



# County of El Dorado

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## Legislation Text

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**File #:** 15-0513, **Version:** 1

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HEARING - Community Development Agency, Administration and Finance Division, recommending the Board conduct a public hearing to consider adopting and authorizing the Chair to sign Resolution **094-2015** confirming the annual benefit assessment for the 2015/16 tax year for mosquito abatement and snow removal services within County Service Area No. 3, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 5 Min.)

**FUNDING:** Benefit Assessments. (No Federal Funds)

### **DEPARTMENT RECOMMENDATION**

The Community Development Agency recommends the Board conduct a public hearing and adopt a Resolution confirming the annual benefit assessment for the mosquito abatement and snow removal services within County Service Area No. 3.

### **DISCUSSION / BACKGROUND**

County Service Area No. 3 was established by Resolution 9-63 on January 21, 1963 to provide "control or destruction of insects injurious to plant life," and "the eradication of insects which could introduce dangerous, infection or communicable diseases" within the City of South Lake Tahoe and unincorporated areas of the Tahoe Basin, which together form the South Lake Tahoe Vector Control District (District). The District encompasses approximately 195 square miles of El Dorado County. The assessment for Mosquito Abatement is \$6 per parcel.

Two snow removal zones of benefit within County Service Area No. 3 were formed to fund snow removal from roads within the County Maintained Mileage System, and to offset the cost of acquiring snow removal equipment utilized within the zone boundaries. The assessment for the West Shore Snow Removal Zone of Benefit is \$50 per improved parcel. The assessment for the South Shore Snow Removal Zone of Benefit is \$20 per improved parcel, with the exception of the Forest Service Cabins, which are charged \$10 per parcel due to limitations placed on cabin use during the snow season. The West Shore and South Shore Snow Removal Zones include the unincorporated area of County Service Area No. 3.

In 1989, the City of South Lake Tahoe and the County entered into a Joint Powers Agreement for the purchase of snow removal equipment for the City of South Lake Tahoe. The Board of Supervisors adopted Resolution 240-89 which 1) formed a zone of benefit, the boundaries of which are contiguous with those of the City, and 2) established the benefit assessment of \$20 per improved parcel for the purpose of funding the capital cost of snow removal equipment replacement for snow removal services in the City. The Agreement is effective until extinguished by future action of the Board. The City of South Lake Tahoe conducted a hearing on April 21, 2015 for consideration and approval of continuing the City's assessments.

Funding for the South Shore Snow Removal Zone in the unincorporated area of the Tahoe Basin has not kept pace with increasing equipment acquisition, operating and maintenance costs. The benefit

assessments in the zone have not changed since 1983. Zone funds are not sufficient to allow for equipment replacement at best practice intervals. Agency staff continues to evaluate alternatives for the zone, and received conceptual approval from the Board to bring information back to explore bringing a ballot measure forward to potentially increase the per parcel fee to adequately.

The proposed assessments are a continuation of existing benefit assessments and represent no increase over the fiscal year 2014/2015 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 16, 2015 at 10:00 a.m., and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Georgetown Gazette on June 4, 2015 and June 11, 2015 in the the Mountain Democrat and the Tahoe Tribune on June 3, 2015 and June 10, 2015.

#### Authority for Benefit Assessments

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 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, resolution, 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 time per 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 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.

## **ALTERNATIVES**

The Board may determine not to confirm the benefit assessments for the 2015/2016 tax year. This would leave the zones with insufficient funding for the mosquito abatement, vector control services, and snow removal. 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**

N/A

## **CAO RECOMMENDATION**

CAO recommending moving staff's recommendations to conduct a public hearing to consider adopting a resolution to continue the current benefit rates for CSA 3 relating to mosquito abatement and snow removal services.

## **FINANCIAL IMPACT**

The proposed benefit assessments will provide revenue to fund mosquito abatement/vector control services on the East Slope, equipment for snow removal, and costs related to zone administration for fiscal year 2015/2016. The total assessments for 2015/2016 are \$122,664 for mosquito abatement/vector control and \$455,890 for snow removal zones of benefit. Adoption of the proposed Resolution would allow for continued provision of these services without impacting the General Fund.

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

- 1) The Clerk will have two (2) copies of the Resolution recorded upon signature by the Chair.
- 2) The Clerk will provide two certified copies of the Resolution to the Administration and Finance Division for implementation as authorized by law.

## **STRATEGIC PLAN COMPONENT**

Public Infrastructure

## **CONTACT**

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