



## Legislation Text

File #: 09-1317, Version: 1

Transportation Department recommending adoption of a Resolution calling for a mailed ballot election to be set for ~~March 2~~May 4, 2010 for the establishment of a special tax to provide road improvement and maintenance services in the King of the Mountain Road Zone of Benefit No. 98138 within County Service Area 9, to replace the existing benefit assessment.

**FUNDING:** Zone of benefit assessments or special taxes.

### Resolution 261-2009

BUDGET SUMMARY:		
Total Estimated Cost		\$ 500.00
Funding		
Budgeted	\$ 500.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 500.00	
Change To Net County Cost		\$ 0.00

#### Fiscal Impact/Change to Net County Cost:

The estimated cost of the election is \$500.00. All costs associated with the election will be funded from the King of the Mountain Zone of Benefit assessments or special tax.

A total of 21 parcels within the zone are currently assessed \$250.00 annually, generating \$5,250.00 in revenue to fund zone activities consisting of road improvement and maintenance, including sanding and snow removal, on 0.67 miles of roadway.

If approved, the special tax amount of \$500.00 per parcel will replace the current benefit assessment, and will result in annual revenue of \$10,500.00 in 2010/2011, an increase of \$5,250.00 over the current assessment.

#### Background:

The Board of Supervisors formed the King of the Mountain Road Zone of Benefit No. 98138 on December 30, 1986 by Resolution 403-86 for the purpose of providing road improvement and maintenance services. Since the formation, zone operations have been funded through annual benefit assessments upon each parcel of land within the zone boundaries. The zone residents last considered an increase to the benefit assessment in 1996, when it was increased to \$4,000.00 per parcel for a single year to provide funding for a special improvement project. After completion of the project, the assessment amount reverted to \$250.00 per parcel, where it remains. At the time of the

last increase, benefit assessments were set upon recommendation by the advisory committee. With the adoption of Article 13D of the State Constitution in 1997, changes to a benefit assessment or special tax amount require approval through either a protest ballot proceeding or an election.

**Reason for Recommendation:**

The zone advisory committee recently notified Department of Transportation staff of their desire to establish a special tax to replace the current benefit assessment. If approved, the special tax will increase zone revenue in order to keep pace with increasing labor and material costs. The zone advisory committee prefers a special tax over a benefit assessment increase because there are fewer administrative requirements and associated costs once it has been established.

California state law requires approval by registered voters within a zone to establish a special tax. The Registrar of Voters must conduct an election to allow the voters to consider the special tax. The Department of Transportation requests your Board set the measure shown on Exhibit A for a mailed ballot election. Should the measure pass, the special tax will replace the benefit assessment. Should the measure fail to achieve the required two-thirds majority approval, the advisory committee wishes the Board to continue the existing benefit assessment at the current level.

**Action to be taken following Board approval:**

1. Certified copies of the Resolution will be sent to the Department of Transportation and the County Registrar of Voters.
2. The Registrar of Voters will conduct a mailed ballot election on March 2, 2010 to consider the establishment of a special tax for the purpose of providing road improvement and maintenance services within the King of the Mountain Road Zone of Benefit No. 98138 within County Service Area 9.

**Contact:**

James W. Ware, P.E.

**Concurrences:**

County Counsel