



## Legislation Details (With Text)

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**Type:** Agenda Item      **Status:** Approved

**File created:** 6/8/2016      **In control:** Board of Supervisors

**On agenda:** 7/19/2016      **Final action:** 7/19/2016

**Title:** HEARING - Library Department recommending the Board:  
 1) Conduct a public hearing to consider public comment on the annual written report of benefit assessment/service charges for Zone of Benefit D within County Service Area 10 for library services at the Cameron Park Library; and  
 2) Adopt and authorize the Chair to sign Resolution 119-2016 confirming the annual written report and authorizing the benefit assessment/service charges to be collected in the same manner as the County's ad valorem real property taxes for the 2016/17 fiscal year, noting that the pre-existing benefit assessment/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating the amounts. A public hearing to consider the proposed assessments has been scheduled for July 19, 2016 at 2:00 pm, and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Mountain Democrat on July 6, 2016 and July 13, 2016. (Est. Time: 10 Min.)

**FUNDING:** County Service Area Benefit Assessments/Service Charges. The Cameron Park Library is funded primarily from benefit assessments/service charges and Zone D fund balance (72%), with a Net County Cost of \$152,516 (28%) which is included in the Recommended 2016/17 Budget.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Blue Route - CP Benefit Assess 16-17 7-19-16, 2. B - RESO CP BEN ASSESS 2016-2017 7-19-16, 3. C - Report Direct Charge Levies 7-19-16, 4. Executed Resolution 119-2016 (7-19-16)

Date	Ver.	Action By	Action	Result
7/19/2016	1	Board of Supervisors		

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 2) Adopt and authorize the Chair to sign Resolution **119-2016** confirming the annual written report and authorizing the benefit assessment/service charges to be collected in the same manner as the County's ad valorem real property taxes for the 2016/17 fiscal year, noting that the pre-existing benefit assessment/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating the amounts. A public hearing to consider the proposed assessments has been scheduled for July 19, 2016 at 2:00 pm, and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Mountain Democrat on July 6, 2016 and July 13, 2016. (Est. Time: 10 Min.)

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Net County Cost of \$152,516 (28%) which is included in the Recommended 2016/17 Budget.

### **DEPARTMENT RECOMMENDATION**

Library Department recommending the Board:

- 1) Conduct a public hearing to consider public comment on the annual written report of benefit assessment/service charges for Zone of Benefit D within County Service Area 10 for library services at the Cameron Park Library; and
- 2) Adopt Resolution confirming the annual written report and authorizing the benefit assessment/service charges to be collected in the same manner as the County's ad valorem real property taxes for the 2016/17 fiscal year, noting that the pre-existing benefit assessment/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating the amounts.

### **DISCUSSION / BACKGROUND**

On July 2, 1993, the Board adopted Resolution 226-93 establishing a library benefit assessment for extended library services within County Service Area No. 10, Zone D, for extended library services at the Cameron Park Branch Library. The Library requests that the Board confirm the annual report of benefit assessments to be applied to the 2016/2017 as summarized in Exhibit A to the attached Resolution, and detailed in the report.

The assessments/service charges are a continuation of the pre-existing benefit assessments/service charges that have been in place and collected since prior to the effective date of Proposition 218. 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 and there is no change to the methodology by which the amounts are calculated, 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.

#### Establishment of Benefit Assessments/Service Charges

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 charges 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 charges and 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 written 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 be set for the purpose of registering objections to or protests against the charges to be fixed by the Board, at the conclusion of which the Board adopts the Resolution that confirms the content of the annual report and authorizes the charges to be collected in the same manner as the County's ad valorem property taxes.

### **ALTERNATIVES**

The Board may determine not to adopt the Resolution to confirm the annual report and to authorize collection of the benefit assessment/service charges for the 2016-17 fiscal year. This would result in insufficient funding for library services with Zone of Benefit D, Cameron Park Library. Any new, increased, or replacement benefit assessment or special tax is subject to landowner or registered voter approval through statutory proceedings.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel approved the Resolution.

### **CAO RECOMMENDATION**

The Chief Administrative Office concurs with the recommendation.

### **FINANCIAL IMPACT**

The total assessment for FY 2016-2017 for Zone of Benefit D within County Service Area No. 10 is projected to be \$261,000.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

### **STRATEGIC PLAN COMPONENT**

Good Governance, Healthy Communities

### **CONTACT**

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