



Legislation Text

File #: 17-0498, **Version:** 1

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

- 1) Conduct a public hearing to consider public comment on the Annual Written Report of Benefit Assessments/Service Charges for the Zones of Benefit within County Service Area 3 for vector control and snow removal services; and
- 2) Adopt and authorize the Chair to sign Resolution **103-2017** confirming the Annual Written Report and authorizing the benefit assessments/service charges to be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2017/18, noting that the pre-existing benefit assessments/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 said amounts.

A public hearing to consider the proposed assessments has been scheduled for June 27, 2017, at 11:00 a.m., and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Georgetown Gazette on June 15 and June 22, 2017, in the Mountain Democrat on June 16 and June 23, 2017, and the Tahoe Tribune on June 14 and June 21, 2017. (Est. Time: 5 Min.)

FUNDING: County Service Area Benefit Assessments/Service Charges.

DEPARTMENT RECOMMENDATION

Community Development Services (CDS), Administration and Finance Division, recommending the Board:

- 1) Conduct a public hearing to consider public comment on the Annual Written Report of Benefit Assessments/Service Charges (Annual Report) for the Zones of Benefit within County Service Area 3 for vector control and snow removal services; and
- 2) Adopt and authorize the Chair to sign Resolution **103- 2017** confirming the Annual Written Report and authorizing the benefit assessments/service charges to be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2017/2018 (FY17/18), noting that the pre-existing benefit assessments/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 said amounts.

DISCUSSION / BACKGROUND

County Service Area 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 benefit assessments/service charge for Mosquito Abatement is \$6 per parcel.

Two snow removal Zones of Benefit within County Service Area 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 benefit assessments/service charge for the West Shore Snow Removal Zone of Benefit is \$50 per improved parcel. The benefit assessments/service charge for the South Shore Snow Removal Zone of Benefit is \$20 per improved parcel, with the exception of the U.S. 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 (West Shore/South Shore Zones) include the unincorporated area of County Service Area 3.

In 1989, the City of South Lake Tahoe and the County entered into a Joint Powers Agreement (Agreement) for the purchase of snow removal equipment for the City. The Board 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 assessments/service charge of \$20 per improved parcel, for the purpose of funding the capital cost of snow removal equipment replacement necessary for snow removal services in the City. The Agreement is effective until terminated by future action of the Board. The City of South Lake Tahoe will conduct a hearing on May 16, 2017, for consideration and approval of continuing the City's assessments.

Funding for the South Shore Snow Removal Zone (South Shore Zone) in the unincorporated area of the Tahoe Basin has not kept pace with increasing equipment acquisition, and operating and maintenance costs. The benefit assessments/service charges in the South Shore Zone have not changed since 1983. South Shore Zone funds are not sufficient to allow for equipment replacement at best practice intervals. CDS staff continues to evaluate alternatives for this Zone and received conceptual approval from the Board to explore and report back on bringing a ballot measure forward to potentially increase the per parcel fee to adequately fund snow removal equipment replacement.

The Annual Report for CSA 3 is to be applied to the 2017/2018 tax roll as summarized in Exhibit A of the attached Resolution (Attachment B). The CSA 3 full detailed report for FY17/18 titled "Direct Charge Levies Accepted," dated August 5, 2016, is attached and is on file with the Clerk of the Board (Attachment C).

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 previously 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 the proposed assessments has been scheduled for June 27, 2017, at 11:00 a.m., and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Georgetown Gazette on June 15 and June 22, 2017, in the Mountain Democrat on June 16 and June 23, 2017, and the Tahoe Tribune on June 14 and June 21, 2017.

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 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 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 adopt the Resolution **XXX**-2017 to confirm the Annual Report and to authorize collection of the benefit assessments/service charges for the 2017/2018 tax year. This would leave the Zones with insufficient funding for vector and snow removal 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

N/A

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The proposed benefit assessments/service charges will provide revenue to fund mosquito abatement/vector control services on the East Slope, snow removal services and equipment for the West Shore/South Shore Zones, and costs related to Zone administration for FY17/18. The total assessments for 2017/2018 are \$123,780 for mosquito abatement/vector control and \$459,520 for snow removal services and equipment. 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 of the Board will secure the Chair's signature on the Resolution and have the Resolution recorded.
- 2) The Clerk of the Board will provide one (1) certified copy of the Resolution to the Community Development Services, Administration and Finance Division, attention of Elizabeth Zangari, for implementation as authorized by law.

STRATEGIC PLAN COMPONENT

Public Infrastructure

CONTACT

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