



## RESOLUTION NO.

### OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

#### RESOLUTION OF INTENT TO LEVY THE BENEFIT ASSESSMENT FOR THE CREEKSIDE DRIVE ROAD ZONE OF BENEFIT #98127 WITHIN COUNTY SERVICE AREA #9

**WHEREAS**, the Board of Supervisors of the County of El Dorado formed County Service Area #9 pursuant to Title 3, Division 2, Part 2, Chapter 2.2 of the California Government Code; and

**WHEREAS**, the Board formed Creekside Drive Road Zone of Benefit #98127 (the boundaries of which are described in Exhibit A and shown in Exhibit B hereto) on December 17, 1985 by Resolution 378-85 for the purpose of providing road improvement and maintenance services and, thereafter, established a benefit assessment to fund such services; and

**WHEREAS**, the existing benefit assessment is insufficient to fund the Creekside Drive Road Zone of Benefit's administrative costs and operation and maintenance services; and

**WHEREAS**, the *Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area, Amended June 2, 1987*, require that the benefit assessment collected be in an amount sufficient to pay for the proposed services, as well as the administrative and miscellaneous costs incurred in providing such services; and

**WHEREAS**, the Creekside Drive Road Zone of Benefit is authorized to levy and/or increase benefit assessments pursuant to California Government Code §§ 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 XIII D of the California Constitution, including benefit assessments levied pursuant to the Benefit Assessment Act of 1982 (Government Code § 54703 et seq.); and

**WHEREAS**, in accordance with California law, the Board of Supervisors, as the governing Board of County Service Area #9, has caused to be prepared a written engineer's report determining the proportionate 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

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

WHEREAS, if no majority protest exists, the Board intends to levy the increased benefit assessment for the Creekside Drive Road Zone of Benefit in the amounts supported by the Engineer's Report commencing with tax year 2009/10.

NOW, THEREFORE, BE IT RESOLVED

1. The Board has reviewed and hereby accepts the Engineer's Report supporting the proposed benefit assessment for the Creekside Drive Road 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 an increase to the benefit assessment for the Creekside Drive Road Zone of Benefit #98127;
3. The Board shall conduct a public hearing on August 4, 2009 at 10:00 a.m., at which the assessment ballots will be tabulated;
4. If no majority protest exists, the Board intends to levy the subject increase to the benefit assessment.

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 \_\_\_\_\_, 200\_\_, by the following vote of said Board:

Attest: Suzanne Allen de Sanchez Clerk of the Board of Supervisors  
Ayes:  
Noes:  
Absent:

By: \_\_\_\_\_ Deputy Clerk  
\_\_\_\_\_ Chairman, Board of Supervisors

I CERTIFY THAT:  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: \_\_\_\_\_

Attest: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: \_\_\_\_\_