



Legislation Text

File #: 23-1831, **Version:** 1

HEARING - Department of Transportation recommending the Board:

- 1) Conduct a public hearing to receive public comment of all interested parties for or against the dissolution of the Gilmore Vista Zone of Benefit 98122;
- 2) Make findings consistent with the County's Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area, as amended February 10, 2015; and
- 3) If there is no majority protest, adopt and authorize the Chair to sign Resolution **170-2023**.

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

DISCUSSION / BACKGROUND

The Board formed the Gilmore Vista Zone of Benefit #98122 (Zone) on July 23, 1985 by Resolution 192-85, in response to a petition to form the zone submitted by the property owners for road improvements and maintenance services.

The Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area, as amended February 10, 2015 (Guidelines), allow the Board to dissolve a zone of benefit when such action is in the best interest of the public. Proceedings may be initiated either by petition of property owners and/or registered voters, or by the Board.

Government Code Section 25217.2 authorizes the Board to dissolve a zone, following procedures in sections 25217 and 25217.1, as appropriate.

On August 31, 2023, property owners of the Gilmore Vista Zone of Benefit #98122 submitted an application to dissolve their zone of benefit. County staff has validated the information contained in the application for compliance with the Guidelines, including that it contains the signatures of not less than ten percent of the registered voters residing within the Zone. The application has been reviewed, and Department of Transportation concurs that public interest and necessity no longer require the Gilmore Vista Zone of Benefit. At the request of the zone's key contact, the Board scheduled a public hearing for November 14, 2023 at 9:00 am, to consider public comment against the dissolution of the Gilmore Vista Zone of Benefit. The Resolution of Intent to dissolve the Gilmore Vista Zone of Benefit was approved on October 24, 2023.

ALTERNATIVES

The Board may choose not to approve the Resolution for the dissolution of the Gilmore Vista Zone of Benefit. If the Board concludes that public interest and necessity require the Gilmore Vista Zone of Benefit to remain active, then an analysis will need to be completed to determine the funding level required for a future election.

PRIOR BOARD ACTION

#23-1700, 10/24/23 Consent Item

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel
Auditor-Controller

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

The costs associated with dissolving the zone will be paid by the zone's Special Projects budgeted in Fiscal Year 2023-24. Per the Guidelines, any outstanding costs will be charged against the remaining assets of the zone. It is anticipated that excess funds will remain in the zone's account and the Department will bring a future item requesting the Board make findings that the funds be transferred to the successor Homeowner's Association (HOA) by way of a Funding Agreement once the exact amount is determined. There is no change to Net County Costs.

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. The Clerk of the Board will have the Resolution recorded upon signature by the Chair; and
2. The Clerk of the Board will provide two certified copies of the Resolution to the Department of Transportation, attention Elizabeth Hess for further processing.

STRATEGIC PLAN COMPONENT

Good Governance and Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation