



Legislation Text

File #: 14-0380, **Version:** 3

Hearing to conduct an assessment ballot proceeding of the property owners within the Green Valley Oaks Road Zone of Benefit No. 98169 within County Service Area No. 9 to consider the levy of an increased benefit assessment and, if no majority protest is heard, approve and authorize the Chair to sign Resolution **062-2014** establishing the annual benefit assessment to replace the existing special tax. (Cont. 6/10/14, Item 72)

FUNDING: No Federal Funding.

Fiscal Impact/Change to Net County Cost

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

Background

The Green Valley Oaks Road Zone of Benefit No. 98169 was formed August 6, 1991 by Resolution 264-91 for the purpose of providing road maintenance services. An advisory committee was established for the zone to prepare recommendations on all matters related to the zone including the annual budget.

The zone was formed to include areas from three homeowner/property owner associations. The advisory committee adopted by-laws on November 19, 1992 through which they designated five distinct areas for road maintenance responsibility, and used the area designations as the basis for recommending benefit assessment amounts. The roads described for maintenance with zone funds were Mulberry Lane, Oak Ridge Road, Valley Oak Court, Tosca Court, Blend O' Green Way and Spring Circle. Meesha Lane was added for maintenance August 1, 1995 by Resolution 210-95.

Reason for Recommendation

Current revenue for the Green Valley Oaks Road Zone of Benefit is \$14,625.00. The advisory committee for the Green Valley Oaks Road Zone recommended an increase to the zone's overall funding based on the five areas described in the committee's by-laws. An Engineer's Report was prepared and approved by the County which recommends an annual benefit assessment amount of \$27,245.61 as sufficient to cover the costs of maintaining the roads named above, and the miscellaneous and administrative costs associated with the zone of benefit on an ongoing basis, as required by the *Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area*, amended June 2, 1987.

The Green Valley Oaks Zone of Benefit advisory committee recommended the Report be amended to include consideration of the equity in pooled cash with the County, to be apportioned to offset the assessments. The ending fund balance for the Green Valley Oaks Road Zone of Benefit effective June 30, 2013, equal to the equity in pooled cash at the close of fiscal year 2012-2013, was considered in the Amendment to the Report Dated September 14, 2011. The dollar amount was apportioned as an offset to the assessments to each parcel in the zone, and is detailed in the Engineer's Report as amended December 12, 2013. The amended Engineer's Report recommends a

total annual assessment amount of \$26,091.06. The amount apportioned to each parcel in the zone is shown in Exhibit A to the Resolution establishing the benefit assessment.

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. On April 15, 2014, the Board adopted Resolution of Intent 037-2014 to levy the benefit assessment for the Green Valley Oaks Road Zone of Benefit No 98169 within County Service Area No. 9 which set the public hearing for the protest ballot proceedings on June 10, 2014 at 10:00 a.m., and authorized commencement of an assessment ballot proceeding. The Community Development Agency, Administration and Finance Division has mailed to each owner of record of each parcel of real property within the zone boundaries a Notice of the Assessment Ballot Proceeding and Assessment Ballot package with instructions for completing and returning for tabulation.

The hearing was opened to public comment on June 10, 2014 at 10:00 a.m at which time a request was made to continue the hearing until July 29, 2014 due to the discovery of a printing irregularity that affected only the ballots associated with fractional ownership interests. Continuing the hearing has allowed for replacement ballots to be provided to the affected owners, and for those owners to fully consider the ballots before casting them. The public comment period was continued to July 29, 2014 at 10:00 a.m. and remains open until closed by action of the Board.

If no majority protest is heard, the approved benefit assessment will result in an increase to annual revenue for the zone by \$11,466.06, for a total of \$26,091.06.

If a majority protest is heard against the assessment, the special tax will continue to be collected at the existing level.

Clerk of the Board Follow Up Actions

1. The Public Hearing shall be continued from June 10, 2014 at 10:00 a.m. to consider all protests and to receive the assessment ballots for the Green Valley Oaks Road Zone of Benefit No. 98169;
2. At the conclusion of the period of public comment, the Clerk 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 Green Valley Oaks Road Zone No. 98169 within County Service Area No. 9.
4. The Clerk shall provide two (2) certified copies of the Resolution, if adopted, to the Community Development Agency.

Contact

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Concurrences

County Counsel