



County of El Dorado

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Legislation Text

File #: 10-0440, Version: 1

HEARING - Consider the adoption of a Resolution establishing the annual benefit assessment for the 2010/2011 tax year for the Lighting Zones of Benefit within County Service Area No. 9, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 5 Min.)

FUNDING: Benefit Assessments.

Resolution 082-2010

BUDGET SUMMARY:		
Total Estimated Cost		\$ 9,575.00
Funding		
Budgeted	\$ 9,575.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 9,575.00	
Change To Net County Cost		\$ 0.00

Fiscal Impact/Change to Net County Cost:

The proposed benefit assessments will provide sufficient revenue to fund each zone's lighting services and other costs related to zone administration. The total assessment for 2010/2011 for the lighting zones of benefit within County Service Area No. 9 is \$9,575.00. There is no impact to the General Fund or the Road Fund, and there is no net County Cost.

Background:

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 which became 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 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 to 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.

Reason for Recommendation:

There are two zones of benefit within County Service Area No. 9 that were formed to fund lighting services within each zone's boundaries. Annual utility costs and other zone related expenses have been anticipated and an assessment determined for each zone based on an equal benefit to all parcels in the zone.

A majority protest ballot proceeding and hearing was conducted on July 29, 2008 to consider an increase to the benefit assessment for the Barnett Business Park Lighting Zone. At the hearing a majority protest was received, and the assessment was not increased. Lighting services have been discontinued in the Barnett Business park until the Road Fund and Zone Administration fund are reimbursed for utility costs and other zone related expenses that were paid on behalf for the zone pending the outcome of the majority protest ballot proceeding. The Road Fund will be fully reimbursed by the end of fiscal year 2010/2011, and the Zone Administration fund by the end of fiscal year 2011/2012, after which staff will re-evaluate the number of streetlights the assessment can support, and reinstate lighting services to the zone.

The proposed assessments are a continuation of the existing benefit assessments and represent no increase over the fiscal year 2009/2010 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 22, 2010 at 9:00 a.m., and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Mountain Democrat on June 7, 2010 and June 18, 2010, and in the Georgetown Gazette on June 10, 2010 and June 17, 2010.

Action to be taken following Board approval:

1. The Clerk of the Board will have the Resolution recorded upon signature by the Chair, and will provide two certified copies of the Resolution to the Department of Transportation for implementation as authorized by law.
2. The Department of Transportation will provide the Auditor-Controller with a Certified Copy of the Resolution and a list of the affected Assessor's Parcel Numbers with the approved benefit assessment amount for each parcel.

Contact:

James W. Ware, P.E.,
Director of Transportation

Concurrences:

County Counsel