



Legislation Text

File #: 16-0408, **Version:** 1

HEARING - Community Development Agency, Administration and Finance Division, recommending the Board:

- 1) Conduct a public hearing to consider public comment on the annual written report of benefit assessment/service charges for the Zones of Benefit within County Service Area 3 for mosquito abatement and snow removal services; and
- 2) Adopt and authorize the Chair to sign Resolution **095- 2016** confirming the annual written report and authorizing the benefit assessment/service charges to be collected in the same manner as the County's ad valorem real property taxes for the 2016/17 fiscal year, noting that the pre-existing benefit assessment/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating the amounts. A public hearing to consider the proposed assessments has been scheduled for June 14, 2016, at 11:00 am, and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Georgetown Gazette on June 2, 2016 and June 9, 2016, and in the Mountain Democrat on May 30, 2016 and June 10, 2016, and the Tahoe Tribune on June 1, 2016 and June 8, 2016. (Est. Time: 5 Min.)

FUNDING: County Service Area Benefit Assessments/Service Charges.

DEPARTMENT RECOMMENDATION

The Community Development Agency recommends the Board:

- 1) Conduct a public hearing to consider public comment on the annual written report of benefit assessment/service charges for the Zones of Benefit within County Service Area No. 3 for mosquito abatement and snow removal services.
- 2) Adopt and authorize the Chair to sign Resolution 095- 2016 confirming the annual written report and authorizing the benefit assessment/service charges to be collected in the same manner as the County's ad valorem real property taxes for the 2016/2017 fiscal year, noting that the pre-existing benefit assessment/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating the amounts.

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/service charge 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/service charge for the West Shore Snow Removal Zone of Benefit is \$50 per improved parcel. The assessment/service

charge 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/service charge 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 19, 2016 for consideration and approval of continuing the City's assessments.

Funding for the unincorporated area of the Tahoe Basin, particularly in the South Shore Snow Removal Zone, has not kept pace with increasing equipment acquisition, operating and maintenance costs. The benefit assessments/service charges 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 explore bringing a ballot measure forward to potentially increase the per parcel fee to adequately fund snow removal equipment replacement.

The annual report of benefit assessments/services charges for CSA 3 to be applied to the 2016/2017 tax roll is summarized in Exhibit A to the attached Resolution. The full detailed report, CSA 3 FY 16/17 Direct Charges Levied Accepted, dated August 3, 2015 is attached and is on file with the Clerk of the Board.

The assessments/service charges are a continuation of the pre-existing benefit assessments/service charges that have been in place and collected since prior to the effective date of Proposition 218. 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 and there is no change to the methodology by which the amounts are calculated, these assessments/service charges are exempt from the procedures and approval process of Article XIII D of the California Constitution under Section 5(a) of the Article.

Authority for Benefit Assessments/Service Charges

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/service charges 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 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 and authorizes the charge to be collected in the same manner as the County's ad valorem property taxes.

ALTERNATIVES

The Board may determine not to confirm the benefit assessments for the 2016/2017 tax year. This would leave the zones with insufficient funding for mosquito abatement/vector control on East Slope and snow removal within the zones of benefit. 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

County Counsel approved the Resolution

CAO RECOMMENDATION

Chief Administrative Office concurs with staff's recommendations.

FINANCIAL IMPACT

The proposed benefit assessments/service charges 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 2016/2017. The total assessments for 2016/2017 are \$123,456 for mosquito abatement/vector control and \$458,890 for snow removal zones of benefit. Adoption of the proposed Resolution would allow for continued provision of these services without impacting the General Fund or the Road Fund.

CLERK OF THE BOARD FOLLOW UP ACTIONS

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

STRATEGIC PLAN COMPONENT

Infrastructure; Public Safety

CONTACT

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