



County of El Dorado

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Legislation Text

File #: 09-0565, Version: 1

Hearing to consider adoption of Resolution establishing the annual benefit assessment for the 2009/2010 tax year for Emerald Meadows Zone of Benefit No. 98580 within County Service Area No. 9, noting this is a continuation of the existing benefit assessment with no increase over the current level.

Resolution 135-2009

FUNDING: Benefit Assessments.

BUDGET SUMMARY:		
Total Estimated Cost		\$ 23,532.00
Funding		
Budgeted	\$ 23,532.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 23,532.00	
Change To Net County Cost		\$ 0.00

Fiscal Impact/Change to Net County Cost:

The proposed benefit assessments will provide sufficient revenue to fund the 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 Emerald Meadows Zone of Benefit within County Service Area #9 is \$ 23,532.00. There is no impact to the General Fund or the Road Fund, and there is no net County Cost associated with renewing the benefit assessments.

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:

Emerald Meadows Zone of Benefit #98580 was formed in October 1991 to provide drainage facility, landscaping, sound wall and lighting services. In December of 1995, your Board expanded the scope of services to include wetland related services. Formation of the Zone to fund these services was a condition of approval to obtain a final subdivision map.

Annual costs for the zone include utility bills, landscape maintenance contract and drainage management within the wetlands. The advisory committee appointed by your Board has advised the Department of Transportation on behalf of the property owners and residents of their desire to continue to fund these services, and request that your Board adopt the annual benefit assessment to be applied to the 2009/2010 tax rolls as shown on 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:
James W. Ware, P.E.
Director of Transportation

Concurrence:
County Counsel