



Legislation Details (With Text)

File #: 23-0783 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 4/6/2023 **In control:** Board of Supervisors

On agenda: 6/20/2023 **Final action:** 6/20/2023

Title: HEARING - Department of Transportation and Environmental Management Department recommending the Board:
 1) Conduct a public hearing to consider public comment on the Annual Written Report of Benefit Assessments/Service Charges for the Zones of Benefit within County Service Area 3 for vector control and snow removal services; and
 2) Adopt and authorize the Chair to sign Resolution 091-2023 confirming the Annual Written Report and authorizing the benefit assessment/service charges to be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2023-24, noting that the pre-existing benefit assessments/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating said amounts.

FUNDING: County Service Area Benefit Assessments/Service Charges. (100%)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved Counsel Routing Sheet CSA 3, 2. B - CSA 3 Resolution, 3. C - Direct Charge Report Details CSA 3 FY2223, 4. D - CSA 3 Boundary Map, 5. E - Mtn. Democrat Affidavits, 6. F - Affidavit - CSA 2 3 9, 7. G - Affidavit - CSA 10, 8. H - City of SLT Council Minutes, 9. I - Gazette Affidavits, 10. Executed Resolution 091-2023

Date	Ver.	Action By	Action	Result
6/20/2023	1	Board of Supervisors	Approved	Pass

HEARING - Department of Transportation and Environmental Management Department recommending the Board:

1) Conduct a public hearing to consider public comment on the Annual Written Report of Benefit Assessments/Service Charges for the Zones of Benefit within County Service Area 3 for vector control and snow removal services; and
 2) Adopt and authorize the Chair to sign Resolution **091-2023** confirming the Annual Written Report and authorizing the benefit assessment/service charges to be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2023-24, noting that the pre-existing benefit assessments/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating said amounts.

FUNDING: County Service Area Benefit Assessments/Service Charges. (100%)

DISCUSSION / BACKGROUND

County Service Area 3 was established by Resolution 9-63 on January 21, 1963, to provide "control or destruction of insects injurious to plant life," and "the eradication of insects which could introduce dangerous infection or communicable diseases" within the City of South Lake Tahoe and unincorporated areas of the Tahoe Basin, which together form the South Lake Tahoe Vector Control

District (District). The District encompasses approximately 195 square miles of El Dorado County. The benefit assessments/service charge for Mosquito Abatement is \$6 per parcel.

Two snow removal Zones of Benefit within County Service Area 3 were formed to fund snow removal from roads within the County Maintained Mileage System and to offset the cost of acquiring snow removal equipment utilized within the Zone boundaries. The benefit assessment/service charge for the West Shore Snow Zone of Benefit is \$50 per improved parcel. The benefit assessment/service charge for the South Shore Snow Removal Zone of Benefit is \$20 per improved parcel. The West Shore and South Shore Snow Removal Zones (West Shore/South Shore Zones) include the unincorporated area of County Service Area 3.

In 1989, the City of South Lake Tahoe and the County entered into a Joint Powers Agreement (Agreement) for the purchase of snow removal equipment for the City. The Board adopted Resolution 240-89 which 1) formed a Zone of Benefit, the boundaries of which are contiguous with this of the City, and 2) established the benefit assessments/service charge of \$20 per improved parcel, for the purpose of funding the capital cost of snow removal equipment replacement necessary for snow removal services in the City. The Agreement is effective until terminated by future action of the Board. The City of South Lake Tahoe conducted a hearing on June 6, 2023, for consideration and approval of continuing the City's benefit assessments/service charges.

Funding for the South Shore Snow Removal Zone (South Shore Zone) in the unincorporated area of the Tahoe Basin has not kept pace with increasing equipment acquisition, and operating and maintenance costs. The benefit assessments/services charges have not changed since 1983. South Shore Zone funds are not sufficient to allow for equipment replacement at best practice intervals. Transportation staff continues to evaluate alternatives for this zone and will report back to the Board with findings in the future.

The annual report for CSA 3 is to be applied to the 2023-24 tax roll as summarized in Exhibit A of the Attached Resolution. The CSA 3 full detailed report titled "Direct Charge Report Details CSA 3 FY 2223," is attached.

The benefit assessments/service charges are a continuation of the pre-existing benefit assessments/service charges that have been in place and collected since prior to the effective date of Proposition 218. The continued assessments are not subject to a vote. County Counsel has previously determined that, so long as they are not increased and there is no change to the methodology by which the amounts are calculated, these benefit assessments/service charges are exempt from the procedures and approval process of Article XIID of the California Constitution, under Section f(a) of the Article.

Authority for Benefit Assessments/Service Charges

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, effective January 1, 2009.

Revised County Service Area Law omits section 25210.77a, which authorizes the Board of Supervisors to fix and collect charges to fund services within a County Service Area. 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, resolutions, regulations, 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 charges and assessments imposed pursuant to that section.

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 written 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 be set for the purpose of registering objections to or protests against the charges to be fixed by the Board, at the conclusion of which the Board adopts the Resolution that confirms the content of the Annual Report and authorizes the charges to be collected in the same manner as the County’s ad valorem property taxes. A public hearing to consider the proposed assessments has been scheduled for June 20, 2022, at 9:00 a.m., and noticed as required by Government Code section 25210.77a. Notices were scheduled for publication in the Georgetown Gazette and the Mountain Democrat between May 31, 2023 & June 7, 2023 and the Tahoe Tribune between May 26, 2023 & June 2, 2023.

ALTERNATIVES

The Board may determine not to adopt the Resolution to confirm the Annual Report and authorize collection of the benefit assessments/service charges for FY 2023-24. This would leave the zones with insufficient funding for vector control and snow removal services within the Zones of Benefit. Any new, increased, or replacement benefit assessment or special tax is subject to landowner or registered voter approval through statutory proceedings.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Environmental Management Department, County Counsel

CAO RECOMMENDATION / COMMENTS

Approve staff recommendation.

FINANCIAL IMPACT

The proposed benefit assessments/service charges will provide revenue to fund mosquito abatement/vector control services on the East Slope, snow removal services and equipment for the West Shore/South Shore zones, and costs related to zone administration for FY 2023-24. The total assessments projected for 2023-24 are \$120,510 for mosquito abatement/vector control and \$461,450 for snow removal services and equipment. Adoption of the proposed Resolution will allow for continued provision of these services without impacting the General Fund.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will secure the Chair's signature on the Resolution and have the Resolution recorded.
- 2) The Clerk of the Board will provide one (1) certified copy of the Resolution to the Department of Transportation, attention of Elizabeth Hess, for implementation as authorized by law.

STRATEGIC PLAN COMPONENT

Infrastructure, Public Safety

CONTACT

Rafael Martinez, Director
Department of Transportation

Jeff Warren, Director
Environmental Management Department