



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION OF INTENT TO LEVY A BENEFIT ASSESSMENT FOR THE CARSON CROSSING DRIVE DRAINAGE ZONE OF BENEFIT NO. 98310 WITHIN COUNTY SERVICE AREA NO. 9

WHEREAS, The Board of Supervisors of the County of El Dorado has formed County Service Area No. 9 pursuant to Title 3, Division 2, Part 2, Chapter 2.2 of the California Government Code; and

WHEREAS, the Board formed the Carson Crossing Drive Drainage Zone of Benefit No. 98310 (the boundaries of which are described in Exhibit A and shown on Exhibit B hereto) on February 23, 2016 by Resolution 033-2016 for the purpose of providing drainage facility maintenance services, contingent on approval of the financing mechanism for the services; and

WHEREAS, the petition submitted for forming Carson Crossing Drive Drainage Zone of Benefit proposed a benefit assessment to finance the services; and

WHEREAS, the Carson Crossing Drive Zone of Benefit is authorized to levy benefit assessments pursuant to California Government Code Sections 25217.4 and 25215.3, which allow zones of benefit to levy benefit assessments to finance operations and maintenance services consistent with the requirements of Article XIID of the California Constitution, including benefit assessments levied pursuant to the Benefit Assessment Act of 1982 (Government Code Section 54703 et seq.); and

WHEREAS, the *County of El Dorado Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area*, as amended February 10, 2015, require that a benefit assessment collected shall be in an amount sufficient to pay for the proposed services, including administrative and miscellaneous costs incurred in providing such services; and

WHEREAS, in accordance with California law, the Board of Supervisors, as the governing Board of County Service Area No. 9, has caused to be prepared a written engineer's report determining the proportional special benefit to each property to be assessed in relation to the entirety of the cost of the services, a copy of which Engineer's Report is on file at the Office of the Clerk of the Board of Supervisors at 330 Fair Lane, Placerville, California; and

WHEREAS, in order for the benefit assessment to be levied, California Constitution Article XIID and Government Code Section 53750, et. seq., require approval by the owners of property within a zone of benefit through an assessment ballot proceeding; and

WHEREAS, pursuant to California Civil Code Section 3513, the Petitioner has requested a waiver of the requisite forty-five (45) day noticing period for the property owners to consider the benefit assessment and submit assessment protest ballots and all owners of record within the Carson Crossing Drive Drainage Zone of Benefit have provided their consent to such a waiver; and

WHEREAS, if no majority protest exists, the Board intends to levy the benefit assessments for the Carson Crossing Drive Drainage Zone of Benefit in the amounts supported by the Engineer's Report commencing with tax year 2017/2018.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board has reviewed and hereby accepts the Engineer's Report supporting the proposed benefit assessment for the Carson Crossing Drive Drainage Zone of Benefit.
2. The Board authorizes the commencement of an assessment ballot proceeding for the owners of property within the zone of benefit boundaries to consider levy of the benefit assessment for Carson Crossing Drive Zone of Benefit No. 98310.
3. The Board waives the forty-five (45) day noticing period for the property owners to consider and submit the assessment ballots.
4. The Board shall conduct a public hearing on March 8, 2016 at 11:00 a.m., immediately following the formation hearing, at which the assessment ballots will be tabulated.
5. If no majority protest exists, the Board intends to levy the subject benefit assessment beginning tax year 2017/2018, and the Carson Crossing Drive Drainage Zone of Benefit shall be formed.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

Attest: _____
James S. Mitrisin
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors