



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Details (With Text)

File #: 09-0615 **Version:** 1
Type: Agenda Item **Status:** Adopted
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Title: Hearing to conduct an assessment ballot proceeding of the property owners within the Creekside Drive Road Zone of Benefit 98127 within County Service Area No. 9 to consider the levy of an increased benefit assessment and, if no majority protest is heard, adopt Resolution establishing the annual benefit assessment. (Refer File 09-0512, 6/16/09)
Resolution 180-2009

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-09-0615-Contract Routing Sheet, 2. B-09-0615-Resolution Establishing Benefit Assessment for Creekside Dr ZOB 98127, 3. B.1-09-0615-Exhibit A to Resolution-Parcel List, 4. B.2-09-0615-Exhibit B to Resolution-Benefit Assessment Formula, 5. RES 180-2009

Date	Ver.	Action By	Action	Result
8/4/2009	1	Board Of Supervisors	Adopted	Pass

Hearing to conduct an assessment ballot proceeding of the property owners within the Creekside Drive Road Zone of Benefit 98127 within County Service Area No. 9 to consider the levy of an increased benefit assessment and, if no majority protest is heard, adopt Resolution establishing the annual benefit assessment. (Refer File 09-0512, 6/16/09)

Resolution 180-2009

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

Fiscal Impact/Change to Net County Cost:

There is no fiscal impact associated with conducting the Hearing or Assessment Ballot Proceeding. There is no net cost to the County General Fund associated with this agenda item.

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 established for the zone to 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 1986-1987.

For the 1989-1990 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 due to 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 1987-1988 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 Creekside Court, and the miscellaneous and administrative costs associated with the zone of benefit on an ongoing basis. The number of parcels and parcel boundary configuration within the zone has changed since the zone was formed due to parcel splits and boundary line adjustments within the zone boundaries. The dollar amount apportioned to each

parcel that currently exists 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 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
<u>090-430-51-100</u>	<u>1,135.46</u>
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 imposed and levied. On June 16, 2009, Your Board adopted Resolution of Intent 123-2009 to levy the benefit assessment for the Creekside Drive Road Zone of Benefit #98127 within County Service Area No. 9 which set the public hearing for the protest ballot proceedings on August 4, 2009 at 10:00 a.m. and authorized commencement of an assessment ballot proceeding. The Department of Transportation has mailed to each owner 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.

No benefit assessment is currently collected for the Creekside Drive Road Zone of Benefit. If no majority protest is heard, the approved benefit assessment will result in a fiscal impact of \$2,440.40 in zone revenue.

If a majority protest is heard against the assessment, no revenue will be available for the zone.

The advisory committee has been advised that if a permanent funding mechanism is not established for the zone, the Department of Transportation will recommend to your Board that the Creekside Drive Road Zone of Benefit be dissolved and responsibility for maintenance of the portion of Creekside Drive from the intersection with French Creek Road to the intersection with Creekside Court and Creekside Court will fall upon the property owners.

Action to be taken following Board approval:

1. The Public Hearing shall be opened to consider all protests and to receive the assessment ballots for the Creekside Drive Road Zone of Benefit #98127;
2. At the conclusion of the period of public comment, the Clerk of the Board shall tabulate the ballots and provide the result to the Board;
3. If no majority protest is heard, the Board shall adopt the Resolution establishing the benefit assessment for the Creekside Drive Road Zone of Benefit #98127 within County Service Area #9;

4. The Clerk of the Board shall provide two (2) certified copies of the Resolution, if adopted, to the Department of Transportation.

Contact: James W. Ware, PE
Director of Transportation

Concurrences: County Counsel