



## Legislation Details (With Text)

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**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 the annual benefit assessment for the 2009/2010 tax year for Drainage 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 133-2009  
FUNDING: Benefit Assessments.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A 09-0563-Contract Routing Sheet, 2. B-09-0563-CSA 9 Drain Zones-Resolution Establishing Benefit Assessments FY 0910, 3. B1-09-0563-Direct Charge Levies Summary, 4. B2-09-0563 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 the annual benefit assessment for the 2009/2010 tax year for Drainage 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 133-2009**

**FUNDING:** Benefit Assessments.

<b>BUDGET SUMMARY:</b>		
Total Estimated Cost		\$ 119,538.00
Funding		
Budgeted	\$ 119,538.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 119,538.00	
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 drainage zone insurance fund and other costs related to zone administration. The total assessment for 2009/2010 for the drainage zones of benefit within County Service Area #9 is \$119,538.00. 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 sixty-one zones of benefit within County Service Area #9 that provide drainage facility maintenance and improvement services, the costs of which are covered through either benefit assessments or special taxes. The following is a recap of the number and type of zones that exist in County Service Area #9:

	Benefit Assessment	Special Tax	No Assessment
Drainage Only	25	18	6
Drainage and Road	<u>0</u>	<u>12</u>	<u>0</u>
Total	25	30	6

The special taxes that fund thirty of the zones do not require annual renewal. Six of the drainage zones of benefit do not have an assessment or special tax. The Department of Transportation is working toward resolving this issue. The remaining twenty-five drainage zones of benefit are funded through benefit assessments. In order to continue the assessments, your Board must conduct a public hearing annually, and provided there is no majority protest, adopt the assessments for the ensuing fiscal year. The benefit assessments proposed for the twenty-five drainage zones of benefit within County Service Area #9 are included in 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:

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Director of Transportation

Concurrence:

County Counsel