



THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

County of Santa Cruz

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: JANUARY 8, 2002
December 26, 2001

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street
Santa Cruz, California 95060

**SUBJECT: 2002/2003 COUNTY SERVICE AREA NO. 36, FOREST GLEN,
KING ROAD ZONE, BENEFIT ASSESSMENT RATE (2ND DISTRICT)**

Members of the Board:

Public Works has received notification from County Service Area (CSA) No. 36, Forest Glen that the King Road Zone wishes to establish a 2002/2003 benefit assessment. In the past the property owners on King Road have been assessed for Baker Road only, as these property owners access King Road via Baker Road. The King Road property owners now wish to collect an additional benefit assessment for the maintenance and operations of King Road.

King Road Zone consists of six parcels. The proposed 2002/2003 assessment of \$500.00 will be in addition to the Baker Road Zone assessment and will be levied on all six parcels. Assessments for the remaining CSA No. 36 zones, including Baker Road Zone, will be addressed during the 2002/2003 service charge proceedings scheduled for spring 2002.

As CSA fees are considered benefit assessments, any new assessment must comply with Proposition 218 procedures. These procedures require that a new benefit assessment rate can be charged only if an election is held and the assessment 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 assessment.

We have attached the Engineer's Report for CSA No. 36, King Road Zone, notice of public hearing, resolution, and sample ballot for your Board's approval. The notice of public hearing sets February 26, 2002, as the public hearing date on the proposed CSA No. 36, King Road Zone rate. This rate is set at the specific level requested by the service area representative and includes an allowance for the rate to be increased each fiscal year based on the Consumer Price Index. The assessment is identified in the attached Engineer's Report. The ballot, notice of hearing, and resolution are all in accordance with Board established rules for conducting ballot proceedings for assessments under Article XIID, Section 4 of the California State Constitution.

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

1. Accept and approve the Engineer's Report for CSA No. 36, Forest Glen, King Road Zone.
2. Adopt the attached Resolution of Intention to Authorize and Levy an Assessment for Road Maintenance and Operation within CSA No. 36, Forest Glen, King Road Zone.
3. Approve the attached notice of public hearing, ballot procedure, and ballot for the proposed 2002/2003 assessment for CSA No. 36, Forest Glen, King Road Zone.
4. Set Tuesday, February 26, 2002, at 9:00 a.m. or thereafter as the date and time for a public hearing on the proposed assessment rate for CSA No. 36, Forest Glen, King Road Zone, and direct the Clerk of the Board to publish a summary notice of the public hearing, once 45 days prior to the hearing, and then again once a week for two weeks prior to the hearing in a newspaper of general circulation.
5. Direct the Department of Public Works to mail ballots to the record owners of properties subject to the proposed assessments within CSA No. 36, Forest Glen, King Road Zone.

Yours truly,

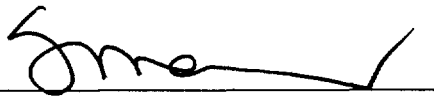


THOMAS L. BOLICH
Director of Public Works

SRL:mg

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

Copy to: Alan J. Bums, CSA No. 36 representative
Robert Schultz, CSA No. 36 representative
James VanVerth, CSA No. 36 representative
Public Works Department

~~0416~~ 0415

**ENGINEER'S REPORT REGARDING PROPOSED
BENEFIT ASSESSMENT FOR
COUNTY SERVICE AREA NO. 36, FOREST GLEN, KING ROAD ZONE**

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

1. Engineer's Report. This Engineer's Report is for a benefit assessment set forth below.

2. Authorization. This Engineer's Report is submitted pursuant to Article XIID, Section 4 of the Constitution.

3. Purpose of the Assessment. The express purpose for which this benefit assessment is proposed is to provide a source of funding for County Service Area No. 36, Forest Glen, King Road Zone, road maintenance and operations.

4. Proposed Funding. The services in this County Service Area No. 36, Forest Glen, King Road Zone, are proposed to be funded by a benefit assessment levied under County Service Area law and in accordance with Article XIID of the Constitution.

5. Necessity for Engineer's Report. This Engineer's Report is required for this proposed assessment by the provisions of Article XIID, Section 4 of the Constitution.

6. Limitation upon Expending Assessment Proceeds. 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. 36, Forest Glen, King Road Zone. 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. Lew. A benefit assessment to raise revenue to fund services is hereby proposed to be levied upon real property within County Service Area No. 36, Forest Glen, King Road Zone 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. Assessment Rate. The rate of assessment for the fiscal year 2002/2003 for King Road Zone is proposed as follows:

A. \$500.00 per year 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 charged.

B. For each fiscal year after 2002/2003, 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.

C. The lien date shall be that prescribed by law.

D. The foregoing schedules and rates are based upon a flat fee per 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. Collection. The collection of the proposed assessment shall be by the County of Santa Cruz on behalf of the County Service Area No. 36, Forest Glen, King Road Zone, 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. 36, Forest Glen, King Road Zone.

10. Determinations of Engineer's Report. The determinations of this written Engineer's Report for the proposed assessment pursuant to Article XIID, 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.

0418

11. Ballot Procedure. As required by Section 4 of Article XIII D 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.

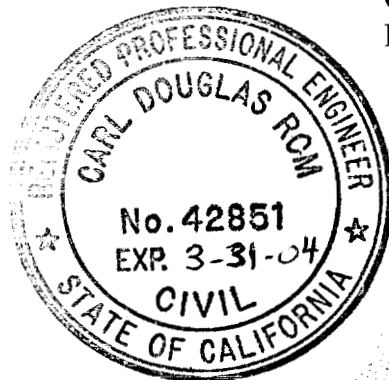
Upon the close of the public hearing, the returned ballots will be tabulated, both in support of and in opposition to the assessment, with ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided that, in the event additional time is 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: DECEMBER 6, 2001

Carl D. Rom

CARL D. ROM
R.C.E. 42851



460-31-002			FOREST GLEN			COUNTY OF SANTA CRUZ			12/04/01			PAGE 1		
DPW ID: 00036			REQ#: 36			ADDR: Y			LABL: Y			SELECTED DPW ASSESSMENT DETAIL BY DPW ID		
RPT ID: SRL						ROLL: R			AV<5001: Y			IMPV=0: Y		
									CHRG=0: Y			UNFL=M: Y		
PARCEL ID	ZN USE CODE	ID CODE AREA	ASSESSEE NAME	ROLL ST	ROLL UC	ROLL CA	ROLL LAND	ROLL IMPR	CATG	UNITS	CHARGE	BASN UN	FL	
04112103	D 064	69090	BABCOCK PHIL & TERRY H/W	A	064	69090	473,382	76,990	CA	1.000	93720	500.00		
			9754 N MADISON RIDGE			FRESNO								
04112163	D 062	69090	ANDERSON MELVIN V & DENIS	A	062	69090	347,253	516,847	CA	1.000	95003	500.00		
			1120 LOS ARBOLES RD			APTOS								
04112167	D 063	69090	LATTANZIO FREDERIC L TRUS	A	063	69090	582,824	190,742	CA	1.000	95003	500.00		
			3420 SOUTH DRIVE			APTOS								
04112169	D 062	69090	ABRAMSON CURT S & NANCY H	A	062	69090	223,865	265,608	CA	1.000	95003	500.00		
			660 BAKER RD			APTOS								
04112170	D 010	69090	KELKER PAUL H & PATRICIA	A	010	69090	72,458		CA	1.000	95070	500.00		
			13783 FORTUNA CT			SARATOGA								
04112171	D 062	69090	VAN VERTH JAMES G H/W JT	A	062	69090	190,646	215,467	CA	1.000	95003	500.00		
			270 DANA LN			APTOS								
SUB TOTAL:										6.000	3,000.00			

460-51-002
 NPW TR. 00036
 RPT ID:

FOREST GLEN
 REQ#:

ADDR:

LABEL:

ASSESSEE
 NAME

ROLL ST ROLL UC ROLL CA ROLL LAND ROLL INPR

CATG

UNITS

CHARGE

BASN UN
 FL

GRAND TOTAL:

6

6.000

3,000.00

12/04/01

SPECIAL LEVY ID: 100828

PAGE 2

COUNTY OF SANTA CRUZ

SELECTED NPW ASSESSMENT DETAIL BY NPW ID

CHRG=0: UNFL=M:

IMPV=0:

AV<5001:

ROLL:

AV<5001:

IMPV=0:

CHRG=0:

UNFL=M:

COUNTY OF SANTA CRUZ

SELECTED NPW ASSESSMENT DETAIL BY NPW ID

CHRG=0: UNFL=M:

IMPV=0:

AV<5001:

ROLL:

AV<5001:

IMPV=0:

CHRG=0:

UNFL=M:

COUNTY OF SANTA CRUZ

SELECTED NPW ASSESSMENT DETAIL BY NPW ID

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IMPV=0:

AV<5001:

ROLL:

AV<5001:

IMPV=0:

CHRG=0:

UNFL=M:

COUNTY OF SANTA CRUZ

SELECTED NPW ASSESSMENT DETAIL BY NPW ID

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IMPV=0:

AV<5001:

ROLL:

AV<5001:

IMPV=0:

CHRG=0:

UNFL=M:

COUNTY OF SANTA CRUZ

SELECTED NPW ASSESSMENT DETAIL BY NPW ID

CHRG=0: UNFL=M:

IMPV=0:

AV<5001:

ROLL:

AV<5001:

IMPV=0:

CHRG=0:

UNFL=M:

**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 ROAD MAINTENANCE AND OPERATIONS
COUNTY SERVICE AREA NO. 36, FOREST GLEN, KING ROAD ZONE**

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. 36, Forest Glen, King Road Zone, pursuant to Article XIID, 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 2002/2003;
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; and

WHEREAS, after considering the Engineer's Report, this Board finds it is in the best interest of County Service Area No. 36, Forest Glen, King Road Zone, and its owners and inhabitants to declare the Board's intention to levy the proposed assessments each year in accordance with that report.

~~042~~

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Board
of Supervisors of the County of Santa Cruz as follows: 0421

1. Declaration of Intention. This Board declares its intention under the authority of County Service Area Law commencing with Government Code Section 25210.1 and Article XIID, Section 4 of the Constitution, to levy an assessment upon real property with County Service Area No. 36, Forest Glen, King Road Zone, for the fiscal year 2002/2003 and each year thereafter at a maximum rate not to exceed the following:
 - A. The assessment rate for 2002/2003 for King Road Zone shall be as follows:

\$500.00 per year 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 2002/2003, 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.
 - C. The lien date shall be that prescribed by law.
 - D. The foregoing schedules and rates are based upon a flat fee per 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. Public Hearing. On February 26, 2002, 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. 36, Forest Glen, King Road Zone, assessments, and will consider the ballots described in paragraph 5 and any protests described in paragraph 6.
3. Answering; Inquiries. This Board designates the Director of Public Works or his authorized representative(s) as the person to answer inquiries regarding the protest proceedings.

4. Notice of Public Hearing. 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 XIID, 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. 36, Forest Glen, King Road Zone, 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 XIID 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. Protests. 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, the _____ day of _____, 2002, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

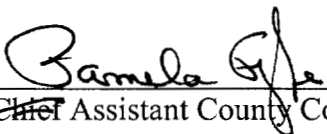
ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chairman, Board of Supervisors

Attest: _____
Clerk of the Board

Approved as to form:



~~Chief~~ Assistant County Counsel

Distribution: County Counsel
Public Works

NOTICE OF PUBLIC HEARING ON ASSESSMENT TO
FUND ROAD MAINTENANCE AND OPERATION SERVICES
WITHIN
COUNTY SERVICE AREA NO. 36, FOREST GLEN, KING ROAD ZONE

(SUMMARY)

NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for Tuesday, February 26, 2002, during the morning 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 proposed resolutions 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. 36, Forest Glen, King Road Zone.

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 operations 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 February 26, 2002.

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. 36, Forest Glen, King Road Zone, 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.

Note: 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 (ADA). Questions regarding accommodation under the ADA should be directed to the ADA Coordinator at (831) 454-2323.

BY ORDER OF THE BOARD OF SUPERVISORS
By: Gail Borkowski, Chief Deputy Clerk



**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. 36
FOREST GLEN, KING ROAD ZONE**

IMPORTANT NOTICE

NOTICE IS HEREBY GIVEN that the Santa Cruz County Board of Supervisors has scheduled a public hearing for Tuesday, February 26, 2002, which begins 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. 36 Forest Glen, King Road Zone.

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 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.

Enclosed is your Official Mailed Assessment Ballot for you to vote on whether to approve the proposed assessment to provide funding for Forest Glen, King Road Zone road maintenance and operation services.

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

ASSESSMENT BALLOT INSTRUCTIONS

0426

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.

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:

Mail Delivery: If by mail, mail with the required postage stamp no later than February 19, 2002. 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, February 26, 2002, 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 **received** in the ballot return envelope prior to the close of the public hearing on Tuesday, February 26, 2002, 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 410M, Santa Cruz, CA 95060 and another ballot will be issued to you. If you have any questions, please contact Public Works County Service Administration at 831-454-2160.

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

CSA36 Shall the County of Santa Cruz be authorized to collect assessments to provide road maintenance and operation services within County Service Area No. 36 Forest Glen, King Road Zone, 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 Forest Glen, King Road Zone, road maintenance and operation services within County Service Area No. 36, King Road Zone for the 2002/2003 fiscal year is \$3,000.00.

2. Amount of Assessment on Parcel. The amount of the proposed assessment on your parcel for the 2002/2003 fiscal year is stated on the enclosed Assessment Ballot.

3. Duration of Assessment. The proposed assessment is an annual fee and will continue indefinitely. The fee is being established to build up reserves for annual maintenance of Forest Glen, King Road Zone.

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. Basis for Assessment. 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:

a. King Road Zone, \$500.00 per year per parcel

(Parcels within King Road Zone shall be assessed the total of assessment rates for the zones which they access as follows:

King Zone
Baker Zone)

b. For each fiscal year after 2002/2003, 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 \$5,000.00 or less, will not be charged. Except as shown on the schedule attached to the Engineer's Report, no parcel owned by an agency, the State of California or the United States receives any special benefit from the proposed assessment.

BALLOT PROCEDURES1. 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 XIID, 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 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. **36**, Forest Glen, King Road Zone
Road Maintenance and Operation Services Assessment

APN:
ASSESSEE NAME:
ASSESSMENT AMOUNT: **\$500.00**
ZONE: KING ROAD 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. **36**, Forest Glen, King Road Zone, by an annual assessment, with consumer price index increases (if necessary **to** pay approved expenditures) or decreases?

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 _____, 2002, at _____, California, is true and correct.

Signature

Name (Printed)