File #: 11-0301, **Version:** 1

HEARING- Department of Transportation recommending the Board consider the adoption of **Resolution 099-2011** confirming the annual benefit assessment for the 2011/2012 tax year for snow removal services in the unincorporated areas within County Service Area No. 3, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 5 Min.)
FUNDING: Benefit Assessments.

BUDGET SUMMARY:		
Total Estimated Cost		$ 226,620.00
Funding		
Budgeted	$ 226,620.00	
New Funding	$	
Savings	$	
Other	$	
Total Funding Available	$ 226,620.00	
Change To Net County Cost		$ 0.00

Fiscal Impact/Change to Net County Cost:
The proposed benefit assessments will provide sufficient revenue to fund equipment leases in each zone and costs related to zone administration for fiscal year 2011/2012. The total assessment for 2011/2012 for the snow removal zones of benefit in the unincorporated areas of County Service Area No. 3 is $226,620.00. 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 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:

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 zone boundaries. The assessment for the West Shore Snow Removal Zone 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 limitation 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. The request for public hearing and Resolution for renewal of the benefit assessments within the City of South Lake Tahoe was submitted as a separate hearing item from the Environmental Management Department.

Funding for the South Shore Snow Removal Zone has not kept pace with increasing equipment acquisition, operating and maintenance costs. The benefit assessments in the zone have not changed since 1983. On November 8, 2005 Measure S was placed before the voters in the South Shore Snow Removal Zone, but failed. Had the measure been approved, an additional $181,000 in revenue would have been available to the zone. While the current assessment is sufficient to cover the immediate costs for the South Shore Zone, additional funding will be required to sustain the current level of services by fiscal year 2013. Department of 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 2010/2011 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 21, 2011 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 in the Tahoe Daily Tribune on June 8, 2011 and June 17, 2011.

Action to be taken following Board approval:

1. The Clerk of the Board will have the Resolution recorded upon signature by the Chair, and will provide two (2) certified copies of the Resolution to the Department of Transportation for implementation as authorized by law.

2. The Department of Transportation will provide the Auditor Controller with a Certified Copy of the Resolution and a list of the affected Assessor's Parcel Numbers with the approved benefit assessment amount for each parcel.

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Director of Transportation

Concurrences: County Counsel