



Legislation Details (With Text)

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Type: Agenda Item **Status:** Approved

File created: 2/1/2024 **In control:** Board of Supervisors

On agenda: 5/21/2024 **Final action:** 5/21/2024

Title: Department of Transportation recommending the Board:
 1) Making findings that the remaining assets of the Gilmore Vista Zone of Benefit 98122 be transferred to the successor Homeowner's Association;
 2) Approve and authorize the Chair to sign Funding Agreement 8703 between the County and the Gilmore Vista Homeowner's Association, Inc.; and
 3) Approve and authorize the Chair to sign a Budget Transfer to reallocate appropriations as necessary to pay the Gilmore Vista Homeowner's Association the amount of the funding agreement. (4/5 vote required)

FUNDING: Gilmore Vista Zone of Benefit Special Taxes. (100%)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approved CRS - Gilmore Vista HOA FA, 2. B - Gilmore Vista HOA Funding Agreement, 3. C - Budget Transfer, 4. Executed Gilmore Vista HOA Funding Agreement, 5. Executed Budget Transfer

Date	Ver.	Action By	Action	Result
5/21/2024	1	Board of Supervisors	Approved	Pass

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FUNDING: Gilmore Vista Zone of Benefit Special Taxes. (100%)

DISCUSSION / BACKGROUND

On November 12, 2023, the Board of Supervisors dissolved the Gilmore Vista Road Zone of Benefit 98122 (Zone) by Resolution 170-2023, following a petition submitted by property owners within the Zone.

Pursuant with the Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area (Guidelines), the costs associated with dissolving the zone and any outstanding costs will be charged against the remaining assets of the zone. The Advisory Committee Manual for the Zones of Benefit also advises that by law, zone funds cannot be used for anything other than the intended purpose as detailed in the ballot measure for the special tax. An exception is that if a zone were to be dissolved, and a balance remained in the account, the excess

funds at the time of dissolution would go to the County General Fund.

During the November 12th Hearing, staff confirmed that excess funds will remain in the Zone's account and the Department would bring a future item requesting the Board make findings that the funds be transferred to the successor Homeowner's Association (HOA) once the exact amount was determined. Following the application of all administrative charges, staff has calculated the residual special tax amount to be \$15,744.75.

Gilmore Vista Account Status - ORG 3591838

STARTING CASH BALANCE FY

23/24 \$7,934.45

TOTAL REVENUE (as of 4/30/24) \$11,412.66

EXPENSES FY 23/24 (\$3,602.36)

CASH BALANCE (as of 04/30/24) \$15,744.75

Staff recommends the Board finds that transferring the residual special tax proceeds to the Gilmore Vista HOA satisfies a valid public purpose by ensuring the remaining amounts are used solely for the purpose of snow removal, road improvements, and maintenance services, consistent with Measure J that was approved by the voters on March 3, 2020. Should the County determine by subsequent audit that the HOA did not use all or a portion of the funds consistent with the terms of the Funding Agreement, the HOA shall repay the County any amount that was used for an invalid purpose.

ALTERNATIVES

The Board may choose not to make the findings to transfer the excess funds to the Gilmore Vista Homeowner's Association, Inc., and instead direct staff to transfer the remaining amount to the County General Fund.

PRIOR BOARD ACTION

#23-1831, 11/14/23 #27

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Chief Administrative Office - Community Development Finance & Administration

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Costs. The Zone's residual special tax amounts total \$15,744.75 as of April 30, 2024 with all outstanding costs having been applied. Any payments received after April 30, 2024 will be diverted to the general fund.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of the Funding Agreement.
- 2) The Clerk of the Board will provide one (1) original copy of the Funding Agreement to the Department of Transportation, attention of Elizabeth Hess.
- 3) The Clerk of the Board will obtain the Chair's signature on the original budget transfer and will forward the budget transfer to the Auditor/Controller for processing.

STRATEGIC PLAN COMPONENT

Priority: N/A

Action Item: N/A

CONTACT

Rafael Martinez, Director

Department of Transportation