



Legislation Text

File #: 16-0409, 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 9 for certain services 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; and
- 2) Adopt and authorize the Chair to sign Resolution **096- 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. 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, in the Mountain Democrat on May 30, 2016 and June 10, 2016, and in 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

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 No. 9 for certain services 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.
- 2) Adopt Resolution XXX- 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

There are 97 zones of benefit within 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 confirmation, but are subject to accountability reporting under Section 50075 et seq. of the Government Code, which will be filed under separate cover at a later date. Six drainage zones currently receive no funding. The Community Development Agency, Administration and Finance Division staff continues to work toward

resolving this issue.

Carson Crossing Drive Drainage Zone of Benefit No. 98310 was formed on March 8, 2016, and a benefit assessment was established by Resolution 041-2016 following approval through a protest ballot proceeding conducted the same day (Item No. 26). However, due to the timing requirements for filing with the State Board of Equalization to establish a tax rate area for the zone, the first assessments will not be collected until the 17/18 tax year. Subsequent assessment confirmation proceedings for CSA 9 Zones of Benefit will include Carson Crossing Drive Drainage Zone.

The annual report for each zone funded through a benefit assessment/service charge is included herein and on file with the Clerk of the Board. Exhibit A of the attached resolution summarizes the detailed reports. 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 report of the benefit assessments/service charges to be applied to the 2016/2017 tax rolls as shown on Exhibit A to the attached Resolution.

The proposed assessments/service charges are a continuation of 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.

A public hearing to consider public comment regarding the annual report of assessments has been scheduled for June 14, 2016 at 11:00 a.m. and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Mountain Democrat June 3, 2016 and June 10, 2016, in the Georgetown Gazette for June 2, 2016 and June 9, 2016 and in the Tahoe Tribune on June 1, 2016 and June 8, 2016.

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, 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 written 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 Resolution that confirms the content of the annual report and authorizes the charges to be collected in the same manner as the County's ad valorem property taxes.

ALTERNATIVES

The Board may determine not to adopt the Resolution to confirm the annual report and to authorize collection of the benefit assessments/service charges for the 2016/2017 fiscal year. This would leave the zones with insufficient funding for road improvement and maintenance services 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 each zone's proposed work projects, contributions to the zone insurance policy and other costs related to zone administration. The total assessment for 2016/2017 for the zones of benefit within County Service Area No. 9 is \$336,804. There is no impact to the General Fund or the Road Fund and there is no Net County Cost associated with this item.

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

CONTACT

Kate Sampson, Assistant Director
Administration and Finance Division
Community Development Agency