

DIRECTOR OF PUBLIC WORKS

County of Santa Cruz 0363

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070 (831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

AGENDA: APRIL 4, 2000

March 23, 2000

SANTA CRUZ COUNTY BOARD OF SUPERVISORS 701 Ocean Street Santa Cruz, California 95060

SUBJECT: 2000/200 1 COUNTY SERVICE AREA BENEFIT ASSESSMENT RATES

Members of the Board:

Public Works has received notification from County Service Area (CSA) Nos. 24, Pineridge and 26, Hidden Valley Road that these CSAs wish to increase the benefit assessment rate for the 2000/2001 fiscal year. The proposed increases are as follows:

CSA No. 24 Pineridge

CSA No. 24 is currently collecting \$75.00 per parcel and is requesting an assessment increase to \$150.00 per year per parcel. Additionally, in order to address approximately \$50,000 in backlog repairs, the CSA is also proposing the collection of a one-time assessment of \$500.00 per parcel.

CSA No. 26, Hidden Valley. Zones "A" through "G"

In the 1999/2000 fiscal year CSA No. 26 assessments were increased by \$1,000 per parcel to provide \$68,000 for a retaining wall project along Hidden Valley Road. Additionally, the CSA obtained an \$8,000 construction loan. With the repair project now complete, the CSA representative is proposing that the benefit assessments for the year 2000/2001 and following, be decreased by the \$1,000 construction assessment but increased from the pre 1999/2000 assessment of \$24.43 per zone to \$48.86 per zone. This proposed increase is needed to pay off the remaining construction loan and to build up reserves for annual maintenance.

As County Service Area fees are considered benefit assessments, any increase in rates must comply with Proposition 2 18 procedures. These procedures require that an increase in the benefit assessment rate can only be charged if an election is held and the increase is approved by at least half of the votes cast by the property owners, with the votes weighted according to the amount of the proposed assessment of each parcel. Furthermore, a public hearing must be held to consider any protests to the proposed increase.

We have attached the Engineer's Reports, notice of public hearing, resolutions, and ballots for your Board's approval. The notice of public hearing sets the May 23, 2000, public hearing date on the proposed rates. These rates are set at the specific levels requested by service area representatives and include an allowance for rates to be increased each fiscal year based on the Consumer Price Index. The rates are identified in the attached Engineer's Reports, The ballots, notice of hearing, and resolutions are all in accordance with Board established rules for conducting ballot proceedings for assessments under Article XIIID, Section 4 of the California State Constitution.

Actions related to County Service Areas with no increases or with increases based on previous elections for fiscal year 2000/200 1 will be brought before your Board for consideration on May 23, 2000.

It is therefore recommended that the Board of Supervisors take the following action:

- 1. Accept and approve the Engineer's Reports for CSA Nos. 24, Pineridge, and 26, Hidden Valley, Zones "A" through "G."
- 2. Adopt the attached Resolutions of Intention to Authorize and Levy an Assessment for Road Maintenance and Operation within CSA Nos. 24, Pineridge, and 26, Hidden Valley, Zones "A" through "G."
- 3. Approve the attached notice of public hearing, ballot procedure, and ballots for the proposed increased 2000/2001 assessment for CSA Nos. 24, Pineridge, and 26, Hidden Valley, Zones "A" through "G."
- 4. Set Tuesday, May 23, 2000, at 9:00 a.m. or thereafter as the date and time for a public hearing on the proposed increased assessment rates for CSA Nos. 24, Pineridge, and 26, Hidden Valley, Zones "A" through "G" and direct the Clerk of the Board to publish a summary notice of the public hearing.
- 5. Direct the Department of Public Works to mail ballots to the record owners of properties subject to the proposed assessments within CSA Nos. 24, Pineridge, and 26, Hidden Valley, Zones "A" through "G."

Yours truly

SRL:mg

Attachments/

JOHN A. FANTHAM

Director of Public Works

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RECOMMENDED FOR APPROVAL

County Administrative Officer

copy to: Public Works Department

PROP218.DOC

ENGINEER'S REPORT REGARDING PROPOSED BENEFIT ASSESSMENT FOR COUNTY SERVICE AREA NO. 24, PINERIDGE

0365

The undersigned submits this written Engineer's Report to the Board of the Supervisors of the County Santa Cruz as follows:

- 1. <u>Engineer's Report</u>. This Engineer's Report is for a benefit assessment set forth below.
- 2. <u>Authorization.</u> This Engineer's Report is submitted pursuant to Article XIIID, Section 4 of the Constitution.
- 3. <u>Purpose of the Assessment</u>. The express purpose for which this benefit assessment is proposed is to provide a source of funding for County Service Area No. 24, Pineridge road maintenance and operations.
- 4. <u>Proposed Funding</u>. The services in this County Service Area No. 24, Pineridge, are proposed to be **funded** by a benefit assessment levied under County Service Area law and in accordance with Article XIIID of the Constitution.
- 5. <u>Necessity for Engineer's Report.</u> This Engineer's report is required for this proposed increased assessment by the provisions of Article XIIID, Section 4 of the Constitution.
- 6. <u>Limitation upon Expending Assessment Proceeds</u>. Any funds collected from the benefit assessment proposed herein shall be expended only for road maintenance and operations services to benefit the properties within County Service Area No. 24, Pineridge. Any unexpended **funds** raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.
- 7. <u>Levy</u>. A benefit assessment to raise revenue to **fund** services is hereby proposed to be levied upon real property within County Service Area No. 24, excepting any unbuildable parcels, common areas, and parcels with an assessed value of \$5,000.00 and less. It has been determined that no publicly owned property receives a special benefit from this proposed assessment.
- 8. <u>Assessment Rate</u>. The rate of assessment for the fiscal year 2000/0 1 and the maximum rate for each year thereafter is proposed as follows:
 - A. The assessment rate for 2000/01 shall be as follows:
 - 1) \$150 per year per parcel
 - 2) Additional 2000/01 fiscal year <u>one-time</u> assessment of \$500 per parcel

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health regulations, and parcels with an assessed valuation of \$5,000.00 or less, will not be changed.

- B. For each fiscal year after 2000/01, the assessment rate <u>may</u> be increased by a percentage which does not exceed the percentage increase in the Consumer Price Index, All Urban Consumers, for the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and 'would not increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index, the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.
 - C. The lien date shall be that prescribed by law.
- D. The foregoing schedules and rates are based upon a flat fee for each parcel. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
- 9. <u>Collection</u>. The collection of the proposed assessment shall be by the County of Santa Cruz on behalf of the County Service Area No. 24, Pineridge, in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by or on behalf of all County Service Areas. The County may deduct its reasonable costs incurred for that service before resubmittal of the balance to the account of the County Service Area No. 24.
- 10. <u>Determinations of Engineer's Report</u>. The determinations of this written Engineer's Report for the proposed assessment pursuant to Article XIIID, Section 4 of the Constitution are as follows:
- A. The attached schedule identifies and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed, and sets forth the amount of the assessment for each parcel for the initial fiscal year,
- B. The proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the road maintenance and operations service to be provided is as set forth on the attached schedule,
- C. No assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel,
- D. The only benefits assessed are special and any general benefits have been separated from the special benefits conferred on each parcel, and
- E. No parcel owned by any agency, the State of California or the United States receives any special benefit from the proposed assessment,

11. <u>Ballot Procedure</u>. As required by Section 4 of Article XIIID of the California Constitution, a <u>Property Owner Ballot</u> must be enclosed with the notice of the proposed assessment. This ballot may be used by the owner(s) or by the tenant(s) who are directly liable for payment of the assessment in question of any parcel to express either support for or opposition to the proposed assessment. The ballot instructions will describe the alternative methods for submitting the ballot by mail or by personal delivery, either prior to or at the time of the public hearing of protests.

Upon the close of the public hearing, the returned ballots will be tabulated, both in support of and in opposition to the assessment, with ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided that, in the event additional time is required to determine whether any ballot has been properly tabulated or to tabulate all the votes, the Board may continue the matter of announcing results to provide such additional time. In the event that ballots in opposition exceed ballots in support, there will be a "majority protest," and the Board will be precluded from proceeding with the proposed assessment.

Based on the foregoing, the undersigned registered engineer submits this written Engineer's Report and recommends adoption of the proposed assessment.

C.E. 42851

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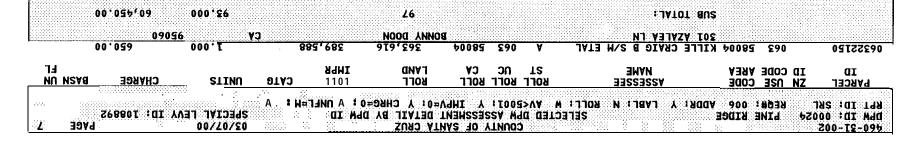
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BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION	NO	. 0316

On the motion of Supervisor duly seconded by Supervisor the following resolution is adopted:

RESOLUTION OF INTENTION TO AUTHORIZE AND LEVY AN ASSESSMENT FOR ROAD MAINTENANCE AND OPERATIONS COUNTY SERVICE AREA NO. 24, PINERIDGE

WHEREAS, this Board has caused to be prepared, and on this date has received for filing with the Clerk of this Board, the written Engineer's Report, a copy of which is attached and incorporated herein as Exhibit "A," prepared by a registered professional engineer certified by the State of California for a proposed assessment within County Service Area No. 24, Pineridge, pursuant to Article XIIID, Section 4 of the Constitution; and

WHEREAS, the Engineer's Report determines and specifies all of the following:

- 1. The schedule attached to the original Engineer's Report identifies and describes. all parcels which have a special benefit conferred on them and on which the assessment will be imposed, and sets forth the amount of the assessment for each parcel for the fiscal year 2000/200 1;
- 2. The proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the services to be provided;
- 3. No assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on each parcel;
- 4 . The only benefits assessed are special and that the general benefits have been separated from the special benefits conferred on each parcel;
- 5. No parcel owned by an agency, the State of California or the United States receives any special benefit from the proposed assessment;
- **6.** The duration of the assessment is specified;
- 7. The basis of the assessment is stated;
- 8. The schedule of the assessment is attached to the original Engineer's Report; and

WHEREAS, after considering the Engineer's Report, this Board finds it is in the best interest of County Service Area No. 24, Pineridge, and its owners and inhabitants to declare the Board's intention to levy the proposed assessments each year in accordance with that Report.

1. <u>Declaration of Intention</u>. This Board declares its intention under the authority of County Service Area Law commencing with Government Code Section 25210.1 and Article XIIID, Section 4 of the Constitution, to levy an assessment upon real property with County Service Area No. 24, Pineridge, for the fiscal year 2000/2001 and each year thereafter at a maximum rate not to exceed the following:

The assessment rate for 2000/01 for all parcels shall be:

- A. \$150 per year per parcel
- B. Additional 2000/01 fiscal year one time assessment of \$500 per parcel

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health Regulations, and parcels with an assessed valuation of \$5,000 or less, will not be charged.

- C. For each fiscal year after 2000/2001, the assessment rate <u>may</u> be increased by a percentage which does not exceed the percentage increase in the Consumer Price Index, All Urban Consumers, for the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and would not increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index, the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.
- D. The lien date shall be that prescribed by law.
- E. The foregoing schedules and rates are based upon a flat fee for each parcel. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
- 2. <u>Public Hearing</u>. On May 23, 2000, at 9:00 a.m. or thereafter in the Meeting Chambers of this Board at 701 Ocean Street, Santa Cruz, California, this Board will hold a public hearing on the proposed County Service Area No. 24, Pineridge, assessments, and will consider the ballots described in paragraph 5 and any protests described in paragraph 6.
- 3. <u>Answering Inquiries</u>. This Board designates the Director of Public Works or bis authorized representative(s) as the person to answer inquiries regarding the protest proceedings.

4. <u>Notice of Public Hearing</u>. The Clerk of the Board is directed to give notice of the public information meeting and of the public protest hearing as follows:

0378

Pursuant to Subsections (c) and (d) of Article XIIID, Section 4 of the Constitution, the notice given pursuant to the preceding paragraph shall give the record owner of each identified parcel the amount of the proposed assessment, the total amount thereof chargeable to the whole County Service Area No. 24, the amount chargeable to the owner's particular parcel, the duration of such payment, the reason for such assessment, and the basis upon which the proposed assessment was calculated, together with the date, time and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return and tabulation of the ballots required, including a disclosure statement that the existence of a majority protest will result in the assessment not being imposed. Each such notice shall contain a ballot whereby each such owner may indicate his or her name, a reasonable identification of the parcel, and support or opposition to the proposed assessment.

- 5. The Property Owner Ballot Procedure. As required by Section 4 of Article XIIID of the California Constitution, a Property Owner Ballot must be enclosed with the notice of the proposed assessment. This ballot may be used by the owner(s) of any parcel to express either support for or opposition to the proposed assessment. The ballot instructions will describe the alternative methods for submitting the ballot by mail or by personal delivery, either prior to or at the time of the public hearing of protests. Upon the close of the public hearing, the returned ballots will be tabulated, both in support of and in opposition to the assessment, with ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided that, in the event additional time is required to determine whether any ballot has been properly tabulated or to tabulate all the votes, the Board may continue the matter of announcing results to provide such additional time. In the event that ballots in opposition exceed ballots in support, there will be a "majority protest," and the Board will be precluded from proceeding with the proposed assessment.
- 6. <u>Protests.</u> Any protest pertaining to the validity of the assessment or the regularity or sufficiency of the proceedings shall be in writing and shall clearly and specifically set forth the alleged irregularity or defect. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing shall be deemed waived.

Cruz, State of	PASSED AND AD California, the	OPTED by t day of,	he Board of Supervisors of the County 2000, by the following vote:	of Santa
AYES:	SUPERVISORS			0379
NOES:	SUPERVISORS			
ABSENT:	SUPERVISORS			
ABSTAIN:	SUPERVISORS			
			Chairperson, Board of Supervisors	
	k of the Board			
Approved as	to form:			
Chief Assista	nt County Counsel	7		

Distribution: County Counsel

Public Works (CSA Administration)

COUNTY OF SANTA CRUZ

0380



NOTICE OF PUBLIC HEARING, BALLOT PROCEDURE, AND BALLOT FOR AN ASSESSMENT TO PROVIDE FUNDING FOR ROAD MAINTENANCE AND OPERATION SERVICES WITHIN COUNTY SERVICE AREA NO. 24, PINERIDGE

IMPORTANT NOTICE

NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for Tuesday, May 23, 2000, at 9:00 a.m. or thereafter in the Board Chambers, 701 Ocean Street, Room 525, Santa Cruz, California, to consider the adoption of a proposed resolution authorizing and levying an assessment in compliance with Proposition 218 ("The Taxpayers Right to Vote Initiative") for the purpose of providing funding for road maintenance and operation services within County Service Area No. 24, Pineridge.

Proposition 218, which was approved by the voters at the November, 1996 general election, includes provisions that a new benefit assessment to provide road maintenance and operation services can only be charged if it is approved by at least half of the votes cast by the property owners (or tenants who are directly liable for paying the proposed assessments) with the votes weighted according to the amount of the proposed assessment on each parcel.

Enclosed is your Official Mailed Assessment Ballot for you to vote on whether to approve the proposed assessment to provide funding for Pineridge road maintenance and operation services.

Please see "Assessment Ballot Instructions" printed on the next page.

ASSESSMENT BALLOT INSTRUCTIONS

0381

HOW TO VOTE YOUR ASSESSMENT BALLOT

The enclosed ballot is to be used to express support for or opposition to the proposed assessment for road maintenance and operation services. In order to be counted, the Ballot Declaration must be completed and signed by the property owner, or by a tenant whose lease or other rental agreement expressly requires that the tenant directly pay assessments, and the Ballot returned in accordance with these instructions.

- 1. Use a pen to mark an "X" next to "Yes" or "No" to cast your vote.
- 2. Complete and sign the ballot declaration.

HOW TO RETURN YOUR ASSESSMENT BALLOT

- 1. Place the ballot in the ballot return envelope, and seal the envelope.
- 2. Deliver the ballot return envelope either by mail or in person as follows:

<u>Mail Delivery</u>: If by mail, mail with the required postage stamp no later than May 16, 2000. Mailing later than this deadline creates the risk that the ballot may not be received in time to be counted.

<u>Personal Delivery:</u> If in person, deliver to the Public Works Department at any time up to 9:00 a.m. on Tuesday, May 23, 2000, at 701 Ocean Street, Santa Cruz, California, Room 410, or at the hearing itself at 9:00 a.m. on that date at 701 Ocean Street, Santa Cruz, California, Board Chambers.

Regardless of which method of delivery is used, the ballot must be <u>received</u> in the ballot return envelope prior to the close of the public hearing on Tuesday, May 23, 2000, to be counted.

If you wrongly stamp, tear, or deface this ballot, write "spoiled" across the face of the ballot, and return it to the Santa Cruz County Public Works Department, 701 Ocean Street, Room **410H**, Santa Cruz, CA 95060 and another ballot will be issued to you. If you have any questions, please contact Public Works County Service Area Administration at 831-454-2160.

The following pages contain additional information regarding the proposed assessment, assessment procedures, and protests.

CSA24 Shall the County of Santa collect assessments to provide road maintenance and operation services within County Service Area No. 24, Pineridge by an annual assessment, with consumer price index increases (if necessary to pay approved expenditures)?

ASSESSMENT INFORMATION

- la. <u>Total Assessments within Service Area.</u> The total amount of the proposed assessments for Pineridge road maintenance and operation services within County Service Area No. 24 for the 2000-01 fiscal year is \$13,950.00.
- 1 b. One Time Assessment. The total amount of the proposed one-time assessment for CSA No. 24 is \$46,500.00.
- 2. Amount of Assessment on Parcel. The amount of the proposed assessment on your parcel for the 2000-01 fiscal year is stated on the enclosed Assessment Ballot.
- 3a. <u>Duration of Assessment</u>. The proposed assessment of \$150 is an annual fee and will continue indefinitely.
- 3b. One Time Assessment. The proposed \$500 fee is a one time assessment to build up capital for existing repair projects.
- 4. Reason for Assessment. The express purpose for which this benefit assessment is levied is to provide a source of funding for County Service Area road maintenance and operations. Pursuant to Proposition 218, an assessment can be used to pay for special benefits conferred on real property by governmental facilities and services. However, a new assessment is only permitted under Proposition 218 if ballots are mailed to all record owners subject to the proposed assessment, and prior to the close of the public hearing set for the assessment at least as many ballots are submitted in favor of the assessment as are submitted in opposition to the assessment, with the ballots weighted according to the amount of the proposed assessment on each parcel. If the weighted ballots submitted in opposition to the assessment exceed the weighted ballots submitted in favor of the assessment, a "majority protest" exists, and the proposed assessment cannot be charged.

5. <u>Basis for Assessment</u>. The foregoing schedules and rates are based upon a flat fee for each parcel. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. The assessment rate schedule is as follows:

0382

- a. \$150 per year per parcel
- b. One time assessment of \$500 per parcel in the 2000/01 fiscal year
- c. For each fiscal year after 2000-01, the assessment rate may be increased by a percentage which does not exceed the percentage increase in the Consumer Price Index, All Urban Consumers for the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and would **not** increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index. the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health regulations, and parcels with an assessed valuation of \$5,000 or less, will not be charged.

BALLOT PROCEDURES

1. Persons Entitled to Ballot.

- a. Record Owners. The record owner of each parcel is as set forth on the Assessor's current master property record on the date the mailing list for the assessment is generated. In accordance with Article XIIID, notice, including the ballot, in these proceedings shall be mailed to the record owner of each parcel as shown on the Assessors master property record.
- b. <u>Tenants</u>. A tenant who holds a tenancy of real property and whose lease or other rental agreement expressly requires that the tenant directly pay assessments, such as the proposed assessment, may submit a ballot for the parcel. When the authority of a tenant is established, the ballot of the tenant shall be counted in place of any ballot submitted by the owner. There is, however, no duty to seek out or give special notice to tenants.
- 2. One Ballot per Parcel. Only one ballot shall be counted for each parcel, even if there are co-owners or co-tenants. If more than one co-owner or w-tenant, respectively, should submit a ballot and the ballots are in agreement after considering withdrawals, then one ballot shall be counted for the parcel. If more than one co-owner or w-tenant, respectively, should submit a ballot and the ballots are in conflict after considering withdrawals, then no ballot shall be counted for that parcel.

PROTESTS

1. In addition to the ballots in favor of or in opposition to the proposed assessment, the Board of Supervisors will also consider any other protests to the proposed assessments at the public hearing. Any protest pertaining to the validity of the assessment or the regularity or sufficiency of the proceedings shall be in writing and shall clearly and specifically set forth the alleged irregularity or defect. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing shall be deemed waived.

2. The Board of Supervisors retains authority otherwise conferred by law to make changes in the boundaries of the proposed assessment area, in the extent of the services to be provided, and in the amount of the assessment (including the amounts of any individual assessments) provided, however the assessment area shall not be expanded nor any assessment increased beyond that specified by this notice without new notice and proceedings in compliance with all laws.

* * *

The County complies with the Americans with Disabilities Act. Questions regarding accommodation under the ADA should be directed to the ADA Coordinator at 454-2323.

A copy of the proposed Resolution, the Engineer's Report, and the Balloting Rules are available at the **Office** of the Clerk of the Board of Supervisors, 701 Ocean Street, Room 500, Santa Cruz, California.



Ballot for County Service Area No. 24, Pineridge Road Maintenance and Operation Services Assessment 2000/01

APN: ASSESSEE NAME:
Ballot Questions:
Shall the County of Santa Cruz be authorized to increase the County Service Area No. 24 assessment from \$75.00 to \$150.00 per year per parcel to provide road maintenance and operation services within County Service Area No. 24, Pineridge, with consumer price index increases if necessary to pay approved expenditures?
Yes No
Shall the County of Santa Cruz be authorized to collect an additional <u>one time</u> County Service Area No. 24 assessment of \$500.00 per parcel in the 2000/01 tax year? This amount would be assessed and collected in two installments on the December 10, 2000, and April 10, 2001 tax bills.
Yes No
Ballot Declaration:
I, the undersigned, declare that I am authorized to cast all the vote on the assessment for the parcel identified by the tax Parcel Number set forth above as (1) sole owner, (2) an owner acting on behalf of a spouse who holds a community property interest, all joint tenants, or all tenants in common, (3) a general partner or legal representative of a corporate general partner, (4) a legal representative of a corporate landowner, trust, estate, or public agency, or (5) a tenant of the parcel whose lease or other rental agreement expressly requires that the tenant directly pay assessments, such as the proposed assessment.
I declare under penalty of perjury that this declaration made this day of, 2000, at, California, is true and correct.
Signature

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Name (Printed)

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO	0385
On the motion of Supervisor	
Duly seconded by Supervisor	
The following resolution is adopted	

RESOLUTION AUTHORIZING AND LEVYING AN ASSESSMENT FOR ROAD MAINTENANCE AND OPERATIONS WITHIN COUNTY SERVICE AREA NO. 24, PINERIDGE FOR 2000-01 AND EACH YEAR FOLLOWING

The Board of Supervisors of the County of Santa Cruz makes the following recitals:

- 1. <u>Basic Policy</u>. This Board has heretofore conducted proceedings under the statutes authorizing the levying of Special Assessments and desires to bring its assessments for road maintenance and operations services into conformity with the provisions of Article XIIID of the California Constitution for the Fiscal Year 2000-01 and each year following.
- 2. <u>Engineer's Report.</u> Article XIII. On April 4, 2000, this Board received for filing a written Engineer's Report supporting the proposed assessments prepared by a registered professional engineer certified by the State of California which pursuant to Article XIII, Section 4 of the Constitution contains all of the following:
- A. Identities and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed,
- B. Determines the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the road maintenance and operations service to be provided,
- C. Determines that no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel, and
- D. Determines that the only benefits assessed are special and that the general benefits have been separated from the special benefits conferred on each parcel.
- 3. <u>Resolution of Intention</u>. Based on the Engineer's Report, on April 4, 2000, this Board adopted its Resolution of Intention which:
- A. Set a public hearing to hear any protests pursuant to Article XIIID, Section 4 of the Constitution, and
- B. Directed the Clerk to give a notice of the filing of the Report and the time and place of the hearing set by the Board by publication and to each property owner whose property would be subject to the assessment at least 45 days before the date set for the public hearings and specified the contents of the notice, all in the manner required by law.
- 4. <u>Nhetic€</u>lerk of this Board gave notice in the manner directed by this Board and as required by law.

5. <u>Public Hearing</u>. At the time and place set forth in the notice, this Board conducted the public hearing in the manner required by law and heard and considered all objections and protests to the Report referred to in the notice, heard and determined all protests as required by law, and tabulated all ballots.

0386

- 6. <u>Protest Failed.</u> The ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment, weighting the ballots **according** to the proportional financial obligation of the affected property.
- 7. <u>Hintking</u> the interest of County Service Area No. 24, Pineridge, its inhabitants, and its property owners to levy the assessment as proposed.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND FOUND by the Board of Supervisors of the County of Santa Cruz as follows:

- 1. **Einclings** f the foregoing recitals is true and correct.
- 2. <u>Authorization.</u> This Resolution and the benefit assessment authorized herein is adopted pursuant to Government Code Section 25210 and Article XIIID, Section 4 of the Constitution.
- 3 . <u>Purpose of the Assessment.</u> The express purpose for which this benefit assessment is levied is to provide a source of funding for County Service Area road maintenance and operations.
- 4. <u>Determination of Necessity</u>. The level of road maintenance and operation services which can be provided is determined to be reasonably adequate to meet current needs.
- 5. <u>Limitation Upon Expending Assessment Proceeds</u>. Any funds collected from the benefit assessment authorized by this Resolution shall be expended only for such road maintenance and operations services to benefit County Service Area No. 24, Pineridge. Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.
- 6. <u>Levy</u>. A benefit assessment to raise revenue to fund road maintenance and operations services is hereby levied upon real property within County Service Area No. 24, Pineridge, excepting any common areas, unbuildable parcels, and parcels with an assessed value of \$5,000,00 or less.
- 7. <u>Assessment Rate.</u> For the fiscal year 2000-01 and each year thereafter the rate of assessment is as follows:
 - A. The assessment rate for 2000-01 for all parcels shall be:
 - 1) \$150 per year per parcel increase
 - 2) Additional 2000/01 one time assessment of \$500 per parcel

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health regulations, and parcels with an assessed valuation of \$5,000 or less, will not be charged.

- B. For each fiscal year after 2000-01, the assessment rate <u>may</u> be increased by a percentage which does not exceed the percentage increase in the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and would <u>not</u> increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index, the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.
 - C. The lien date shall be that prescribed by law.
- D. The foregoing schedules and rates are based upon a flat fee for each parcel. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
- 8. <u>Collection</u>. The collection of the assessment determined and levied by this Resolution shall be by the County of Santa Cruz on behalf of County Service Area No. 24, Pineridge, in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by or on behalf of all County Service Areas. The County may deduct its reasonable costs incurred for that service before resubmittal of the balance to the account of County Service Area No. 24.

	•	ne Board of Supervisors of the County of Santa Cruz, State
of California, th	nis day of	, 2000, by the following vote:
AYES:	SUPERVISORS	
NOES:	SUPERVISORS	
ABSENT:	SUPERVISORS	
ABSTAIN:	SUPERVISORS	
		Chairperson, Board of Supervisors
		County of Santa Cruz
ATTEST:		
•	Clerk of Said Board	

Approved as to form:

Chief Assistant County Counsel

Distribution: Public Works

County Counsel

ENGINEER'S REPORT REGARDING PROPOSED BENEFIT ASSESSMENT FOR COUNTY SERVICE AREA NO. 26, HIDDEN VALLEY ZONES "A" THROUGH "G"

0388

The undersigned submits this written Engineer's Report to the Board of the Supervisors of the County Santa Cruz as follows:

- 1. <u>Engineer's Report.</u> This Engineer's Report is for a benefit assessment set forth below.
- 2. <u>Authorization.</u> This Engineer's Report is submitted pursuant to Article XIIID, Section 4 of the Constitution.
- 3. <u>Purpose of the Assessment</u>. The express purpose for which this benefit assessment is proposed is to provide a source of funding for County Service Area No. 26, Hidden Valley, Zones "A" through "G," road maintenance and operations.
- 4. <u>Proposed Funding</u>. The services in this County Service Area No. 26, Hidden Valley, Zones "A" through "G," are proposed to be funded by a benefit assessment levied under County Service Area law and in accordance with Article XIIID of the Constitution.
- 5. <u>Necessity for Engineer's Report</u>. This Engineer's report is required for this proposed increased assessment by the provisions of Article XIIID, Section 4 of the Constitution.
- 6. <u>Limitation unon Expending Assessment Proceeds</u>. Any funds collected from the benefit assessment proposed herein shall be expended only for road maintenance and operations services to benefit the properties within County Service Area No. 26, Hidden Valley, Zones "A" through "G." Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.
- 7. <u>Levy</u>. A benefit assessment to raise revenue to fund services is hereby proposed to be levied upon real property within County Service Area No. 26, Zones "A" through "G," excepting any unbuildable parcels, common areas, and parcels with an assessed value of \$5,000.00 and less. It has been determined that no publicly owned property receives a special benefit from this proposed assessment.
- 8. <u>Assessment Rate.</u> The rate of assessment for the fiscal year 2000/01 and the maximum rate for each year thereafter is proposed as follows:
 - A. The assessment rate for 2000/01 shall be as follows:

Zone "A" \$ 48.86 per parcel Zone "B" \$ 97.72 per parcel Zone "C" \$ 146.58 per parcel Zone "D' \$ 195.44 per parcel Zone "E" \$244.30 per parcel Zone "F' \$293.16 per parcel Zone "G" \$342.02 per parcel

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health regulations, and parcels with an assessed valuation of \$5,000.00 or less, will not be changed.

- B. For each fiscal year after 2000/01, the assessment rate <u>may</u> be increased by a percentage which does not exceed the percentage increase in the Consumer Price Index, All Urban Consumers, for the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and would not increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index, the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.
- C. This assessment rate is being increased to pay for outstanding construction loans and to build up reserves for annual maintenance of Hidden Valley Road.
 - D. The lien date shall be that prescribed by law.
- E. The foregoing schedules and rates are based upon zones of benefit based on length of road used to access the property. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on t h a t $\,$ p a r c e l $\,$.
- 9. <u>Collection</u>. The collection of the proposed assessment shall be by the County of Santa Cruz on behalf of the County Service Area No. 26, Hidden Valley, Zones "A" through "G," in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by or on behalf of all County Service Areas. The County may deduct its reasonable costs incurred for that service before resubmittal of the balance to the account of the County Service Area No. 26, Zones "A" through "G."
- 10. <u>Determinations of Engineer's Report.</u> The determinations of this written Engineer's Report for the proposed assessment pursuant to Article XIIID, Section 4 of the Constitution are as follows:
- A. The attached schedule **identifies** and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed, and sets forth the amount of the assessment for each parcel for the initial fiscal year,
- B. The proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the road maintenance and operations service to be provided is as set forth on the attached schedule,
- C. No assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel,
- D. The only benefits assessed are special and any general benefits have been separated from the special benefits conferred on each parcel, and
- E. No parcel owned by any agency, the State of California or the United States receives any special benefit from the proposed assessment.

11. <u>Ballot Procedure.</u> As required by Section 4 of Article XIIID of the California Constitution, a <u>Property Owner Ballot</u> must be enclosed with the notice of the proposed assessment. This ballot may be used by the owner(s) or by the tenant(s) who are directly liable for payment of the assessment in question of any parcel to express either support for or opposition to the proposed assessment. The ballot instructions will describe the alternative methods for submitting the ballot by mail or by personal delivery, either prior to or at the time of the public hearing of protests.

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Upon the close of the public hearing, the returned ballots will be tabulated, both in support of and in opposition to the assessment, with ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided that, in the event additional time is required to determine whether any ballot has been properly tabulated or to tabulate all the votes, the Board may continue the matter of announcing results to provide such additional time. In the event that ballots in opposition exceed ballots in support, there will be a "majority protest," and the Board will be precluded from proceeding with the proposed assessment.

Based on the foregoing, the undersigned registered engineer submits this written Engineer's Report and recommends adoption of the proposed assessment.

Dated: MARCH 23 . 2000

CARL D. ROM R.C.E. 42851

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BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.	 7

On the motion of Supervisor duly seconded by Supervisor the following resolution is adopted:

RESOLUTION OF INTENTION TO AUTHORIZE AND LEVY AN ASSESSMENT FOR ROAD MAINTENANCE AND OPERATIONS COUNTY SERVICE AREA NO. 26, HIDDEN VALLEY, ZONES "A" THROUGH "G"

WHEREAS, this Board has caused to be prepared, and on this date has received for filing with the Clerk of this Board, the written Engineer's Report, a copy of which is attached and incorporated herein as Exhibit "A," prepared by a registered professional engineer certified by the State of California for a proposed assessment within County Service Area No. 26, Hidden Valley, Zones "A" through "G," pursuant to Article XIIID, Section 4 of the Constitution; and

WHEREAS the Engineer's Report determines and specifies all of the following:

- 1. The schedule attached to the original Engineer's Report identifies and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed, and sets forth the amount of the assessment for each parcel for the fiscal year 2000/2001;
- 2. The proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the services to be provided;
- 3. No assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on each parcel;
- 4. The only benefits assessed are special and that the general benefits have been separated from the special benefits conferred on each parcel;
- 5. No parcel owned by an agency, the State of California or the United States receives any special benefit from the proposed assessment;
- 6. The duration of the assessment is specified;
- 7. The basis of the assessment is stated;
- 8. The schedule of the assessment is attached to the original Engineer's Report; and

WHEREAS, after considering the Engineer's Report, this Board finds it is in the best interest of County Service Area No. 26, Hidden Valley, Zones "A" through "G," and its owners and inhabitants to declare the Board's intention to levy the proposed assessments each year in accordance with that Report.

- 1. <u>Declaration of Intention</u>. This Board declares its intention under the authority of County Service Area Law commencing with Government Code Section 25210.1 and Article XIIID, Section 4 of the Constitution, to levy an assessment upon real property with County Service Area No. 26, Hidden Valley, Zones "A" through "G," for the fiscal year 2000/2001 and each year thereafter at a maximum rate not to exceed the following:
 - A. The assessment rate for 2000/2001 shall be as follows:

Zone "A"	\$ 48.86 per parcel
Zone "B"	\$ 97.72 per parcel
Zone "C"	\$ 146.58 per parcel
Zone "D'	\$ 195.44 per parcel
Zone "E'	\$244.30 per parcel
Zone "F"	\$293.16 per parcel
Zone "G'	\$342.02 per parcel

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health Regulations, and parcels with an assessed valuation of \$5,000 or less, will not be charged.

- B. For each fiscal year after 2000/2001, the assessment rate <u>may</u> be increased by a percentage which does not exceed the percentage increase in the Consumer Price Index, All Urban Consumers, for the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and would not increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index, the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.
- C. This fee is being increased to pay for outstanding construction loans and to build up reserves for annual maintenance of Hidden Valley Road.
- D. The lien date shall be that prescribed by law.
- E. The foregoing schedules and rates are based upon zones of benefit based on length of road used to access the property. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel.



2. <u>Public Hearing</u>. On May 23, 2000, at 9:00 a.m. or thereafter in the Meeting Chambers of this Board at 701 Ocean Street, Santa Cruz, California, this Board will hold a public hearing on the proposed County Service Area No, 26, Hidden Valley, Zones "A" through "G," assessments, and to consider the ballots described in paragraph 5 and any protests described in paragraph 6.

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- 3. <u>Answering Inquiries</u>. This Board designates the Director of Public Works or his authorized representative(s) as the person to answer inquiries regarding the protest proceedings.
- 4. <u>Notice of Public Hearing</u>. The Clerk of the Board is directed to give notice of the public information meeting and of the public protest hearing as follows:

Pursuant to Subsections (c) and (d) of Article XIIID, Section 4 of the Constitution, the notice given pursuant to the preceding paragraph shall give the record owner of each identified parcel the amount of the proposed assessment, the total amount thereof chargeable to the whole County Service Area No. 26, Zones "A" through "G," the amount chargeable to the owner's particular parcel, the duration of such payment, the reason for such assessment, and the basis upon which the proposed assessment was calculated, together with the date, time and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return and tabulation of the ballots required, including a disclosure statement that the existence of a majority protest will result in the assessment not being imposed. Each such notice shall contain a ballot whereby each such owner may indicate his or her name, a reasonable identification of the parcel, and support or opposition to the proposed assessment.

- The Property Ownen Balkott Proceduse ection 4 of Article XIIID 5. of the California Constitution, a Property Owner Ballot must be enclosed with the notice of the proposed assessment. This ballot may be used by the owner(s) of any parcel to express either support for or opposition to the proposed assessment. The ballot instructions will describe the alternative methods for submitting the ballot by mail or by personal delivery, either prior to or at the time of the public hearing of protests. Upon the close of the public hearing, the returned ballots will be tabulated, both in support of and in opposition to the assessment, with ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided that, in the event additional time is required to determine whether any ballot has been properly tabulated or to tabulate all the votes, the Board may continue the matter of announcing results to provide such additional time. In the event that ballots in opposition exceed ballots in support, there will be a "majority protest," and the Board will be precluded from proceeding with the proposed assessment.
- 6. <u>Protests.</u> Any protest pertaining to the validity of the assessment or the regularity or sufficiency of the proceedings shall be in writing and shall clearly and specifically set forth the alleged irregularity or defect. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing shall be deemed waived.

State of Califo			Board of Supervisors of 2000, by the following		of Santa Cruz
AYES:	SUPERVISOR	S			
NOES:	SUPERVISOR	S			0400
ABSENT:	SUPERVISOR	S			
ABSTAIN:	SUPERVISOR	S			
			Chairperson, Board of S	Supervisors	
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Approved as t	to form:				
Chief Assistan	ce 3.21.				

PROP218.DOC

Distribution: County Counsel Public Works (CSA Administration)

COUNTY OF SANTA CRUZ



0401

NOTICE OF PUBLIC HEARING, BALLOT PROCEDURE, AND BALLOT FOR AN ASSESSMENT TO PROVIDE FUNDING FOR ROAD MAINTENANCE AND OPERATION SERVICES WITHIN COUNTY SERVICE AREA NO. 26 HIDDEN VALLEY, ZONES "A" THROUGH "G"

IMPORTANT NOTICE

NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for Tuesday, May 23, 2000, at 9:00 a.m. or thereafter in the Board Chambers, 701 Ocean Street, Room 525, Santa Cruz, California, to consider the adoption of a proposed resolution authorizing and levying an assessment in compliance with Proposition 218 ("The Taxpayers Right to Vote Initiative") for the purpose of providing funding for road maintenance and operation services within County Service Area No. 26, Hidden Valley, Zones "A" through "G."

Proposition 218, which was approved by the voters at the November, 1996 general election, includes provisions that a new benefit assessment to provide road maintenance and operation services can only be charged if it is approved by at least half of the votes cast by the property owners (or tenants who are directly liable for paying the proposed assessments) with the votes weighted according to the amount of the proposed assessment on each parcel.

Enclosed is your Official Mailed Assessment Ballot for you to vote on whether to approve the proposed assessment to provide funding for Hidden Valley, Zones "A" through "G," road maintenance and operation services.

Please see "Assessment Ballot Instructions" printed on the next page.

ASSESSMENT BALLOT INSTRUCTIONS

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HOW TO VOTE YOUR ASSESSMENT BALLOT

The enclosed ballot is to be used to express support for or opposition to the proposed assessment for road maintenance and operation services. In order to be counted, the Ballot Declaration must be completed and signed by the property owner, or by a tenant whose lease or other rental agreement expressly requires that the tenant directly pay assessments, and the Ballot returned in accordance with these instructions.

- 1. Use a pen to mark an "X" next to "Yes" or "No" to cast your vote.
- 2. Complete and sign the ballot declaration.

HOW TO RETURN YOUR ASSESSMENT BALLOT

- 1.. Place the ballot in the ballot return envelope, and seal the envelope.
- 2. Deliver the ballot return envelope either by mail or in person as follows:

<u>Mail **Delivery:**</u> If by mail, mail with the required postage stamp no later than May 16, 2000. Mailing later than this deadline creates the risk that the ballot may not be received in time to be counted.

Personal Delivery: If in person, deliver to the Public Works Department at any time up to 9:00 a.m. on Tuesday, May 23, 2000, at 701 Ocean Street, Santa Cruz, California, Room 410, or at the hearing itself at 9:00 a.m. on that date at 701 Ocean Street, Santa Cruz, California, Board Chambers.

Regardless of which method of delivery is used, the ballot must be <u>received</u> in the ballot return envelope prior to the close of the public hearing on Tuesday, May 23, 2000, to be counted.

If you wrongly stamp, tear, or deface this ballot, write "spoiled" across the face of the ballot, and return it to the Santa Cruz County Public Works Department, 701 Ocean Street, Room 410H, Santa Cruz, CA 95060 and another ballot will be issued to you. If you have any questions, please contact Public Works County Service Area Administration at 831-454-2160.

The following pages contain additional information regarding the proposed assessment, assessment procedures, and protests.

CSA26 Shall the County of Santa Cruz be authorized to collect assessments to provide road maintenance and operation services within County Service Area No. 26, Hidden Valley, Zones "A" through "G," by an annual assessment, with consumer price index increases (if necessary to pay approved expenditures)?

ASSESSMENT INFORMATION

- 1. Total Assessments within Service Area. The total amount of the proposed assessments for Hidden Valley road maintenance and operation services within County Service Area No. 26, Zones "A" through "G" for the 2000-01 fiscal year is \$14,755.72.
- 2. Amount of Assessment on Parcel. The amount of the proposed assessment on your parcel for the 2000-01 fiscal year is stated on the enclosed Assessment Ballot.
- 3. <u>Duration of Assessment.</u> The proposed assessment is an annual fee and will continue indefinitely. The fee is being increased to pay for outstanding construction loans and to build up reserves for annual maintenance of Hidden Valley Road, Zones "A" through "G."
- 4. Reason for Assessment. The express purpose for which this benefit assessment is levied is to provide a source of funding for County Service Area road maintenance and operations. Pursuant to Proposition 218, an assessment can be used to pay for special benefits conferred on real property by governmental facilities and services. However, a new assessment is only permitted under Proposition 218 if ballots are mailed to all record owners subject to the proposed assessment and prior to the close of the public hearing set for the assessment at least as many ballots are submitted in favor of the assessment as are submitted in opposition to the assessment, with the ballots weighted according to the amount of the proposed assessment on each parcel. If the weighted ballots submitted in opposition to the assessment exceed the weighted ballots submitted in favor of the assessment, a "majority protest" exists, and the proposed assessment cannot be charged.

5. <u>Basis for Assessment</u>. The foregoing schedules and rates are based upon zones of benefit based on the length of road used to access the property. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. The assessment rate schedule is as follows:

a. Zone "A" \$ 48.86 per parcel
Zone "B" \$ 97.72 per parcel
Zone "C" \$ 146.58 per parcel
Zone "D" \$ 195.44 per parcel
Zone "E" \$ 244.30 per parcel
Zone "F" \$ 293.16 per parcel
Zone "G" \$ 342.02 per parcel

b. For each fiscal year after 2000-01, the assessment rate may be increased by a Percentage which does not exceed the percentage increase in the Consumer Price Index, Al! Urban Consumers for the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and would **not** increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index. the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health regulations, and parcels with an assessed valuation of \$5,000 or less, will not be charged.

BALLOT PROCEDURES

1. Persons Entitled to Ballot.

- a. <u>Record Owners</u>. The record owner of each parcel is as set forth on the Assessor's current master property record on the date the mailing list for the assessment is generated. In accordance with Article XIIID, notice, including the ballot, in these proceedings shall be mailed to the record owner of each parcel as shown on the Assessor's master property record.
- b. <u>Tenants</u>. A tenant who holds a tenancy of real property and whose lease or other rental agreement expressly requires that the tenant directly pay assessments, such as the proposed assessment, may submit a ballot for the parcel. When the authority of a tenant is established, the ballot of the tenant shall be counted in place of any ballot submitted by the owner. There is, however, no duty to seek out or give special notice to tenants.
- 2. One Ballot per Parcel. Only one ballot shall be counted for each parcel, even if there are co-owners or co-tenants. If more than one co-owner or w-tenant, respectively, should submit a ballot and the ballots are in agreement after considering withdrawals, then one ballot shall be counted for the parcel. If more than one co-owner or co-tenant, respectively, should submit a ballot and the ballots are in conflict after considering withdrawals, then no ballot shall be counted for that parcel.

PROTESTS

1. In addition to the ballots in favor of or in opposition to the proposed assessment, the Board of Supervisors will also consider any other protests to the proposed assessments at the public hearing. Any protest pertaining to the validity of the assessment or the regularity or sufficiency of the proceedings shall be in writing and shall clearly and specifically set forth the alleged irregularity or defect. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing shall be deemed waived.

2. The Board of Supervisors retains authority otherwise conferred by law to make changes in the boundaries of the proposed assessment area, in the extent of the services to be provided, and in the amount of the assessment (including the amounts of any individual assessments) provided, however the assessment area shall not be expanded nor any assessment increased beyond that specified by this notice without new notice and proceedings in compliance with all laws.

* * *

The County complies with the Americans with Disabilities Act. Questions regarding accommodation under the ADA should be directed to the ADA Coordinator at 454-2323.

A copy of the proposed Resolution, the Engineer's Report, and the Balloting Rules are available at the Office of the Clerk of the Board of Supervisors.701 Ocean Street, Room 500, Santa Cruz, California.

****** **SAMPLE** *******

Ballot for County Service Area No. 26, Hidden Valley, Zones "A" Through "G" Road Maintenance and Operation Services Assessment 2000/01

APN: ASSESSEE NAME: ASSESSMENT AMOUNT: Zone
Ballot Question:
Shall the County of Santa Cruz be authorized to collect assessments to provide road maintenance and operation services within County Service Area No. 26, Hidden Valley, Zones "A" through "G," by an annual assessment, with consumer price index increases (if necessary to pay approved expenditures)?
Y <u>e s</u> No
Ballot Declaration:
I, the undersigned, declare that I am authorized to cast all the vote on the assessment for the parcel identified by the Tax Parcel Number set forth above as (1) sole owner, (2) an owner acting on behalf of a spouse who holds a community property interest, all joint tenants, or all tenants in common, (3) a general partner or legal representative of a corporate general partner, (4) a legal representative of a corporate landowner, trust, estate, or public agency, or (5) a tenant of the parce whose lease or other rental agreement expressly requires that the tenant directly pay assessments, such as the proposed assessment,
I declare under penalty of perjury that this declaration made this day of, 1999, at, California, is true and correct.
Signature
Name (Printed)

****** **SAMPLE** *******

BEFORE THE BOARD OF SUPERVISORS 0406 OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTIO.	N NO
	On the motion of Supervisor
	Duly seconded by Supervisor
	The following resolution is adopted

RESOLUTION AUTHORIZING AND LEVYING AN ASSESSMENT FOR ROAD MAINTENANCE AND OPERATIONS WITHIN COUNTY SERVICE AREA NO. 26, HIDDEN VALLEY, ZONES "A" THROUGH "G" FOR 2000-01 AND EACH YEAR FOLLOWING

The Board of Supervisors of the County of Santa Cruz makes the following recitals:

- 1. <u>Basic Policy</u>. This Board has heretofore conducted proceedings under the statutes authorizing the levying of Special Assessments and desires to bring its assessments for road maintenance and operations services into conformity with the provisions of Article XIIID of the California Constitution for the Fiscal Year 2000-01 and each year following.
- 2. <u>Engineer's Report.</u> Article XIII. On April 4, 2000, this Board received for filing a written Engineer's Report supporting the proposed assessments prepared by a registered professional engineer certified by the State of California which pursuant to Article XIII, Section 4 of the Constitution contains all of the following:
- A. Identifies and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed,
- B. Determines the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the road maintenance and operations service to be provided,
- C. Determines that no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel, and
- D. Determines that the only benefits assessed are special and that the general benefits have been separated from the special benefits conferred on each parcel.
- 3. <u>Resolution of Intention</u>. Based on the Engineer's Report, on April 4, 2000, this Board adopted its Resolution of Intention which:
- A. Set a public hearing to hear any protests pursuant to Article XIIID, Section 4 of the Constitution, and
- B. Directed the Clerk to give a notice of the filing of the Report and the time and place of the hearing set by the Board by publication and to each property owner whose property would

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be subject to the assessment at least 45 days before the date set for the public hearings and specified the contents of the notice, all in the manner required by law.

- 4. <u>Nheic€</u>lerk of this Board gave notice in the manner directed by this Board and as required by law.
- 5. <u>Public Hearing</u>. At the time and place set forth in the notice, this Board conducted the public hearing in the manner required by law and heard and considered all objections and protests to the Report referred to in the notice, heard and determined all protests as required by law, and tabulated all ballots.
- 6. <u>Protest Failed.</u> The ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment, weighting the ballots according to the proportional financial obligation of the affected property.
- 7. **<u>Hinding</u>**. the interest of County Service Area No. 26, Hidden Valley, Zones "A" through "G," its inhabitants, and its property owners to levy the assessment as proposed.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND FOUND by the Board of Supervisors of the County of Santa **Cruz** as follows:

- 1. Exactings the foregoing recitals is true and correct.
- 2. <u>Authorization.</u> This Resolution and the benefit assessment authorized herein is adopted pursuant to Government Code Section 25210 and Article XIIID, Section 4 of the Constitution.
- 3. <u>Purpose of the Assessment.</u> The express purpose for which this benefit assessment is levied is to provide a source of funding for County Service Area road maintenance and operations.
- 4. <u>Determination of Necessity</u>. The level of road maintenance and operation services which can be provided is determined to be reasonably adequate to meet current needs.
- 5. <u>Limitation upon Expending Assessment Proceeds.</u> Any funds collected from the benefit assessment authorized by this Resolution shall be expended only for such road maintenance and operations services to benefit County Service Area No. 26, Hidden Valley, Zones "A" through "G.". Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.
- 6. <u>Levy</u>. A benefit assessment to raise revenue to fund road maintenance and operations services is hereby levied upon real property within County Service Area No. 26, Hidden Valley, Zones "A" through "G," excepting any common areas, unbuildable parcels, and parcels with an assessed value of \$5,000.00 or less.

- 7. <u>Assessment Rate.</u> For the fiscal year 2000-01 and each year thereafter the rate of assessment is as follows:
 - A. The assessment rate for 2000-01 for all parcels shall be:

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Zone "A" \$ 48.86 per parcel Zone "B" \$ 97.72 per parcel Zone "C" \$ 146.58 per parcel Zone "D" \$ 195.44 per parcel Zone "E" \$244.30 per parcel Zone "F" \$293.16 per parcel Zone "G" \$342.02 per parcel

Common areas, parcels which have been determined to be unbuildable by the Planning Department or Environmental Health regulations, and parcels with an assessed valuation of \$5,000 or less, will not be charged.

- B. For each fiscal year after 2000-01, the assessment rate <u>may</u> be increased by a percentage which does not exceed the percentage increase in the San Francisco/Oakland Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses, and would <u>not</u> increase automatically each year. If in any year the assessment rate is not increased, or is increased by an amount less than the increase in the Consumer Price Index, the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.
 - C. The lien date shall be that prescribed by law.
- D. The foregoing schedules and rates are based upon zones of benefit based on the length of road used to access the property. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
- 8. <u>Collection</u>. The collection of the assessment determined and levied by this Resolution shall be by the County of Santa Cruz on behalf of County Service Area No. 26, Hidden Valley, Zones "A" through "G," in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by or on behalf of all County Service Areas. The County may deduct its reasonable costs incurred for that service before resubmittal of the balance to the account of County Service Area No. 26.

PASSED	O AND ADOPTED by the E	Board of Supervisors of the County of Santa Cruz,	State
of California, thi	is day of	, 2000, by the following vote:	
AYES:	SUPERVISORS		
NOES:	SUPERVISORS	2.122	
		0409	
ABSENT:	SUPERVISORS		
ABSTAIN:	SUPERVISORS		
		Chairperson, Board of Supervisors	
		County of Santa Cruz	
		•	
ATTEST:			
-	Clerk of Said Board		
·	Sielk of Suid Bould		
Approved as to	form:		
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> MR	3/20120		
Chief Assistant			
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Distribution: Public Works

County Counsel

NOTICE OF PUBLIC HEARING ON INCREASED ASSESSMENT TO FUND ROAD MAINTENANCE AND OPERATION SERVICES WITHIN

COUNTY SERVICE AREA NO. 24 (PINERIDGE) COUNTY SERVICE AREA NO. 26 (HIDDEN VALLEY ZONES "A" THROUGH "G")

(SUMMARY)

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NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for May 23, 2000, at 9:00 a.m. or thereafter in the Board Chambers, 701 Ocean Street, Room 525, Santa Cruz, California, to consider the adoption of proposed resolutions authorizing and levying increased assessments in compliance with Proposition 2 18 ("The Taxpayers Right to Vote Initiative") for the purpose of providing funding for road maintenance and operation services within County Service Area Nos. 24 and 26.

Proposition 2 18, which was approved by the voters at the November, 1996 general election, includes provisions that an increased benefit assessment to provide road maintenance and operation services can only be charged if it is approved by at least half of the votes cast by the property owners (or tenants who are directly liable for paying the proposed assessments) with the votes weighted according to the amount of the proposed assessment of each parcel. In accordance with Proposition 218, assessment ballots have been mailed to all record owners of parcels which would be subject to the proposed assessment. The Board of Supervisors will receive assessment ballots and any protests to the proposed assessment proceedings or assessments until the close of the public hearing on May 23, 2000.

A copy of the Notice of Public Hearing, Ballot Procedure, and Ballot for an Assessment to Provide Funding for Road Maintenance and Operation Services within County Service Area No. 24 (Pineridge), and No. 26 (Hidden Valley Zones "A" thourgh "G"), the Engineer's Reports, and the Balloting Rules are available at the Office of the Clerk of the Board of Supervisors, 701 Ocean Street, Room 500, Santa Cruz, California.

<u>Note</u>: The public may attend the public hearing and/or comment on this matter. Testimony may be presented in person or submitted in written form prior to the hearing and made a part of the hearing record.

The County complies with the American Disabilities Act. Questions regarding accommodation under the ADA should be directed to the ADA Coordinator at 454-2323.

BY ORDER OF THE BOARD OF SUPERVISORS By: Susan M. Rozario, Chief Deputy Clerk

