8 of Title 3, Division 2, Part 2, Chapter 2.5 of the Government Code, or successor statute.
2. Set forth a description of the boundaries of the territory (legal description) accompanied by a map showing the boundaries proposed for inclusion in the zone.
- ~~2. State the name proposed for the area in substantially the following form "Zone No. \_\_\_ of County Service Area No. \_\_\_".~~
3. State the reasons for forming the zone.
4. State the type or types of ~~extended county~~different authorized services ~~proposed to be provided within the zone and state whether funds to provide such, different levels of services will be provided by collecting, different authorized facilities, or additional revenues that the zone will provide.~~

5. Set forth the methods by which the authorized services, levels of service, or authorized facilities will be financed, either by a special tax pursuant to Section 25215.2 of the Act, or successor statute, or by a benefit assessment pursuant to Section 25210.77a25215.3 of the Act, or by levying a special tax successor statute, or both. It shall also be stated that the benefit assessment other lawful funding mechanism.
6. Propose a name or special tax shall be in an amount sufficient to pay number for the proposed services, including administrative and miscellaneous costs incurred in providing such services zone following the form: "Zone Number \_\_\_\_\_ within County Service Area \_\_\_\_\_".
47. Fix a date, time and place for a public hearing on the establishment formation of the zone which shall not be less than twenty (20) nor more than sixty (60) days after the adoption of the resolution of intention.

**B. Notice of Hearing; and Publication**

The Clerk of the Board of Supervisors shall publish:

1. Publish a **notice of hearing** pursuant to Section 6061 of the Government Code or successor statute in a newspaper of general circulation in the

~~E~~county. Publication shall be ~~complete~~completed at least **ten (10) days prior to the date of the hearing.** The notice shall:

~~1.a.~~ Contain the text of the resolution

~~2.b.~~ State the date, time and place for the hearing

~~3.c.~~ State that at the time of the hearing testimony of all interested persons for or against the establishment of the zone shall be heard.

2. Mail the notice at least twenty (20) days before the date of the hearing to all owners of property within the proposed zone.
3. Mail the notice at least twenty (20) days before the date of the hearing to each city and special district that contains, or whose sphere of influence contains, the proposed zone.
4. Post the notice in at least three (3) public places within the territory of the proposed zone.
5. Provide notice to any other parties as required by law.

**PART II**  
**INITIATION OF FORMATION PROCEEDINGS BY PETITION**

The property owners and/or registered voters within ~~ana territory or a specific~~ area may initiate proceedings by making application to the County for the ~~establishment~~formation of a zone of benefit within a county service area. The application to form a zone of benefit shall consist, at a minimum, of the submittal of the following documents: a petition containing the information discussed ~~hereinbelow, abelow in Part II.A.,~~ professionally prepared ~~map of the proposed benefit zone, maps and~~ a boundary description of the proposed ~~benefit zone~~zone which meet the requirements for filing a jurisdictional boundary change with the State Board of Equalization (SBE), and a separate listing of the parcels to be included in the proposed zone.

The separate listing of parcels may be omitted if the proposed zone of benefit has the same perimeter boundary as another existing special district, school district or other governmental boundary line on record with the County and the ~~State Board of Equalization~~SBE.

When formation of a zone of benefit is a condition of approval for development, a copy of the full project conditions as approved by the County is required.

**A. Petition Summary Requirements ~~of~~ Petition**

~~—1. Where the proposed extended county services are to be provided on property currently owned by the County or on property for which there is an irrevocable offer of dedication to the County a~~A petition to initiate proceedings for the formation of a zone shall include all the following:

a)1. State that ~~a zone of benefit within an existing county service area is proposed to be established and state~~the proposal to form a zone of benefit is made pursuant to Article 8 of Title 3, Division 2, Part 2, Chapter 2.5 of the Government Code, or successor statute.

2. Set forth a legal description of the boundaries of the territory (legal description) accompanied by a map showing the boundaries proposed for inclusion in the zone.

b)3. State the ~~name proposed~~ reasons for forming the zone.

e)4. State the type or types of ~~extended county~~ different authorized services, different levels of services proposed to be provided within, different authorized facilities, or additional revenues that the zone ~~and state whether funds to will~~ provide ~~such~~.

5. Set forth the methods by which the authorized services will be provided by collecting, levels of service, or authorized facilities will be financed, either by a special tax pursuant to Section 25215.2 of the Act, or successor statute, or by a benefit assessment pursuant to Section 25210.77a25215.3 of the Act, or successor statute, or by levying a special tax, or both. other lawful funding mechanism. It shall also be stated that the special tax, benefit assessment or special tax, or other lawful funding mechanism shall be in an amount sufficient to pay for the proposed services, including administrative and miscellaneous costs incurred by the County in providing such services.

~~The petition shall also provide:~~

a) ~~A statement that the proposed extended county services are to be provided on property currently owned by the County or on property for which there is an irrevocable offer of dedication to the County, or on property for which there exists a recorded public road easement.~~

b) ~~Except as provided in subsections 2a-2c below relative to petitions for the formation of road service zones, the petition shall contain the signatures of not less than twenty-five percent (25%) of the registered voters within the proposed zone or of not less than twenty-five percent (25%) of the property owners in the proposed zone who also own not less than twenty-five percent (25%) of the assessed value of the land and improvements. No petition will be accepted for filing unless the signatures thereon have been secured within six (6) months of the date on which the first signature on the petition was affixed and such petition is submitted to the County for filing within sixty (60) days after the last signature is affixed.~~

~~(1) Any petition filed under this section shall comply with Section 3516 of the California Election Code and shall be on forms provided by the County. Petitions filed representing the signatories as property owners, as opposed to registered voters, shall have said signatures notarized by a Notary Public.~~

A \_\_\_\_\_ list \_\_\_\_\_ of 6. Propos

e a name or number for the zone following the form: "Zone Number \_\_\_\_\_ within County Service Area \_\_\_\_\_".

~~7.~~ List at least three (3) registered voters or property owners within the proposed zone to serve on the ~~Citizens Advisory Committee~~advisory committee. The Board in its discretion may either determine not to appoint an advisory committee at all, or may appoint an advisory committee of such composition as it in its sole discretion determines appropriate.

~~8.~~ With certain exceptions set forth in Contain the signatures of not less than ten (10) percent of the registered voters residing within the proposed zone.

## **B. Map Requirements**

1. Every map Streets and Highway shall comply with the requirements for jurisdictional boundary changes pursuant to Chapter 8 (commencing with Section 54900) Part 1, Division 2, Title 5 of Government Code, or successor statute.
2. All maps shall be professionally drawn or copied and bear the stamp of a licensed land surveyor or civil engineer.
3. All maps shall clearly identify each currently existing (at the time of the application) parcel within the proposed benefit zone. Said parcels are to be identified by Assessor's Parcel Number (APN). If the zone is being proposed for a new subdivision wherein the new parcel alignment has not yet received an APN assignment, the lot numbers used for maps submitted to the department responsible for parcel map review shall also be indicated.



### C. Boundary Descriptions

Every description shall comply with the requirements for jurisdictional boundary changes pursuant to Chapter 8, (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code, or successor statute.

### D. ~~the~~ Actual Costs

#### 1. ~~County of El Dorado~~ Cost

- a. The applicant shall pay all actual costs to the County for processing the petition. The petition to form a zone of benefit shall include a deposit of one thousand dollars (\$1,000) which amount may be revised periodically by resolution of the Board adopted subsequent to the approval of these Guidelines, toward the actual cost of verifying the petition documents, holding public hearings and conducting proceedings to establish financing. If the actual cost to the County for such purposes is in excess of one thousand dollars (\$1,000), the excess costs shall be billed to the applicant on a quarterly basis. All outstanding costs shall be paid in full by the applicant prior to the Board certification of the election results establishing a special tax, adoption of the resolution establishing the benefit assessment, or other action as required by the proceedings to establish financing for the zone through any lawful mechanism, and filing with the SBE, or upon termination of the proceedings for the action requested.
- b. If the actual costs to the County are less than the deposit, the excess funds shall be placed in the account established by the County Auditor Controller for the zone of benefit, to be used toward funding zone activities.
- c. The deposit is non-refundable except when the proceedings to form the zone are terminated pursuant to Section 25217.1 of the Government Code, or successor statute, and actual costs to the County are less than the amount deposited. Written confirmation of withdrawal of the petition must be provided to the County by the applicant in order to receive a refund of unexpended deposited funds.

#### 2. ~~Board of Equalization~~ Filing Fees

- a. Filing fees are required by the SBE at such time an action is filed. The amount is determined by the type of action and the acreage included in the action. The actual amounts due to the SBE may be estimated using the Change of Jurisdictional Boundary document available from the State Board of Equalization. The applicant will be advised of the exact amount required, which shall be provided to the County in the form of a check made payable to the Board of Equalization.
- b. The action shall not be filed with the SBE until the filing fees are received by the County.

#### E. ~~not lawfully~~ Activities Prior to Hearing

Prior to the County scheduling the public hearing, the applicant shall satisfy the requirements of the petition for an action, Irrevocable Offers of Dedication (IOD) when applicable, and financing.

##### 1. Verification of Petition

The County department assigned to administer the proposed zone of benefit will verify the signatures on the petition, verify ownership of property, and determine that the required percentage of signatures has been met pursuant to Section 25217(c) of the Government Code or successor statute. Other departments in the County may be called upon to verify this information, except that ownership may be also verified through a current title report prepared by a reputable title company.

##### 2. Verification of Irrevocable Offers of Dedication

The applicant shall demonstrate or provide ~~maintenance~~ public rights to the property, facility or easement for which the proposed zone will provide financing.

- 2.a. Where the proposed services ~~on private roads~~ where the proposed extended county services, whether for maintenance of roads or otherwise, are to be provided on property ~~which is not~~ or facilities currently owned by the County, or on property for which there is ~~noan existing irrevocable offer of dedication of such property~~ IOD to the County. ~~In cases where,~~ the property is not owned by applicant shall submit proof of such offer in the County, is not form

~~of a recorded as a public road, or there does not exist an irrevocable offer of dedication IOD of such property, a petition to initiate proceedings for the formation of a zone shall contain the information required above and shall also contain the following: resolution accepting the final subdivision map and the improvements therein, or other instrument determined upon review to be satisfactory to the County.~~

~~a) Signatures of one hundred percent (100%) of the In all other circumstances, an IOD for the subject property owners who own an interest in the property to be serviced together with a certification by each property owner that the property owner will sign an offer of dedication of the property to be serviced or maintained.~~

~~**or**~~

~~b) Signatures of not less than sixty seven percent (67%) of the property owners certifying their willingness to sign an irrevocable offer of dedication of the property, along with a list of those parcels whose owners are not willing to make an offer of dedication. The petition shall include a realistic estimate for the acquisition of the right-of-way including, but not limited to, the cost of property, appraisal, attorney fees and all other related costs. No public funds shall be expended on road services until such time as all right-of-way acquisition has been completed.~~

~~b. e) Offers of dedication or facilities shall be provided. The IOD shall include a grant deed of the fee or grant of easement with: a definite and certain legal description; dedicating the right-of-way to the County ~~of El Dorado;~~; a title report prepared by a reputable title company; showing all interests of record in the property, and together with a certification ~~of~~by the County's Department of Community Development Agency Transportation Division, or successor agency, that the proposed dedication meets all the requirements of this policy.~~

~~i. (1) If an easement is granted/dedicated to the County rather than fee title, provision shall be made giving the County the right to grant~~

easements for the installation of public utilities within said ~~road~~ easement.

~~ii. (2)~~—If the Board ~~of Supervisors~~ accepts the dedication, the dedication and acceptance ~~shall~~may be conditioned with the statement that the ~~road~~easements are of local interest and the county service area will not be obligated to perform any services not otherwise funded through benefit assessments or ~~a~~ levy of a special tax ~~approved by a two-thirds vote, or other lawful funding mechanism.~~

~~iii.~~ —The dedication and acceptance ~~shall~~will be recorded at the time the ~~Resolution~~resolution forming the zone of benefit ~~Zone~~ is recorded or with the recording of the final map where the formation is a condition of approval for development. If the Board terminates proceedings to form the zone, the dedication will be rejected, and other action directed as deemed appropriate by the Board for the facilities offered.

~~(3)~~ —

All matters pertaining to right-of-way shall conform to the County's policies relating to acceptance of ~~roads~~right-of-way, easements and/or facilities by the County for maintenance, as originally promulgated through Resolution 114-74 of the Board ~~of Supervisors~~.

#### ~~B. Map Requirements~~

- ~~1. — Every map must clearly indicate all existing streets, roads and highways within and adjacent to the subject territory, together with the names of these thoroughfares.~~
- ~~2. — Every map must clearly indicate for each road within the subject territory whether that road is a recorded public or private road; and for each length of roadway if the recorded easements are of a different nature within the subject territory.~~
- ~~3. — Every map shall bear a scale and north arrow. If a reduced map is to be filed, the original map must have a graphic scale affixed to it before the reduction is made.~~

- ~~4. The point of beginning of the legal description must be shown on the map. The boundaries of the subject territory must be distinctively shown on the map without obliterating any essential geographic or political features.~~
- ~~5. All maps must be professionally drawn or copied and bear the stamp of a licensed land surveyor or civil engineer. Rough sketches of maps or plats will not be accepted. A County Assessor's map is acceptable only when the entire zone can be shown on one (1) such map and it meets all other criteria set forth in these requirements. Two or more Assessor's maps cut and pieced together to make one map is not acceptable.~~
- ~~6. All maps must clearly identified each currently existing (existing at the time of the application) parcel within the proposed benefit zone. Said parcels are to be identified by Assessor's Parcel Number. If the zone is being proposed for a new subdivision wherein the new parcel alignment has not yet received an APN assignment, the lot numbers used for maps submitted to the County Planning Department shall also be indicated.~~

~~3. **C. Boundary Descriptions** 1. Every description must be sufficient within itself and without the necessity of reference to any extraneous document. When a description refers to a deed of record, the deed should be used only as a secondary reference.~~

~~2. When writing a metes and bounds description of a contiguous zone, all of the contiguous portion(s) of the boundary must be stated. The points of intersect and departure from the existing boundary must be stated.~~

~~3. A specific parcel description in sectionalized land (e.g., the SW 1/4 of Section 22, T11N, R12E) is permissible without a metes and bounds description of the perimeter boundary.~~

~~D. Filing Fee~~

~~E. Verification of **Petition** Financing~~

~~The staff assigned to the program shall verify the signatures on the petition and determine that the required percentage of signatures has been met. Staff may call upon other departments in the County to verify this information.~~

Proof of adequacy of proposed financing shall be provided pursuant to Part III, Section C of these Guidelines.

## F. Notice of Hearing:

~~1. Upon verification of the petition and other application documents, the Clerk of the Board of Supervisors shall be requested to schedule:~~

~~1. Schedule a public hearing ~~and to prepare and publish a~~.~~

~~2. Provide public notice of the hearing ~~pursuant to in the same manner as described under Part I, Section 6061 of the Government Code in a newspaper of general circulation in the County. Publication shall be complete at least ten (10) days prior to the date of the hearing. The notice shall:~~B of these Guidelines.~~

~~a) Contain the text of the petition~~

~~b) State the time and place for the hearing~~

~~c) State that at the time of the hearing of testimony of all interested persons for or against the establishment of the zone shall be heard.~~

~~2. On zones formed for purposes of road services the notice shall be mailed to each property owner of record within the proposed zone and posted conspicuously at each entrance into the zone from a public road. In addition, the notice shall be posted at any courthouse, post office, school or other public building where public notice is customarily posted. Posting of notice shall be completed not less than **ten (10) days** prior to the hearing and shall be completed by the petitioner.~~

**PART III**  
**PROCEEDINGS**

**~~A. Protests Against the Establishment of Zone~~**

~~At the hearing, protests against the establishment of the zone, the extent of the area within the zone, or the furnishing of specified types of extended services within the zone may be made orally or in writing by any interested persons or taxpayers. The person making the protest shall state whether he or she is a registered voter residing within the proposed zone or whether he or she is a property owner within the proposed zone.~~

**~~B. Abandonment of Zone after Protest/Modification of Resolution~~**

**FORMATION OF A ZONE OF BENEFIT**

**A. Hearing Procedure**

The Board shall conduct a public hearing, pursuant to Section 25217.1 of the Government Code, or successor statute.

1. In the case of inhabited territory, if more than ~~fifty percent (50%)~~ fifty (50) percent or more of the registered voters residing within the territory to be included in the zone or the file written protests against the establishment of the zone, the Board shall terminate the proceedings to form [E6]the zone.

2. In the case of uninhabited territory, if more than fifty (50) percent of the property owners of ~~fifty percent (50%)~~ fifty (50) percent or more of the assessed value of the land and improvements in the territory proposed to be included in the zone file written protests against the establishment of the zone, the Board shall ~~abandon the proposed establishment of the zone.~~ If such majority protest is against only the furnishing of a specified type or types of extended services within the zone, those types of service shall be eliminated from the resolution finally establishing terminate the proceedings to form [E7]the zone.

**C. Hearing**3. If such majority protest is against only the furnishing of a specified type or types of different services within the zone, those types of service may be eliminated from the resolution finally establishing the zone.



## **B. Findings and Determination**

The hearing may be continued from time to time, but shall be **completed within sixty (60) days** from the date stated in the notice of hearing. ~~At~~As a condition of zone formation, the ~~hearing,~~Board shall make the following findings ~~shall be made~~:

- ~~1. \_\_\_\_\_~~ 1. \_\_\_\_\_ ~~The extent to which~~That the services described in the petition ~~or resolution~~ are ~~extended County the types of~~ services, ~~as defined a zone is authorized to provide~~ pursuant to the Act;
- ~~2. \_\_\_\_\_~~ 2. \_\_\_\_\_ ~~Where the proposed services are property-related, that the property owners in the Act-proposed zone have demonstrated sufficient County ownership of the facilities to be serviced; or that IODs have been submitted for the facilities to be serviced, and will be considered under a separate resolution; and~~
- ~~3. \_\_\_\_\_~~ 3. \_\_\_\_\_ ~~That all outstanding County costs for the proceedings have been paid.~~

If no majority protest is heard, and the Board elects to form the zone, the resolution forming the zone shall incorporate the above findings, shall state the name of the proposed zone in substantially the following form: "Zone No. \_\_\_\_\_ of County Service Area No. 2. \_\_\_\_\_," and shall further state the following:

- ~~1. \_\_\_\_\_~~ 1. \_\_\_\_\_ The type(s) of services to be provided within the zone. The Board may eliminate one or more of the types of services specified in the petition or resolution, ~~but may not include any types of services not specified in the petition or resolution.;~~
- ~~2. \_\_\_\_\_~~ 3. \_\_\_\_\_ ~~The extent of any protest against the establishment of the zone or the furnishing of a specified type or types of extended~~different services within the zone.;
- ~~3. \_\_\_\_\_~~ 4. \_\_\_\_\_ ~~The boundaries of the proposed zone. In establishing the boundaries of the zone, the Board may alter the exterior boundaries of the zone to include less territory than that described in the petition or resolution, but it may not include any territory not described in the petition or resolution unless the owner of such territory agrees thereto in writing and the Board makes a finding that the inclusion~~

~~of such territory will not increase the cost of providing the extended services to the owners of property currently within the boundaries of the proposed zone.;~~

~~4. 5. The estimated annual cost of the benefitsservices to be levied against each parcel within the zone for the first year such services are to be provided.;~~

~~6. The amount Whether the financing of the benefit assessments, whichservices shall be reviewed and, if necessary, revised on an annual basis through a special tax pursuant to Section 25210.77a of the Act.~~

~~7. That the charges to be levied are apportioned according to the estimated benefits from such service to be received by each parcel within the zone.~~

~~5. 8. Whether, in the discretion of the Board, the establishment of the zone should be 25215.2 or successor statute, or a benefit assessment subject to confirmation by the voters of the proposed zone. If the Board does determine to hold such an election, the election shall be held pursuant to Section 25210.18a of the Act. 25215.3 or successor statute, or other lawful funding mechanism;~~

~~6. 9. That if the funding mechanism is not approved through the appropriate proceeding, the zone shall not be formed;~~

~~7. Whether land devoted primarily to agriculture or livestock uses isand being used for the commercial production of agriculture or livestock products should be excluded from the zone pursuant to section 25210.187 (d) of the Act., or successor statute;~~

~~8. 10. Whether an Advisory Committee advisory committee should be appointed for the zone and, if so, the members ifof the Advisory Committee. advisory committee;~~

~~11. Whether a special tax shall be levied within 9. That the proposed zone, and, if so, that an election shall be held within the zone appropriate proceeding to authorize the levy of the special tax, and that such special tax must be passed by two thirds (2/3) of the registered voters within the zone who vote at such election.~~

~~The financing mechanism will be considered under a separate resolution establishing the zone shall incorporate the above findings and shall state the name of the proposed zone in substantially the following form: "Zone No. \_\_\_ of County Service Area~~

No. \_\_\_\_”. ~~If the Board finds that an election should be held on the establishment of the zone, or the question of levying a special tax within the zone, the resolutions shall not take effect until confirmed by the voters as provided above.~~

### **C. Financing**

Formation of a zone of benefit shall not become effective unless and until a permanent method of financing the services for which it was formed is established. The financing method proposed, whether a special tax, benefit assessment or other lawful funding mechanism, shall be in an amount sufficient to pay for the proposed services, including the administrative and miscellaneous costs incurred by the County in providing such services.

1. The county department assigned to administer the zone of benefit shall verify that the proposed financing is sufficient.
2. The special tax, benefit assessment or other lawful funding mechanism shall be subject to approval through the appropriate proceeding.

Upon the adoption of a resolution establishing a zone ~~without an election~~ and approval of the funding mechanism through the appropriate proceeding, the zone is established for all purposes, subject only to compliance with the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of Government Code ~~and subject to the provision of Article 2.5 of the Act or successor statute.~~

## PART IV

### CHANGES TO EXISTING ZONES OF BENEFIT

The Board of Supervisors may change the boundaries of an established zone of benefit, add or eliminate different services provided in a zone, or dissolve a zone of benefit. Proceedings may be initiated either by petition of property owners and/or registered voters, or by the Board. Where formation, annexation or addition of different services is required as a condition of approval for development, an amendment to the development conditions eliminating the requirement must be obtained prior to initiating a reversing action.

#### A. Changes to Zone Boundaries

##### A.1. By Property Owners

One or more owners of property may petition the Board to have their territory annexed to or detached from an existing zone by following the procedures in Part II and Part III of these Guidelines, as appropriate.

- a. The action shall not be recorded nor shall it become effective until petitioner provides County with sufficient funds to file the action with the SBE and has paid all outstanding costs associated with the proceedings.

##### 2. By the Board

The Board may initiate proceedings to annex territory to or detach territory from an existing zone by following the procedures in Part I and Part III of these Guidelines as appropriate, when it finds that it is in the public interest to do so.

- a. The Board may provide in the resolution annexing the territory to the zone that the cost associated with the proceedings, including SBE filing fees, may be charged against the zone assets or paid by some other means deemed appropriate by the Board at their discretion.

#### B. Dissolution of a Zone of Benefit

1. Registered Voters

Registered voters may petition the Board to dissolve a zone of benefit by following the procedures in Part II and Part III of these Guidelines as appropriate.

- a. The petition to dissolve the zone shall include a deposit consistent with the provisions of Part II, Section D of these Guidelines. The actual cost to the County, including fees chargeable by the SBE, shall be determined and, if in excess of the deposit, the excess **may be charged against the remaining assets of the zone.**

2. By the Board

The Board may initiate proceedings to dissolve a zone of benefit because public convenience and/or necessity no longer require that the different service be provided, or when such action is in the best interest of the public, or when zone revenues are insufficient to support zone activities by following the procedures in Part I and Part III of these Guidelines.

- a. The Board may provide in the resolution dissolving the zone that final charges or special taxes shall be levied to satisfy existing debts or obligations of the zone.

C. Changes to Services

1. Different services may be added to an existing zone of benefit by the same process through which territory is added to an existing zone, or a zone is formed following the procedures as described in Part IV, Section A of these Guidelines, in conformance with the procedures established under CSA Law.
2. Services may be eliminated from an existing zone by the same process through which territory is detached from an existing or a zone is dissolved as described in Part IV, Section B of these Guidelines. Prior to initiating proceedings, the Board shall first conduct a public hearing to divest the zone of the authority to provide the different services pursuant to Section 25213.6 of the Act, or successor statute.

**PART V**  
**ADVISORY COMMITTEE**

**A. Appointment and Term**

If the Board establishes an ~~Advisory Committee~~advisory committee for a zone of benefit, the ~~zone, the Committee~~committee shall be appointed by and serve at the pleasure of the Board. The Board may provide for the qualifications, terms, procedures, meetings and ethical conduct of members of an advisory committee.

**B. Purpose**

1. The purpose of the ~~Advisory Committee~~advisory committee is to periodically meet with property owners and residents within the zone to identify unmet service needs ~~and~~, evaluate the adequacy of the services provided, and make recommendations regarding the annual budget and other matters concerning the zone to the Board through the county department responsible for administration of the zone.
2. Comments by an advisory committee and its members are wholly advisory and it is not within the authority of an advisory committee or its members to make decisions, manage or direct the delivery of services on behalf of the zone.

**C. Meetings**

1. ~~Advisory Committees~~committees shall meet at least four (4) times per year; at least one meeting shall be a general meeting of all interested property owners/residents. ~~Announcement~~Notice of all meetings is to be provided to all property owners and residents in accordance with California's Open Meeting Laws. Minutes of each meeting shall be kept and a copy forwarded to the ~~County's designated staff person. The Advisory Committees~~County. The advisory committee members shall comply with all state laws and ~~C~~county policies related to open meetings.

**D. Activities**

~~Advisory Committees make recommendations regarding scope of services to be provided, compilation of the annual budget, the level of the annual benefit assessments to be placed on the tax roll, and other matters pertaining to the benefit zone.~~

2. Each advisory committee member shall complete ethics training within six (6) months of appointment, and every two (2) years thereafter as long as s/he remains on the advisory committee. A Certificate of Completion shall be provided to and retained by the County. Advisory committee members are subject to the ethical conduct and all other provisions set forth in these Guidelines and supporting documents hereto.

#### **D. Volunteer Work**

Volunteer work may be organized by advisory committees in accordance with the Board of Supervisors approved procedures. The Board reserves the right to evaluate, change or eliminate volunteer work in zones of benefit at its own discretion.

#### **E. Budget and Accounting**

1. Reports for the individual budgets and accounts established by the County Auditor-Controller for each zone shall be made available to a designated member of the advisory committee on a quarterly basis. These reports shall detail expenditure and revenue collection.
2. Each year during the budget preparation cycle, staff of the county department assigned to administer the zones of benefit shall meet with representatives of the respective advisory committees to estimate the budget needs for the ensuing year. The resulting budget will be included in the department budget and brought to the Board in the form of a public hearing at the same time as the County's budget is presented.

#### **F. Expenditure of Funds**

1. The financial management of the zones of benefit shall be treated as any other department of the County. No expenditures shall be made from a zone unless the expenditures are supported by actual revenue collections.
2. Purchases of services and/or supplies on behalf of the zone shall be made by the County department assigned to administer the zones of benefit and paid from the zone account.
3. Contracts for services shall be between the contractor and the County on behalf of the zone of benefit.



4. Reimbursements may be made to an advisory committee member from the zone account only for specific items authorized herein, and only to an advisory committee member for whom a current Certificate of Completion of Ethics Training is on file with the County.

a. Items eligible for reimbursement are limited to: postage, mailing labels, name tags, envelopes, paper, staples, writing implements, adhesive tape, printer cartridges, photocopying expenses, and fuel cost for equipment used in performing pre-approved volunteer work.<sup>[E8]</sup> <sup>[JDS9]</sup>

b. Original receipts must be presented.

Advisory committee members are further directed regarding financial management of zones in Part VI, Sections B, and C, of these Guidelines.

**PART VI**

**PART V**

**ADMINISTRATION OF ZONES OF BENEFIT**

**A. ~~Annual Establishment of Amount of Benefit Assessment of Special Tax and Level of Service~~**

~~1.—Each year during the budget preparation cycle the County’s staff assigned to this program shall meet with representatives of the respective Advisory Committees to estimate the budget needs for the ensuing year. The resulting budget and proposed benefit assessments and/or special taxes will be brought to the Board of Supervisors in the form of a public hearing in a timely manner as to enable the placement of the assessment or special tax on the tax roll by August 10 of each year.~~

~~The Department of Transportation shall have prepared a listing of all the parcels to be included in the assessment for each zone of benefit. This listing shall be made available to the public at least ten days prior to the hearing. Notice of the public hearing shall be given through publication in a newspaper in accordance with the procedures employed by the Board Clerk in like matters. The notice shall:~~

- ~~a) State the time and place of the hearing~~
- ~~b) State that a benefit assessment, or special tax is proposed to be levied upon the property to provide the specific service~~
- ~~c) State that testimony of all interested persons shall be heard on the levy of the charge or the special tax and the level of services provided.~~

~~2.—For road service zones, if a consensus cannot be reached among benefit zone property owners as to the apportionment of assessments to properties the Department of Transportation shall prepare a report, itemizing the recommended charge per parcel by apportioning the total cost of services to each parcel therein in proportion to the estimated benefits from such service to~~

~~be received by each parcel. The Department shall be reimbursed from zone proceeds any and all expenses incurred in providing this service on behalf of the benefit zone.~~

- ~~3. Any property owner or registered voter residing within the zone may make oral or written comment on the cost of service, the level of service, or request changes in the cost of level of service provided.~~
- ~~4. At the conclusion of the hearing, the Board of Supervisors shall determine the annual benefit assessment per parcel pursuant to Section 25210.77a of the Act. If a special tax is levied within the zone, the Board may determine the amount of the special tax, provided that such amount shall not exceed the maximum amount authorized by the voters in the election establishing the special tax. The benefit assessment or special tax shall include a reasonable fee for administration costs incurred by the County, for the cost of obtaining insurance for the County and for such other reasonable costs incurred by the County in providing the service, including repayment of any advances made by the County to the zone plus any interest due the County.~~
- ~~5. Upon approval of the budget and parcel charge the Board of Supervisors shall direct the County Auditor-Controller **not later than August 10<sup>th</sup> of each year** to place Board approved and/or voter approved charges or special taxes on the Property Tax Roll.~~

## **~~B. Budget and Accounting~~**

- ~~1. The County Auditor-Controller shall establish individual budgets and accounts for zones of benefit within a fund established for the **County Service AreaCSA**. Reports for these budgets shall detail expenditure and revenue collection activity ~~and~~ shall be made available to the **Service Area Coordinator** ~~and a designated member~~ County department assigned to administer the zones of the Advisory Committeebenefit on a monthly basis.~~
- ~~2. Each year during the budget preparation cycle, the staff of the county department assigned to administer the zones of benefit shall estimate the~~

budget needs for each zone of benefit for the ensuing year. The resulting budget will be included in the department budget and will be brought to the Board in the form of a public hearing at the same time as the County's budget is presented.

**B. Expenditure of Funds**

Except in cases where the Board ~~of Supervisors~~ has advanced funds ~~to a zone~~ pursuant to Section ~~25210.a of the Act and 25214.3~~ or successor statute, or loaned funds pursuant to Section ~~E below 25214.4~~ or successor statute, no expenditures shall be made from a zone budget unless the expenditures are supported by actual revenue collection. The financial management of the zones of benefit shall be treated as any other department of the County. Expenditures may be made from zone funds ~~in so far as~~ as the proposed expenditures have been approved by the Board ~~of Supervisors~~ and are represented in an approved line item budget.

- ~~1. Purchasing of services and/or supplies shall be done in accordance with State and County codes, policies and procedures. When the projected costs~~
- ~~2. Purchasing of services and/or supplies on behalf of any single project are expected to exceed five thousand dollars (\$5,000) formal written bids zone shall be sought and must be coordinated through made by the department assigned to administer the zones of benefit and solicited by the office of paid from the zone account.~~
- ~~3. Contracts for services shall be between the contractor and the County Purchasing Agent. The Department of Transportation on behalf of the zone. Another county department may be called upon to review and comment upon contract and/or bid specifications and bid results and specifically whether the bid results are reasonable given the nature and scope of the proposed project. Any costs incurred by the Department that department shall be reimbursed from the funds accruing to the zone.~~

~~Notwithstanding the above, Advisory Committees are encouraged to become actively involved in the seeking of competitive process for services and supplies. In instances~~

~~when formal bids are not required it is recommended that at least three (3) informal price quotes be sought and documents prior to submitting expenditure requests to staff.~~

#### **DC. Advance of Funds**

~~In cases where it is desirable to begin road improvements before actual collections begin a zone of benefit may request and receive an~~ 1. An advance equal to of funds no greater than eighty-five (85%) percent of that an ensuing fiscal year's estimated earnings. Where an advance is may be requested for a zone whose formation took place after the deadline to include charges on of benefit to pay for any lawful expenses of the zone. The Board may, at its discretion, advance the tax roll, funds as a loan from any available funds of the 85% maximum shall apply County to the first earnings of the zone in the following fiscal year. Any.

2. The advance shall be repaid from within the same fiscal year in which the Board loaned the first subsequent earnings of the zone and no additional payments beyond the amount of the advance will be made for work performed until the advance is repaid in full and with funds at a rate of interest as applied in accordance with County Policy no greater than the rate the County earns on its idle funds unless the Board, at its discretion, determines otherwise consistent with provisions of Section 25214.4, or successor, of Government Code.

~~No advances shall carry beyond two (2) fiscal year periods, including the year the advance is made. No advance shall be made until a public hearing is conducted and a Board resolution is adopted establishing the fee for the subsequent fiscal period.~~

~~PART VI~~

~~DISSOLUTION OF A ZONE OF BENEFIT~~

~~A. By Property Owners of Residents~~

- ~~1. Property owners or residents may request a zone be dissolved by submitting a petition signed by either fifty one percent (51%) of the registered voters in the zone or by property owners of fifty one percent (51%) or more if the assessed value of the land and improvements. Thereupon, a hearing shall be held and, upon verification of the signatures, the Board may adopt a resolution eliminating extended services or dissolving the zone. Notice of the hearing shall be given in the same manner as for the hearing to establish the zone.~~
- ~~2. After the resolution eliminating extended services and/or dissolving the zone is passed by the Board of Supervisors, the benefit assessment or special tax may continue to be collected until all existing debts or obligations, if any, are satisfied.~~
- ~~3. The petition to dissolve the zone shall include a filing fee of two hundred dollars (\$200) to cover the costs associated with dissolution process. The actual cost to the County, including fees chargeable by the State Board of Equalization, shall be determined and, if in excess of \$200, the excess shall be charged against the remaining assets of the zone.~~

~~B. By Board of Supervisors~~

~~The Board of Supervisors may request a zone be dissolved because public convenience and necessity no longer require that the extended service be provided. Notice of the hearing shall be given in the same manner as the hearing to establish the zone.~~

- ~~1. The Board of Supervisors may adopt a resolution of intention to dissolve the zone pursuant to the provisions of Section 25210.39 of the Act.~~
- ~~2. The Board of Supervisors shall hold a public hearing regarding the elimination of extended service. The Board may provide in the resolution dissolving the zone that final charges or special taxes shall be levied to satisfy existing debts or obligations of the zone.~~

**PART VII**

**DETACHMENTS FROM A ZONE OF BENEFIT**

~~A. By Property Owners~~

~~One or more owners of property within an existing zone of benefit may petition the Board of Supervisors to have their parcel(s) detached from the zone. The petition shall contain a listing of the parcels to be detached. If the detachment will result in the formation of a separate zone of benefit, the map and boundary description requirements set forth above shall apply.~~

- ~~1. — A petition to detach from a zone of benefit shall include a filing fee of two hundred dollars (\$200) to defray the costs associated with these proceedings. State fees associated with detachments which result in second zone formation may be deferred until the first revenues accrue to the newly formed zone. Detachments not resulting in new formations shall not be recorded nor shall they become effective until petitioner provides County with sufficient funds to file the detachment with the State Board of Equalization.~~

~~Whether initiated by petition or by a motion of the Board of Supervisors, a public hearing for detachment proceedings shall be noticed in the same manner as the hearing to \_\_\_\_\_ establish \_\_\_\_\_ a \_\_\_\_\_ zone.~~

## Appendix A –Selected References

### References:

El Dorado County Board of Supervisors Policy Manual, Section C17 – “ Procurement Policy.”

State Board of Equalization Change of Jurisdictional Boundary Requirements (California Government Code Sections 54900 through 54903.)

County Service Area Law (California Government Code Section 25210 et. seq.)

Ralph M. Brown Act (California Government Code Section 54950 et. seq.)

California Constitution Articles XIIC and XIID

2.



**APPENDIX ~~AB~~**

**KEY TIME FRAMES ~~FOR ZONE FORMATION~~**

**Activity** \_\_\_\_\_ **Time Frame**

**BOARD INITIATION**

- |    |  |  |
|----|--|--|
| 1. | <i>Motion to Initiate</i>  | <i>Begins Process</i>  |
| 2. | <i>Adopt Resolution of Intent to Establish a Zone of Benefit</i>   | <i>Within 30 days of (#1 Above)</i>  |
| 3. | <i>Notice of Public Hearing (Any required posting carried out by County)</i>   | <i><del>At</del>Mail at least <del>10</del>20 days prior to Public Hearing</i> |
| 4. | <i>Public Hearing</i>  | <i>20-60 Days after adoption of Resolution (#2 above)</i>                      |
| 5. | <i>Public <del>hearing</del>Hearing Completed Resolution of Formation Adopted or <del>Formation</del> Abandoned-<u>Proceedings Terminated.</u></i> | <i>Within 60 days of first <u>public</u> hearing date</i>                      |

**INITIATION BY PETITION**

1. Obtain information packet from ~~Service Area Coordinator~~County department staff.

Packet to Include:

- |    |  |   |
|----|--|---|
| a) | <i>Board's Policy &amp; Procedure Guidelines</i>   |   |
| b) | <i>Petition Documents</i>  |   |
| c) | <i>Parcel Listing Form</i>   |   |
| 2. | <i>Begin Obtaining Parcel Information, Maps, Petition Signatures, Offers of Dedication, Title Report</i> | <i>0-6 months between 1<sup>st</sup> &amp; last signature</i> |
| 3. | <i>Submission of Materials to Staff</i>  | <i>Within 60 days of date of last signature</i>               |

Materials to include:

- a) *Petition Document, with Irrevocable Offers of Dedication where required*
- b) *Title Report showing all interests of record in property*
- c) *Parcel Listing Form*
- d) *Map of Proposed Zone (3 copies) - two 24" x 36", one 8 1/2" x 11"*
- e) *Legal Description of Boundaries of Zone*

f) Engineer's Report when required

<u>Activity</u>	<u>Time Frame</u>
4. Petition Verification and Certification of Assorted Materials	Upon Receipt
a) Assessor: Parcel Information b) <del>*Elections*</del> Registrar of Voters: Petition, Map, Boundary Description & Parcel Information c) Surveyor: Map, Legal Description d) Transportation: <u>Irrevocable</u> Offers of Dedication	<del>*Elections*</del> Registrar of Voters only to confirm voter signatures
5. Date Set for Public Hearing By Clerk <del>to</del> of the Board of Supervisors	When all materials are verified/certified
6. Notice of Public Hearing to Newspaper by <del>Clerk of the Board</del> Clerk, Posting Completed by Petitioners	<u>At Mail at</u> least <del>1020</del> days prior to public Hearing
7. Public Hearing Completed a) Zone Formed by Board Resolution b) Zone Formation Denied c) <del>Board Sends Issue to Election</del> Board Sets Proceeding for Approval of Funding Mechanism	Within 60 days of first date of <u>public</u> Hearing
8. <del>Election</del> <u>Schedule</u> Proceeding for Funding Mechanism <u>Scheduled</u> and Conducted	Within 90 days
9. Zone Formed or <del>Denied as Abandoned</del> based on <u>Result</u> of <u>Election</u> Proceeding.	

Additional Activities

Documents to be Recorded and Filed with State Board of Equalization:

Board Resolution, Proceeding for Funding Mechanism results, Map, and legal Description

By December 1 to include on next year's tax roll

| *Submit Benefit Assessment and Budget  
Information to Auditor-Controller*

*By August 10 to have placed on  
tax roll*