



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Text

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Community Development Agency, Administration and Finance Division recommending the Board adopt Resolution **078-2013** confirming the annual benefit assessment for the 2013/2014 tax year for mosquito abatement and snow removal services within County Service Area No. 3, noting this is a continuation of benefit assessments with no increase over current levels.

FUNDING: Benefit Assessments.

BUDGET SUMMARY:	
Total Estimated Cost.....	\$576,046.00
Budgeted.....	\$576,046.00
New Funding.....	
Savings.....	
Other.....	
Total Funding Available.....	\$576,046.00
Change To Net County Cost.....	\$ 0.00

Fiscal Impact/Change to Net County Cost

The proposed benefit assessments will provide revenue to fund mosquito abatement/vector control services on the East Slope, and to fund equipment leases in each snow removal zone and costs related to zone administration for fiscal year 2013/2014. The total assessment for 2013/2014 for mosquito abatement/vector control is \$122,196; the total assessment for 2013/2014 the snow removal zones of benefit in County Service Area No. 3 is \$453,850. Without confirmation of the benefit assessments, the programs would cease. 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 effective January 1, 2009.

Revised County Service Area Law omits Section 25210.77a which authorizes the Board of Supervisors to fix and collect benefit assessments 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, 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 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 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

County Service Area No. 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, infectious or communicable diseases" within 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 assessment for Mosquito Abatement is \$6 per parcel.

The two snow removal zones of benefit within County Service Area No. 3 were formed to fund snow removal from roads within the County Maintained Mileage System and to offset the cost of leasing snow removal equipment utilized within the zone boundaries. The assessment for the West Shore Snow Removal Zone of Benefit is \$50 per improved parcel. The assessment for the South Shore Snow Removal Zone of Benefit is \$20 per improved parcel, with the exception of the Forest Service Cabins, which are charged \$10 per parcel due to limitations placed on cabin use during the snow season. The West Shore and South Shore Snow Removal Zones include the unincorporated area of County Service Area No. 3.

In 1989, the City of South Lake Tahoe and the County entered into a Joint Powers Agreement for the purchase of snow removal equipment for the City of South Lake Tahoe. The Board of Supervisors adopted Resolution 240-89 which 1) formed a zone of benefit, the boundaries of which are contiguous with those of the city, and 2) established the benefit assessment of \$20 per improved parcel for the purpose of funding the capital cost of snow removal equipment replacement for snow removal services in the City. The Agreement was extended beyond the 1999-2000 tax year, and through Resolution 051-99 the zone and the benefit assessment were given continued effect until extinguished by future action of the Board. The assessment for the City of South Lake Tahoe Snow Removal Services is \$20 per improved parcel of land. The City of South Lake Tahoe includes the incorporated area of County Service Area No. 3. The City of South Lake Tahoe conducted a hearing on May 21, 2013 for consideration and approval of continuing the City's assessments.

Funding for the South Shore Snow Removal Zone in the unincorporated area of the Tahoe Basin has not kept pace with increasing equipment acquisition, operating and maintenance costs. The benefit assessments in the zone have not changed since 1983. In 2005, a measure to increase zone funding was placed before the voters in the South Shore Snow Removal Zone, but failed.

Zone funds are not sufficient to allow for equipment replacement every seven years as has been the practice. Existing funds will be used for maintenance which will increase as equipment ages, and for purchase or lease of replacement equipment as funds allow. Transportation staff continues to evaluate alternatives for the zone.

The proposed assessments are a continuation of the existing benefit assessments and represent no increase over the fiscal year 2012/2013 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 18, 2013 at 9:00 a.m., and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Tahoe Tribune on May 31, 2013 and June 7, 2013 and in the Mountain Democrat on June 3, 2013 and June 14, 2013.

Action(s) to be taken following Board approval

1. The Clerk of the Board will: a) have the Resolution recorded upon signature by the Chair, and b) provide two (2) certified copies of the Resolution to the Administration and Finance Division for implementation as authorized by law.
2. The Administration and Finance Division will provide the Auditor Controller with a Certified Copy of each Resolution and a list of the affected Assessor's Parcel Numbers with the approved benefit assessment amount for each parcel.

Contact

Kim Kerr, Acting Director
Community Development Agency

Geri Silva, MS, REHS
Environmental Management Division Director

Concurrences

County Counsel