



Legislation Text

File #: 17-0499, **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 9 for providing certain services including road improvement and maintenance, drainage facility improvement and maintenance, landscape maintenance, street lighting, and/or wetland-related services; and
2) Adopt and authorize the Chair to sign Resolution **104-2017** 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 9 for providing certain services including road improvement and maintenance, drainage facility improvement and maintenance, landscape maintenance, street lighting, and/or wetland-related services; and
2) Adopt and authorize the Chair to sign Resolution **104-2017** confirming the Annual 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

There are 97 zones of benefit within County Service Area 9, which were formed to provide certain services within their boundaries, including road improvement and maintenance, drainage facility improvement and maintenance, landscape maintenance, street lighting, and/or wetland-related 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, and

will be filed under separate cover at a later date. There are also 6 drainage zones that receive no funding, for which CDS Administration and Finance Division staff continues to work toward resolving this issue.

The Carson Crossing Drive Drainage Zone of Benefit 98310 (Carson Crossing Drainage Zone) was formed on March 8, 2016, and a benefit assessment was established by Resolution 041-2016. The first assessments will be collected during the 2017/2018 tax year, upon delivery of the assessment roll by the County Assessor, once it has been finalized. Carson Crossing Drainage Zone will be included in subsequent assessment confirmation proceedings for CSA 9 Zones of Benefit.

The Annual Report for each of the zones funded through a benefit assessment/service charge is included herein and is on file with the Clerk of the Board. Exhibit A of the attached Resolution (Attachment B), summarizes the detailed reports. The summary includes a description of the types of services provided in each zone of benefit.

The Board may, at its discretion, appoint Advisory Committees for zones of benefit. Advisory Committees that are appointed for Zones of Benefit providing road, drainage, landscape, street lighting, and wetland-related services hold duly noticed meetings each year to consider their proposed budgets and make recommendations regarding work projects. Based on this year's meeting discussions, the appointed Advisory Committees request that the Board confirm the Annual Report to be applied to the 2017/2018 tax rolls as summarized in Exhibit A of the attached Resolution (Attachment B), and detailed in the Annual Report (Attachment C).

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 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 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 2520.77a(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 Resolution **XXX-2017** to confirm the Annual Report and to authorize collection of the benefit assessments/service charges for FY17/18. This would leave the Zones with insufficient funding to provide certain types of service 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 each Zone's proposed work projects, the contributions to the Zone Insurance Policy, and other costs related to zone administration. The total assessment for 2017/2018 for the Zones of Benefit within County Service Area 9 is \$336,929. 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 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

Infrastructure

CONTACT

Karen Coleman, Chief Fiscal Officer

Community Development Services, Administration and Finance Division