



Legislation Details (With Text)

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Title: Hearing to consider adoption of Resolution establishing benefit assessments for the 2009/2010 tax year for Lighting Zones of Benefit within County Service Area No. 9, noting this is a continuation of the existing benefit assessments with no increase over current levels.
Resolution 134-2009
FUNDING: Benefit Assessments.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-09-0564-Contract Routing Sheet, 2. B-09-0564-CSA 9 Lighting Zones-Resolution Establishing Benefit Assessments FY 0910, 3. B1-09-0564-Direct Charge Levies Summary, 4. B2-09-0564-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 benefit assessments for the 2009/2010 tax year for Lighting Zones of Benefit within County Service Area No. 9, noting this is a continuation of the existing benefit assessments with no increase over current levels.

Resolution 134-2009

FUNDING: Benefit Assessments.

BUDGET SUMMARY:		
Total Estimated Cost		\$ 9,575.00
Funding		
Budgeted	\$ 9,575.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 9,575.00	
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 lighting services and other costs related to zone administration. The total assessment for 2009/2010 for the lighting zones of benefit within County Service Area #9 is \$9,575.00. There is no impact to the General Fund or the Road Fund, and there is no net County Cost associated with renewing the benefit assessments.

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 two lighting zones of benefit within County Service Area #9 that were formed to fund lighting services within each zone's boundaries. Annual utility costs and other zone related expenses have been anticipated and an assessment determined for each zone based on an equal benefit to all parcels in the zone.

A majority protest ballot proceeding and hearing was conducted on July 29, 2008 to consider an increase to the benefit assessment for the Barnett Business Park Lighting Zone. At the hearing a majority protest was received, and the assessment was not increased. Lighting services have been discontinued in the Barnett Business Park until the Road Fund and Zone Administration fund are reimbursed for utility costs and other zone related expenses that were paid on behalf of the zone pending the outcome of the majority protest ballot proceeding. The Road Fund will be fully reimbursed by the end of fiscal year 2010/2011, and the Zone Administration fund by the end of fiscal year 2011/2012, after which staff will re-evaluate the number of streetlights the assessment can support, and reinstate lighting services to the zone.

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