



## Legislation Details (With Text)

**File #:** 09-0562      **Version:** 1

**Type:** Agenda Item      **Status:** Adopted

**File created:** 4/28/2009      **In control:** Board of Supervisors

**On agenda:** 6/16/2009      **Final action:** 6/16/2009

**Title:** Hearing to consider adoption of Resolution establishing annual benefit assessments for the 2009/2010 tax year for Road Zones of Benefit within County Service Area No. 9, noting this is a continuation of benefit assessments with no increase over current levels.  
Resolution 132-2009  
FUNDING: Benefit Assessments.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-09-0562-Contract Routing Sheet, 2. B-09-0562-CSA 9 Road Zones-Resolution Establishing Benefit Assessments FY 0910, 3. B1-09-0562-Direct Charge Levies Summary, 4. B2-09-0562-Direct Charge Levies Detail

Date	Ver.	Action By	Action	Result
6/16/2009	1	Board Of Supervisors	Adopted	Pass

Hearing to consider adoption of Resolution establishing annual benefit assessments for the 2009/2010 tax year for Road Zones of Benefit within County Service Area No. 9, noting this is a continuation of benefit assessments with no increase over current levels.

**Resolution 132-2009**

**FUNDING:** Benefit Assessments.

<b>BUDGET SUMMARY:</b>		
Total Estimated Cost		\$ 182,442.00
Funding		
Budgeted	\$ 182,442.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 182,442.00	
Change To Net County Cost		\$ 0.00

**Fiscal Impact/Change to Net County Cost:**

The proposed benefit assessments will provide sufficient revenue to fund each zone's proposed work projects, contributions to the road zone insurance policy and other costs related to zone administration. The total assessment for 2009/2010 for the road zones of benefit within County Service Area #9 is \$182,442.00. There is no impact to the General Fund or the Road Fund, and there is no net County Cost.

Background:

Chapter 2.5 of the California Government Code, also known as "County Service Area Law" contains the regulations for establishing and governing county service areas. This chapter replaced Chapter 2.2, formerly used for the same purpose, through the adoption of Senate Bill 1458 which became effective January 1, 2009.

Revised County Service Area Law omits Section 25210.77a which established reporting and hearing requirements for benefit assessments imposed pursuant to that section. Such assessments remain valid as provided for in Section 25210.3 (d) of the new Chapter, which states:

“Any indebtedness, bond, note, certificate of participation, contract, special tax, benefit assessment, fee, charge, election, ordinance, resolution, regulation, rule, or any other action of a board taken pursuant to the former Chapter 2.2 before January 1, 2009, shall not be impaired or voided solely because of the enactment of this chapter or any error, omission, informality, misnomer, or inconsistency with this chapter.”

Additionally, the reporting and hearing requirements of former Section 25210.77a and County Ordinance Code Chapter 3.30 remain applicable to such assessments. Former Government Code Section 25210.77a (a) and County Ordinance Code Section 3.30.020 include a requirement that, once each year, the Board of Supervisors receive a report containing a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel computed in conformity with the ordinance authorizing collection of the charges on the tax roll.

Former Government Code Section 25210.77a (b) and County Ordinance Code Section 3.30.030 also require a public hearing to be set for the purpose of registering protests to the rates to be fixed by the Board, at the conclusion of which the Board adopts the benefit assessments and confirms the content of the annual report.

Reason for Recommendation:

There are thirty road zones of benefit within County Service Area #9 which were formed to fund road improvement and maintenance services within their boundaries. Of the thirty zones in CSA #9, twelve zones are funded through special taxes which do not require annual renewal. The remaining eighteen shown on Exhibit A of the attached Resolution were established with benefit assessments as the funding mechanism. Two of the road zones shown on Exhibit A are unfunded because the advisory committees have chosen not to assess those zones. A Resolution of Intent to increase the benefit assessment for the Creekside Drive Road Zone of Benefit #98127 and initiate a majority protest ballot proceeding has been submitted to your Board under a separate item, Legistar File Number 09-0512.

Sixteen zones are funded through a benefit assessment where advisory committees appointed by your Board have held duly noticed meetings to consider their proposed budgets, assessments and work projects for fiscal year 2009/2010. Based upon discussion at those meetings, advisory committees for these zones request that your Board adopt the annual benefit assessments to be applied to the 2009/2010 tax rolls as shown on Exhibit A of the attached Resolution.

The proposed assessments are a continuation of the existing benefit assessments and represent no

increase over the fiscal year 2008/2009 assessments. The continued assessments are not subject to a vote under El Dorado County Charter Section 210(c). County Counsel has determined that, so long as they are not increased, these assessments are exempt from the procedures and approval process of Article XIII D of the California Constitution under Section 5(a) of the Article.

A public hearing to consider the proposed assessments has been scheduled for June 16, 2009 at 9:00 a.m. and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Mountain Democrat and Georgetown Gazette on June 2, 2009 and June 12, 2009.

Action to be taken following Board approval:

1. The Clerk of the Board will have the Resolution recorded upon signature by the Chairman, and will provide certified copies of the Resolution to the El Dorado County Auditor-Controller and the Department of Transportation for implementation as authorized by law.
2. The Department of Transportation will provide the Auditor-Controller with the affected Assessor's Parcel Numbers and approved benefit assessment amount for each parcel.

Contact:

James W. Ware, P.E.  
Director of Transportation

Concurrence:

County Counsel