



County of El Dorado

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Legislation Details (With Text)

File #: 08-1093 **Version:** 1

Type: Agenda Item **Status:** Noticed Hearing

File created: 7/7/2008 **In control:** Board Of Supervisors

On agenda: 7/29/2008 **Final action:**

Title: Hearing to conduct an assessment ballot proceeding of the property owners within the Barnett Business Park Lighting Zone of Benefit #98534 within County Service Area 9 to consider an increase to the current benefit assessment and, if no majority protest is heard, adopt Resolution increasing the annual benefit assessment.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 08-977 Contract Routing Sheet, 2. 08-977 ResoZOB98534 CSA9IncreaseFnl, 3. 08-977 Exhibit A Parcel List, 4. 08-977 Exhibit B Benefit Assessment Formula, 5. 07-878 BallotMailList.pdf, 6. Ballots att'd 8-1-08.pdf

Date	Ver.	Action By	Action	Result
7/29/2008	1	Board Of Supervisors	Denied	Pass

Hearing to conduct an assessment ballot proceeding of the property owners within the Barnett Business Park Lighting Zone of Benefit #98534 within County Service Area 9 to consider an increase to the current benefit assessment and, if no majority protest is heard, adopt Resolution increasing the annual benefit assessment.

BUDGET SUMMARY:		
Total Estimated Cost		\$ 0.00
Funding		
Budgeted	\$ 0.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 0.00	
Change To Net County Cost		\$ 0.00

Fiscal Impact/Change to Net County Cost:
There is no fiscal impact associated with conducting the Hearing or Assessment Ballot Proceeding.

Background:
The Barnett Business Park Lighting Zone of Benefit #98354 was formed October 7, 1989 by

Resolution 316-86 for the purpose of providing street lighting services within Unit 1 of the Barnett Business Park development. No Advisory Committee was established for the Zone. The Application to Form a Zone of Benefit reflects a recommended annual assessment of \$180.73 per parcel. The cost was estimated based on the final installation of 40 street lights within the zone boundaries, estimated administrative costs, and the one time Board of Equalization filing fee. The current per parcel assessment of \$61.00 was set in 1990, and has remained at that rate since. At the time, no confirming election or assessment ballot proceeding was required for a change to the benefit assessment.

Reason for Recommendation:

The *Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area* require that the revenue for each zone of benefit be in an amount sufficient to pay for the extended County services for which the zone was established including associated administrative and miscellaneous costs.

In 2000, installation and energizing of the street lights within the Zone boundaries was completed. In fiscal year 2000-01 and each year since, the cost of the utility bills for the street lights has exceeded the total benefit assessment for the Zone, depleting the reserve fund balance that had accrued between the years of 1990 and 2000. The cost of providing street lighting services in the Barnett Business Park Lighting Zone is currently being subsidized by the Road Fund. An Engineer's Report has been prepared and approved by Department of Transportation staff which recommends a per parcel annual assessment amount of \$162.00 as sufficient to cover the cost of the lighting services and the miscellaneous and administrative costs associated with the Zone of Benefit without impacting the Road Fund.

California State Law requires the approval by the owners of property within a Zone of Benefit through an assessment ballot proceeding in order for a benefit assessment to be increased. On June 10, 2008, your Board adopted Resolution of Intention 161-2008 increasing the benefit assessment for the Barnett Business Park Lighting Zone of Benefit No. 98534 within County Service Area No. 9 which set the public hearing for the protest ballot proceedings on July 29, 2008 at 10:00 a.m. and authorized commencement of an assessment ballot proceeding. The Department of Transportation has mailed to each owner of each parcel of real property within the Zone boundaries a Notice of the Assessment Ballot Proceeding and an Assessment Ballot package with instructions for completing and returning for tabulation.

The annual benefit assessment for the Barnett Business Park Lighting Zone of Benefit is \$2,867.00 based on a per parcel amount of \$61.00. An increase to the per parcel benefit assessment to \$162.00 will result in an annual total of \$7,614.00 for the Zone. If no majority protest is heard, the increased benefit assessment will result in a fiscal impact of a \$4,747.00 increase to the Zone revenues which will allow for continuance of the current level of service.

If a majority protest is heard against the increased assessment, the per parcel assessment will remain at \$61.00 per parcel, and revenue collected in the zone will not be sufficient to cover the cost of lighting services, which is approximately \$5,500.00 annually. The fiscal impact will result in an annual short fall of \$2,633.00 for the Zone, and will require a significant reduction in street lighting services in order to align revenues with expenditures.

The Road Fund subsidized the cost of the street lighting services in Barnett Business Park Zone of Benefit for a portion of fiscal year 2007-08 and 2008-09, with the intent that the amount spent would

be repaid from the Zone. A majority protest against the increase to the benefit assessment will prevent this repayment of \$3,111.20 to the Road Fund.

Action to be taken following Board approval:

1. The Public Hearing shall be opened to consider all protests and to receive the assessment ballots for the Barnett Business Park Lighting Zone of Benefit #98534;
2. At the conclusion of the period of public comment, the Clerk of the Board shall tabulate the ballots and provide the result to the Board;
3. If no majority protest is heard, the Board shall adopt the Resolution increasing the benefit assessment for the Barnett Business Park Lighting Zone of Benefit within County Service Area #9;
4. The Clerk of the Board shall provide two (2) certified copies of the Resolution, if adopted, to the Department of Transportation.

Contact: Richard W. Shepard, P.E.

Concurrences: