



## Legislation Text

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**File #:** 09-0512, **Version:** 1

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Transportation Department recommending Resolution of Intent to Levy the Benefit Assessment for Creekside Drive Road Zone of Benefit 98127 within County Service Area No. 9; and recommending a public hearing be set for August 4, 2009 at 10:00 a.m. for the assessment ballot proceedings.

### **Resolution 123-2009**

**Fiscal Impact/Change to Net County Cost:**

There is no fiscal impact associated with adopting the Resolution of Intent.

**Background:**

The Creekside Drive Road Zone of Benefit #98127 was formed December 17, 1985 by Resolution 378-85 for the purpose of providing road improvement and maintenance services on a portion of Creekside Drive and on Creekside Court. An advisory committee was appointed for the zone whose responsibility was to meet with property owners and residents within the zone, and prepare recommendations on all matters relating to the zone, including the annual budget. The zone consisted of four parcels of land. The advisory committee recommended the following benefit assessments: APN 090-290-38, 090-290-39 and 086-510-61 were each assessed at \$95.00 annually; APN 090-290-40 was assessed \$245.00 annually. First revenues totaling \$525.00 were collected in fiscal year 1986-87.

For the 1989-90 tax year, the advisory committee for the Creekside Drive Road Zone of Benefit recommended a "zero" amount assessment, noting that when future work was anticipated on the zone road, an assessment amount would be determined and levied. At the time, no confirming election or ballot proceeding was required for the establishment of or increase to a benefit assessment.

In 1996, a Resolution to Dissolve the Creekside Drive Zone of Benefit was brought before your Board, but was abandoned after objections from the advisory committee during the public hearing. From 1988 to 2007, there was no other correspondence from the advisory committee. No benefit assessment or special tax was collected for the zone after the 1987-88 tax year, and by 2006, the fund balance for the zone was depleted to \$11.

**Reason for Recommendation:**

*The Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area*, adopted June 2, 1987, require that the revenue for each zone of benefit be in an amount sufficient to pay for the County services for which the zone was established to provide, including associated administrative and miscellaneous costs.

In the absence of both a funding stream and communication from the advisory committee, staff determined a need for action and in January, 2007, mailed a letter to each owner of property within the Creekside Drive Road Zone of Benefit indicating the County's proposal to conduct a mailed ballot election to consider a special tax that would provide funding for the zone's share of insurance costs

and other miscellaneous costs associated with the zone. In response to the letter, an advisory committee member opposed the mailed ballot election among registered voters in the zone, but instead proposed that an assessment ballot proceeding be conducted to allow the property owners to consider a benefit assessment.

The requirements for the proceedings were discussed, including the necessity for a professionally prepared engineer's report and the requirements thereof under Article XIII D of the California Constitution. The advisory committee member agreed to have the engineer's report prepared. Interim funding for the zone would be provided under Funding Agreement 07-1412, which also provided that a permanent, ongoing funding source be established for the Creekside Drive Road Zone of Benefit.

An Engineer's Report was prepared and approved by the Department of Transportation staff which recommends an annual benefit assessment amount of \$2,440.40 as sufficient to cover the costs of maintaining the portion of Creekside Drive from the intersection with French Creek Road to the intersection with Creekside Court, and the miscellaneous and administrative costs associated with the zone of benefit on an ongoing basis. The dollar amount apportioned to each parcel within the zone is detailed in the Engineer's Report on file with the Clerk of the Board of Supervisors at 330 Fair Lane, Placerville, California, attached hereto and summarized below:

Assessor's Parcel Number	Proposed Benefit Assessment
090-290-38-100	\$ 71.32
090-290-40-100	187.68
090-290-45-100	415.90
090-430-49-100	377.42
090-430-50-100	252.62
090-430-51-100	1,135.46
Total Assessment:	\$ 2,440.40

California State Law requires approval by the owners of property within a zone of benefit through an assessment ballot proceeding in order for a benefit assessment to be levied and/or increased. Department of Transportation staff recommends your Board approve and authorize the Chairman to sign the Resolution of Intent to Levy the Benefit Assessment for the Creekside Drive Road Zone of Benefit #98127, authorizing commencement of an assessment ballot proceeding.

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 a certified copy to the Department of Transportation;
2. The Department of Transportation will schedule a Public Hearing on August 4, 2009 at 10:00 a.m. for the owners of property within the Creekside Drive Road Zone of Benefit #98127 to cast protest ballots for or against the levy of the benefit assessment;
3. The Department of Transportation will mail to each owner of record of each parcel of real

property within the zone boundaries a Notice of the Assessment Ballot Proceeding and an Assessment Ballot package with instructions for completing and returning for tabulation.

Contact:

James W. Ware, P. E.  
Director of Transportation

Concurrences:

County Counsel