

Charter Review Committee Hearing

7-21-2014

Agenda Item #6

Proposal written by Kris Payne

7-19-2014

Existing Section 210 c should be deleted

Strikethrough = Remove

Reasons for and/or Highlights of
Amendment

- Changes in State law has precluded the necessity of needing this Charter provision
- No effect if deleted
- Just historical

210 Powers and Duties.

~~e. Increases to current benefit assessments on real property, or the imposition of any benefit assessment not previously imposed on real property shall not be effective unless and until approved by a majority of the voters voting in the geographic area in which the assessment will be imposed. A continuation of a previous benefit assessment in the same or lower amount is not covered by this section. This requirement does not apply to special taxes, any assessments imposed by a special district, or any assessments required to pay bonded indebtedness. The voting requirements shall only apply to County benefit assessments on real property, and shall not apply to taxes imposed by any special district. The requirements of this section shall not apply to any increase to any current benefit assessment, nor to the imposition of any new benefit assessment, which is subject to the property owner balloting and majority protest procedures established by Section 4 of Article XIII D of the California Constitution.~~

PROVIDED BY KRIS PAYNE
7/21/14

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Background provided by Elizabeth Zangari, Community Development Agency, Administration and Finance Division, special districts analyst, by e-mail communication with Kris Payne on 7-18-2014, information provided is within "quotes".

Edits included in this background using [brackets] are by Kris Payne

"From 1983 through 1995, sixty-five zones were formed within County Service Area 9, mostly funded through benefit assessments. For the road maintenance zones, advisory committees were appointed to serve as liaisons between the residents and property owners and the County. One duty prescribed for the committees was to make recommendations regarding the level of benefit assessment for the respective zones [and] which assessments would be set each year by Resolution of the Board. No election or other proceeding was required.

[T]he County Charter was adopted, as noted on the County's website, on November 8, 1994 and became effective December 27, 1994. Section 210 c was an amendment [to the original Charter language]. [No] written history of how the amendment came into being [has been located], however it is very probable the amendment came about out of efforts to address concerns over absence of some sort of approval proceeding for zone of benefit assessments by the [property] owners who were subject to them. In essence [by the Charter provision], the County adopted a more stringent requirement for approval of benefit assessments than was required [at that time] under statute. Shortly after the Charter was adopted, voter elections to consider benefit assessments were conducted in at least two road zones.

Proposition 218 (Article 13D of California's constitution) became effective January 1, 1997, and it appears 210 c was again amended to memorialize its effect with respect to special taxes and benefit assessments at a time when neither the County no[r] the State had experience with it. In a nutshell, one main effect was a differentiation between voter approved special taxes and the hearing [-] balloting proceedings among landowners for benefit assessments. In the nearly seventeen years that have elapsed since Prop 218, both the State and the County have gained experience with the assessment ballot proceedings and other requirements associated with benefit assessments, as well as with special purpose taxes.

Today, benefit assessments and special taxes are both used to fund zone of benefit activities, with each subject to specific approval processes and other statutory requirements that [most] probably render 210 c redundant. [F]rom my perspective, it could probably be deleted without ill effect. At the same time, the issue was important enough to the Board of Supervisors [and voters to have this matter] address[ed] in the Charter [as 210 c]."