County of El Dorado

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Legislation Details (With Text)

File #:	11-0295 **Version:** 1		
Type:	Agenda Item	**Status:**	Adopted
File created:	3/15/2011	**In control:**	Board of Supervisors
On agenda:	6/21/2011	**Final action:**	6/21/2011
Title:	HEARING - Department of Transportation recommending the Board consider adoption of Resolution 098-2011 confirming the annual benefit assessment for the 2011/2012 tax year for the Road Zones of Benefit within County Service Area No. 2, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 5 Min.) FUNDING: Benefit assessments.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A-Contract Routing Sheet, 2. B-CSA 2 Road Zones Resolution Confirming Annual Benefit Assessments, 3. B1-Exhibit A, 4. Fully executed Resolution 098-2011		

Date	Ver.	Action By	Action	Result
6/21/2011	1	Board of Supervisors	Adopted	Pass

HEARING - Department of Transportation recommending the Board consider adoption of **Resolution 098-2011** confirming the annual benefit assessment for the 2011/2012 tax year for the Road Zones of Benefit within County Service Area No. 2, 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		$ 68,400.00
Funding		
Budgeted	$ 68,400.00	
New Funding	$	
Savings	$	
Other	$	
Total Funding Available	$ 68,400.00	
Change To Net County Cost		$ 0.00

Fiscal Impact/Change to Net County Cost:
The proposed benefit assessments will provide sufficient revenue to fund each zone's proposed work projects, contributions to the road zone insurance policy and other costs related to zone administration. The total assessment for 2011/2012 for the road zones of benefit within County Service Area No. 2 is $68,400.00. There is no impact to the General Fund or the Road Fund, and there is no net County Cost.

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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:

There are two road zones of benefit within County Service Areas #2 which were formed to fund road improvement and maintenance services within their boundaries. Advisory Committees appointed by the Board have held duly noticed meetings to consider their proposed budgets, assessments and work projects for fiscal year 2011/2012. Based upon discussion at those meetings, Advisory Committees for these zones request that the Board adopt the annual benefit assessments to be applied to the 2011/2012 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 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.

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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 on June 8, 2011 and June 17, 2011, and in the Georgetown Gazette on June 9, 2011 and June 16, 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.

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

Concurrences: County Counsel