

County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

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

AGENDA: APRIL 17, 2001

April 6, 2001

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

SUBJECT: COUNTY SERVICE AREA NO. 57, GRAHAM HILL

2001/2002 SEWER SERVICE CHARGES AND DRAINAGE MAINTENANCE RATES

(5TH DISTRICT)

Members of the Board:

On March 7, 2001, the Local Agency Formation Commission (LAFCO) approved the application to establish Graham Hill County Service Area (CSA) No. 57 for the purpose of maintaining sewer and drainage facilities. On March 27, 2001, the Board of Supervisors adopted a resolution of intention to establish CSA No. 57 setting May 1, 2001, as the date for a public hearing on the formation of CSA No. 57. In view of the timeline required to establish rates for a new CSA, at this time Public Works is requesting that your Board take the necessary action under Proposition 2 18, "The Taxpayers Right to Vote Initiative," to initiate the 2001/2002 sewer service charge and drainage benefit assessment rate proceedings for the proposed CSA.

The initial boundary line of the proposed CSA encompasses 60 acres and currently contains a single parcel. Tract No. 1339, Graham Hill Estates, has been approved by the Board of Supervisors and the formation of this CSA is a requirement of the land division. Once the land division is final, 60 parcels will be created. However, the lot split will not be completed in time to place the 60 parcels on the final tax roll for the 2001/2002 fiscal year; therefore, only one parcel will exist within the CSA the first year. The CSA will have the maintenance and operation responsibility for both the sanitary sewer collection system and storm drain system serving these 60 parcels. The CSA will not be providing sewage treatment. Those services would be provided for the Graham Hill CSA by the City of Santa Cruz. The City of Santa Cruz will also bill the parcel owner(s) directly for sewer (treatment) services, pursuant to an agreement between the City and the developer for sewer services.

SANTA CRUZ COUNTY BOARD OF SUPERVISORS Page -2-

As services will be available to the CSA by the second half of the 2001/2002 fiscal year, the rates presented to your Board as part of today's action, are based on six months of services and will be levied against the one existing parcel. The 2001/2002 charges are proposed at \$12,600 (per parcel) for drainage system maintenance and operations and \$26,010 (per parcel) for sanitary sewer collection system operations and maintenance. The rate for the 2002/2003 fiscal year and following is based on 60 parcels at \$420 per parcel for drainage and \$867 per parcel for sanitary sewer collection.

Drainage Fees:

The fees collected for drainage system maintenance are considered benefit assessments and must comply with Proposition 2 18 procedures. These procedures require that a new assessment be charged only if an election is held and the assessment approved by at least half of the votes cast by the property owners. Furthermore, a public hearing must be held to consider any protest to the benefit assessment. We have attached the required Engineer's Report identifying the sole CSA No. 57 parcel. This report further identifies the drainage system operations and maintenance rate and includes an allowance for rates to be increased each fiscal year based on a percentage which does not exceed the percentage increase in the Consumer Price Index. Additional attachments include the notice of public hearing setting May 8, 200 1, as the public hearing date on the proposed drainage assessments, a resolution of intention to authorize and levy an assessment, ballot procedures, and ballot (Attachments "A" through "D").

Sewer Rates:

Sewer service charges are considered a property related fee or charge and therefore do not require an election. To collect sewer service charges, Proposition 2 18 notice procedures simply require that a public hearing be held to consider any protest on the proposed sewer charge and a notice be mailed to each property owner within CSA No. 57. The notice must state the amount of the charge, the reason for the charge, and the date, time, and location of the public hearing (Attachments "E" through "G").

Both of the above Proposition 2 18 procedures require that the public hearing be noticed at least 45 days prior to the public hearing. As the entire property within CSA No. 57 is currently owned by a single owner, they have the right to waive this procedure. The owner of record of the property within CSA No. 57, Standard Pacific Corporation, has notified Public Works that they are waiving the 45 day protest notice requirements. A copy of this notification is attached (Attachment "H").

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

- 1. Accept and approve the Engineer's Report (Attachment "A") for proposed drainage benefit assessment rates for CSA No. 57, Graham Hill.
- 2. Adopt the attached resolution of intention to authorize and levy a benefit assessment for drainage system operations and maintenance within CSA No. 57 (Attachment "B") and setting May 8, 2001, at 9:00 a.m. or thereafter as the date and time for a public hearing on the proposed drainage benefit assessment.
- 3. Approve the attached notice of public hearing, ballot procedure, and ballots (Attachment "C") for the proposed drainage benefit assessment for CSA No. 57 and direct the Clerk of the Board of Supervisors to publish a summary of the hearing (Attachment "D") once a week for two weeks prior to the hearing in a newspaper of general circulation.
- 4. Direct the Department of Public Works to mail a ballot to the record owner of property within CSA No. 57, Graham Hill subject to the proposed drainage benefit assessment.
- 5. Adopt the attached resolution (Attachment "E") setting May 8, 2001, at 9:00 a.m. or thereafter as the date and time for a public hearing on the proposed sewer service charge for CSA No. 57.
- 6. Approve the attached notice of public hearing (Attachment "F") on the proposed sewer service charge and direct the Clerk of the Board of Supervisors to notice the hearing once a week for two weeks prior to the hearing in a newspaper of general circulation.
- 7. Direct the Department of Public Works to mail out the notice of hearing (Attachment "G") to the record owner of property within CSA No. 57, Graham Hill subject to the proposed sewer service charge.

Yours truly,

THOMAS L. BOLICH
Director of Public Works

SRL:mg
Attachments

RECOMMENDED FOR APPROVAL:

County Administrative Officer copy to: Public Works

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ENGINEER'S REPORT REGARDING PROPOSED BENEFIT ASSESSMENT FOR COUNTY SERVICE AREA NO. 57, GRAHAM HILL

The undersigned submits this written Engineer's Report to the Board of Supervisors of the County of 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. 57 drainage system operations and maintenance.
- 4. <u>Proposed Funding</u>. The services in this County Service Area No. 57, Graham Hill, are proposed to be **funded** by a benefit assessment levied under County Service Area law and in accordance with Article XIIID of the Constitution.
- Necessity for Engineer's Report. This Engineer's report is required for this new proposed 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 drainage system operations and maintenance to benefit the properties within CSA No. 57, Graham Hill. 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. Levy. A benefit assessment to raise revenue to fund services is hereby proposed to be levied upon real property within CSA No. 57, Graham Hill, 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, except as identified and described in the attached schedule, receives a special benefit from this proposed assessment.
- 8. <u>Assessment Rate</u>. The rate of assessment for the fiscal year 2001-02 and the maximum rate for each year thereafter is proposed as follows:
 - A. The assessment rate shall be as follows:

2001-2002: \$12,600 per year per parcel (1 parcel) 2002-2003 and following: \$420 per year per parcel (60 parcels)

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 2001/2002, 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 <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.
- Solution. The collection of the proposed assessment shall be by the County of Santa Cruz on behalf of the County Service Area No. 57, Graham Hill 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. 57, Graham Hill.
- 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 drainage system operations and maintenance 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.

- E. No parcel owned by any agency, the State of California or the United States, except as identified and described on the attached schedule, receives any special benefit from the proposed assessment.
- 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) 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.

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: Apr. 6, 2001

GRAHAM HILL PROPOSED DRAINAGE SERVICE FEE FOR 2001/02

PARCEL ID	USE CODE	CODE AREA	ASSESSEE NAME	ADDRESS	ROLL ST	ROLL UC	ROLL CA	ROLL LAND	ROLL IMPR	UNITS	CHARGE
06145104	500	92003	STANDARD PACIFIC CORPORATION	3825 HOPYARD RD PLEASANTON CA 94588	A	500	92003	76,577.24		1.00	12,600



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

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

RESOLUTION OF INTENTION TO AUTHORIZE AND LEVY AN ASSESSMENT FOR DRAINAGE SYSTEM OPERATIONS AND MAINTENANCE COUNTY SERVICE AREA NO. 57, GRAHAM HILL FOR 2001-2002 AND EACH YEAR FOLLOWING

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 drainage assessment within County Service Area No. 57 (Graham Hill) pursuant to Article XIIID, Section 4 of the California 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 initial fiscal year (2001-02);
- 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 that parcel;
- 4. The only benefits assessed are special and 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, except as identified and described in the Engineer's Report, receives any special benefit from the proposed assessment;
- 6. The duration of the assessment is specified;
- 7. The basis of the assessment is stated; and
- 8. The schedule of the assessment is attached to the original Engineer's Report.

WHEREAS, after considering the Engineer's Report, this Board finds it is in the best interest of the Graham Hill County Service Area and its owners and inhabitants to declare its intention to levy the proposed assessments each year in accordance with that Report.

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

- 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 a assessment upon real property within County Service Area No. 57, Graham Hill for the fiscal year 200 1-02 and each year thereafter at a maximum rate not to exceed the following:
 - A. The assessment rate shall be as follows:

2001/2002: \$12,600 per year per parcel (1 parcel) 2002/2003 and following: \$420 per year per parcel (60 parcels)

- B. For each fiscal year after 2001/2002, 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 <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.
- 2. <u>Public Hearing</u>. On May 8, 2001, 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. 57, Graham Hill assessments, and to 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 his authorized representative(s) as the person to answer inquiries regarding the protest proceedings.

RESOLUTION NO. _____Page -3-

4. <u>Notice of Public Hearing.</u> The Clerk of this 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 California 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. 57, the amount chargeable to the owner's particular parcel, the duration of such payments, the reason for such assessment, and the basis upon which the amount of 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 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. This ballot may be used by the owner or owners 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 on the date set for submission of ballots, 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 signed by an owner or authorized representative of any owner or to tabulate 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 of Supervisors 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.

RESOLUTION	NO.
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		ne Board of Supervisors of the County of Santa
Cruz, State of	f California, the day of	, 2001, by the following vote:
AYES:	SUPERVISORS	
NOES:	SUPERVISORS	
ABSENT:	SUPERVISORS	
ABSTAIN:	SUPERVISORS	
		Chairman of said Board
Attest: Clerk	of the Board	
Approved as	to form:	
Assistant Con	Roe 4-5-01 unty Counsel	

Distribution: County Counsel Public Works

COUNTY OF SANTA CRUZ



NOTICE OF PUBLIC HEARING, BALLOT PROCEDURE, AND BALLOT FOR AN ASSESSMENT TO PROVIDE FUNDING FOR DRAINAGE SYSTEM MAINTENANCE AND OPERATIONS SERVICES WITHIN COUNTY SERVICE AREA NO. 57 (GRAHAM HILL)

IMPORTANT NOTICE

NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for Tuesday, May 8, 2001 during the morning's agenda (which begins at 9:00 a.m.) 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 drainage system maintenance and operation services within County Service Area No. 57 (Graham Hill).

Proposition 2 18, which was approved by the voters at the November, 1996 general election, includes provisions that a new benefit assessment to provide drainage system maintenance and operation services can only be charged under Proposition 2 18 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.

Enclosed is your Official Mailed Assessment Ballot for you to vote on whether to approve the proposed assessment to provide funding for Graham Hill CSA 57 drainage maintenance and operation services.

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

ASSESSMENT BALLOT INSTRUCTIONS

HOW TO VOTE YOUR ASSESSMENT BALLOT

The enclosed ballot is to be used to express support for or opposition to the proposed assessment for drainage system 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.

RETURNING 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 1, 2001. 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 8, 2001, at 701 Ocean Street, Santa Cruz, California, Room 4 10, 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 8,200 1, 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 the Public Works Department at 83 1-454-2302.

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

CSA 57Shall the County of Santa Cruz be authorized to collect assessments to provide drainage system maintenance and operation services within County Service Area No. 57 (Graham Hill) by an annual assessment, with consumer price index increases (if necessary to pay approved expenditures) or decreases?

ASSESSMENT INFORMATION

- 1. Total Assessments within Service Area. The total amount of the proposed assessments for Graham Hill drainage system maintenance and operation services within County Service Area No. 57 for the 200/2002 fiscal year is \$12,600.
- 2. <u>Amount of Assessment on Parcel</u>. The amount of the proposed assessment on your parcel is as follows:

2001/2002:

\$12,600 per year per parcel (1 parcel)

2002/2003 and following: \$420 per year per parcel (60 parcels)

- 3. <u>Duration of Assessment</u>. The proposed assessment is an annual fee and will continue indefinitely.
- 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 57 drainage system maintenance and Pursuant to Proposition 218, an operations. 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:

2001/2002:

\$12,600 per year per parcel (1 parcel)

2002/2003 and following: \$420 per year per parcel (60 parcels)

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 2001/2002, 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.

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 Assessor's master property record.
- b. Tenants. 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 co-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 that 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 454-3 145.

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. 57, Graham Hill Drainage System Maintenance and Operation Services Assessment

APN: 061-321-44 **ASSESSEE NAME: Standard Pacific Corporation** 3825 Hopyard Road, Suite 195 Pleasanton, CA 94588 **Ballot Question:** Shall the County of Santa Cruz be authorized to collect County Service Area No. 57 assessment in the amount of \$12,600 per year per parcel for the 2001/2002 fiscal year and \$420 per year per parcel for the 2002/2003 fiscal year and following with consumer price index increases (if necessary to pay approved expenditure) or decreases to provide Drainage System Operations and Maintenance within County Service Area No 57. 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) as 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 _____ 2001, at ______, California, is true and correct. Signature

Name (Printed)

NOTICE OF PUBLIC HEARING ON PROPOSED ASSESSMENT TO FUND DRAINAGE SYSTEM MAINTENANCE AND OPERATION SERVICES WITHIN COUNTY SERVICE AREA NO. 57 GRAHAM HILL

[SUMMARY]

NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for Tuesday, May 8, 2001, during the morning's agenda (which begins at 9:00 a.m.), 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 2 18 ("The Taxpayers Right to Vote Initiative") for the purpose of providing funding for drainage system maintenance and operation services within County Service Area No. 57.

Proposition 2 18, which was approved by the voters at the November, 1996 general election, includes provisions that a benefit assessment to provide drainage system maintenance and operation services can only be charged under Proposition 218 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 8, 2001.

A copy of the Notice of Public Hearing, Ballot Procedure, and Ballot for an Assessment to Provide Funding for Drainage System Maintenance and Operation Services within County Service Area No. 57 (Graham Hill), 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.

<u>Note:</u>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 Americans With Disabilities Act. Questions regarding accommodation under the ADA should be directed to the ADA Coordinator at 454-2160.

BY ORDER OF THE BOARD OF SUPERVISORS

By: Gail Borkowski Chief Deputy Clerk

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

RESOLUTION	NO.	

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

RESOLUTION SETTING HEARING ON PROPOSED SEWER SERVICE CHARGES FOR COUNTY SERVICE AREA NO. 57, GRAHAM HILL

WHEREAS, on May 8, 2001, during the morning agenda in the Board Chambers, Room 525, County Government Center, 701 Ocean Street, Santa Cruz, California, the Board of Supervisors will conduct a public hearing on the proposed sewer service charges for County Service Area No. 57, Graham Hill for the 2001/2002 fiscal year.

NOW THEREFORE, BE IT RESOLVED AND ORDERED that at the time, date, and place above, the Board of Supervisors shall hear all objections or protests, if any, to the charges.

BE IT FURTHER RESOLVED AND ORDERED that the Clerk of the Board of Supervisors shall cause notice of the filing of the proposed charges and the time, date, and place of hearing, to be published once a week for two successive weeks prior to the date set for hearing, in a newspaper of general circulation printed and published in Santa Cruz County, pursuant to Government Code Section 6066 and County Code Section 4.26.150.

State of Cali	•	ne Board of Supervisors of the County of Santa Cruz, 200 1, by the following vote:
AYES:	SUPERVISORS	
NOES:	SUPERVISORS	
ABSENT:	SUPERVISORS	
		Chairman of said Board
	erk of said Board	
Approved as	s to form:	

Chief Assistant County Counsel

Distribution: County Counsel Public-Works

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COUNTY OF SANTA CRUZ

NOTICE OF PUBLIC HEARING ON PROPOSED 2001/2002 PROPERTY RELATED CHARGE FOR SEWER SYSTEM MAINTENANCE AND OPERATIONS SERVICES WITHIN COUNTY SERVICE AREA NO. 57 GRAHAM HILL

IMPORTANT NOTICE

NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for Tuesday, May 8, 2001, during the morning's agenda (which begins at 9:00 a.m.) in the Board Chambers, 701 Ocean Street, Room 525, Santa Cruz, California, to consider the adoption of a proposed resolution authorizing and levying a property related charge in compliance with Proposition 2 18 ("The Taxpayers Right To Vote Initiative") for the purpose of providing funding for sewer collection system maintenance and operations services within County Service Area No. 57 (Graham Hill). The charge for sewer collection system maintenance and operations is proposed as follows:

\$ 26,010.00 per parcel per year for the fiscal year 2001/2002 (1 parcel)
\$ 867.00 per parcel per year for the fiscal year 2002/2003 and following
(60 parcels)

Notice is further given that at the time, date, and place stated above, the Board of Supervisors shall hear and consider all objections or written protests, if any, against the proposed property related charge. Further information is on file with the Clerk of the Board of Supervisors, 70 1 Ocean Street, Room 500, Santa Cruz, California. If you have any questions regarding the proposed property related charge, please call Steve Jesberg, Sanitation Engineer, at (83 1) 454-2160.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors is located in an accessible facility. If you wish to attend this meeting and you will require special assistance in order to participate, please contact the Clerk of the Board of Supervisors at (83 1) 454-2323 (TDD number (83 1) 454-2123) at least 72 hours in advance of the meeting to make arrangements.

As a courtesy to those people affected, please attend the meeting smoke and scent free.

CSA57SD.DOC 6

COUNTY OF SANTA CRUZ



NOTICE OF PUBLIC HEARING ON PROPOSED 2001/2002 PROPERTY RELATED CHARGE FOR SEWER SYSTEM MAINTENANCE AND OPERATIONS SERVICES WITHIN COUNTY SERVICE AREA NO. 57 GRAHAM HILL

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\$ 867.00 per parcel per year for the fiscal year 2002/2003 and following (60 parcels)

Notice is further given that at the time, date, and place stated above, the Board of Supervisors shall hear and consider all objections or written protests, if any, against the proposed property related charge. Further information is on file with the Clerk of the Board of Supervisors, 70 1 Ocean Street, Room 500, Santa Cruz, California. If you have any questions regarding the proposed property related charge, please call Steve Jesberg, Sanitation Engineer, at (83 1) 454-2160.

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As a courtesy to those people affected, please attend the meeting smoke and scent free.

PROPERTY RELATED CHARGE INFORMATION

- 1. The total amount of the proposed property charge for sewage collection and miscellaneous service within County Service Area 57 Graham Hill for the 2001/2002 fiscal year is \$26,010.
- 2. The amount of the proposed property related charge on your parcel is as follows:

2001/2002:

\$26,010 per year per parcel (1 parcel) 2002/2003 and following: \$867 per parcel per year (60 parcels)

- 3. The proposed assessment is an annual fee and will continue indefinitely.
- 4. The express purpose for which this property related charge is levied is to provide a source of funding for County Service Area (CSA) No.57 Graham Hill for sewer collection system maintenance and operations services.
- 5. Sewage treatment is not provided by CSA 57. It will be provided by the City of Santa Cruz. Pursuant to agreement, each parcel owner will be billed separately by the City of Santa Cruz for these services.
- 6. The property related charge for each parcel is derived by dividing the total anticipated expenditure for 200 1/2002 \$26,0 10 within Graham Hill by the number of developed parcels within the County Service Area (1). All parcels connected to the sanitary sewer system within CSA 57 will be assessed the property related charge.

6. For each fiscal year after 2001/2002, the property related charge 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 property related charge will be increased only when necessary to meet approved expenses and would <u>not</u> increase automatically each year. If in any year the property related charge 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 property related charge and rate of increase in the Consumer Price Index will remain available for use in future years to raise the property related charge as necessary to meet approved expenses.





March 2, 2001

Ms. **Susann** Rogberg Department of Public Works Santa Cruz County 701 Ocean Street, Room 410 Santa Cruz, CA 95060

RE: Waiver of Protest Period for Establishment Of Assessment for Graham Hill CSA

Dear Ms. Rogberg:

Standard Pacific Corp. hereby waives its rights to protest the establishment and collection of fees or assessments as they relate to the proposed Graham Hill County Service. Area and the sewer and drainage facilities included therein.

In accordance with this waiver of protest rights, Standard Pacific, as the sole property owner within the Graham Hill County Service Area, requests that the County waive the 45day protest period and proceed directly to public hearing.

NO.	ROUTE DATA	COPY	ATT.
1	DIRECTOR		
- 	ASST. DIR. SPEC. SVCS.		
	SOLID WASTE ENG.		
	LANDFILL OPERATIONS		
	PAJARO COORD.		
	DRAINAGE ENG.		
	DRAINAGE OPERATIONS		
	CONSTRUCT, ENG.		
2	ASST. DIR. DEV. SVCS.		
3	SANITATION ENG.		$\bot \checkmark \bot$
	WATER & WASTEWATER		
	SURVEY / DEVELOPMT.	<u> </u>	
	RDA ENG.	<u> </u>	
	ASST. DIR. TRANSPORT.		<u> </u>
	ROAD OPS. ENG.		<u> </u>
	PERMITS / ENCROACH.	<u> </u>	
	RD. MAINT/LIVE OAK P.		
	ROAD DESIGN ENG.		
	TRANSP / RD. PLANNING		
4	DIR. OF ADMIN. SERVICES	<u> </u>	
	REAL PROPERTY		
$\Box \mathcal{D}$	CSA / PRGM ADMIN.	 	
	SAFETY OFFICER/FLEET		

Standard Pacific of Northern California, A Division of Standard Pacific Corp., A Delaware Corporation

BA: ______

Its: Authorized Representative

SECRETARY'S CERTIFICATE;

The undersigned; hereby certifies that he is the duly elected, qualified and acting **Secretary** of Standard Pacific Corp., a Delaware corporation (the "Company"), that the **resolutions** attached hereto as Exhibits A were duly adopted by the Executive Committee of the Board of Directors of the Company as of August 1, 2000 and that such resolutions have not been rescinded or revoked and are in full force and effect.

Dated

Clay A. Halvorsen Corporate Secretary

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Resolved As of August 1.2000

EXHIBIT A

Standard Pacific of Northern California

RESOLVED, that notwithstanding the fact that the Northern California division of this Company is not a separate legal entity, the following individuals will serve as officers of the division indicated, in replacement of any and all officers previously designated:

Michael C. Cortney	Executive Vice President and Regional Manager
Douglas C. Krah	President (Standard Pacific of Northern California/Pleasanton,
C	a Division of Standard Pacific. Corp.)
Steven G. Delva	President (Standard Pacific of Northern California/Los Gatos,
	a Division of Standard Pacific Corp.)
Ronald V. Buck	Construction Manager
Peter F. Dunne	Vice President Project Management
Glen H. Martin	Vice President Project Management
Michael A. Grant	Controller
Sonja M. Via	Controller
Thomas W. Kucek	Director of Purchasing

RESOLVED FURTHER, that the above-listed persons be, and each of them hereby is, authorized to negotiate, approve, execute and deliver, either as designated officers of the division or as authorized representatives of the Company, land purchase and option agreements, joint venture agreements, financing agreements, development, land use and other entitlement applications and agreements, and all other agreements and documents relating to the real estate development and construction business conducted by this Company, in such counties or areas in which such division may from time to time conduct business; and

RESOLVED FURTHER, that the above-listed persons be, and each of them hereby is, authorized and directed to execute, deliver and file, as appropriate, such certificates, affidavits, agreements and other documents, including a Fictitious Business Name Statement identifying such person's division as a division of this Company, and such other documentation as may be deemed necessary, desirable or appropriate to effectuate the purposes of these resolutions.

