



County of El Dorado

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Legislation Text

File #: 12-0514, Version: 1

Hearing - Department of Transportation recommending the Board consider adoption of Resolution **080-2012** confirming the annual benefit assessment for the 2012/2013 tax year for Zones of Benefit within County Service Area No. 9, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 10 Min.)

FUNDING: Zone Benefit Assessments.

BUDGET SUMMARY:		
Total Estimated Cost		\$ 338,436.00
Funding		
Budgeted	\$ 338,436.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 338,436.00	
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 zone insurance policy and other costs related to zone administration. The total assessment for 2012/2013 for the zones of benefit within County Service Area No. 9 is \$338,436.00. There is no impact to the General Fund or the Road Fund, and there is no net County Cost.

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 96 zones of benefit with County Service Area No. 9 which were formed to provide certain services within their boundaries, including road improvement and maintenance services, drainage facility improvement and maintenance services, landscape maintenance services, street lighting, wetland related services, and cemetery maintenance and operations services. Of those, 44 are funded through special taxes which do not require annual renewal, but are subject to accountability reporting under Section 50075 *et seq.* of the Government Code, and will be filed under separate cover at a later date. Six drainage zones currently receive no funding. Department of Transportation staff continues to work toward resolving this issue.

Type of Services:	Assessments	Special Taxes	No Funding
Road Maintenance	18	12	
Drainage Facilities	25	18	6
Street Lighting	2	1	
Landscape, Lights, Wetlands	1		
Cemetery		1	
Road & Drainage Facilities		12	
Totals:	46	44	6

A detailed list for each zone funded through a benefit assessment is included with Exhibit A of the attached Resolution. The summary includes a description of the types of services provided in each zone of benefit.

The Board of Supervisors may, at its discretion, appoint advisory committees for zones of benefit. Advisory committees appointed for the road maintenance zones of benefit and the drainage,

landscape, lighting and wetland related services zone of benefit have held duly noticed meetings to consider their proposed budgets and make recommendations regarding work projects each year. Based on discussions at those meetings, the Advisory Committees request that the Board confirm the annual benefit assessments to be applied to the 2012/2013 tax rolls as shown on Exhibit A to the attached Resolution.

The proposed assessments are a continuation of the existing benefit assessments and represent no increase over the fiscal year 2011/2012 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 19, 2012 at 9:00 a.m., and noticed as required by County Ordinance and former Government Code Section 25210.77a. Notice is scheduled for publication in the Mountain Democrat on June 4, 2012 and June 15, 2012, and in the Georgetown Gazette on June 7, 2012 and June 14, 2012.

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:

Kim Kerr, Interim Director
Department of Transportation

Concurrences:

County Counsel