



THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

County of Santa Cruz

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DEPARTMENT OF PUBLIC WORKS

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AGENDA: FEBRUARY 26, 2002

February 13, 2002

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street
Santa Cruz, California 95060

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

Members of the Board:

On January 8, 2002, the Board of Supervisors adopted a resolution of intention to authorize and levy an assessment for road maintenance and operation within County Service Area (CSA) No. 36, Forest Glen, King Road Zone. Further, your Board directed the Department of Public Works to mail out ballots to the record owners within the CSA and set today as the public hearing date on the proposed assessment.

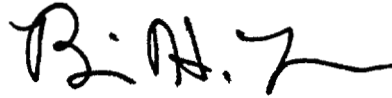
The Department of Public Works has been contacted by the property owner of APN 041-121-63 whose property is located on Los Arboles Road, which is not maintained by the CSA. Since the property owner has emergency access rights only to King Road Zone and the property was included in the election process, the property owner is proposing that he be liable for only five percent of the proposed assessment fee (\$25.00); Public Works has received written confirmation from the CSA representative who is in agreement with the proposal, and County Counsel has concurred that the agreement is appropriate for the situation. The property owners of King Road Zone have been notified by mail of this modification of the proposed assessment fee.

In order to proceed with the benefit assessment proceeding, it will now be necessary for your Board to open the public hearing, take testimony, request ballots, approve the Amended Engineer's Report, and at the conclusion of the public hearing, direct Public Works to count the ballots and return to your Board on March 12, 2002, with a tabulation and certification of the election results for County Service Area No. 36, Forest Glen, King Road Zone.

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

1. Open the public hearing, hear objections or protests, if any, to the proposed CSA No. 36, Forest Glen, King Road Zone 2002/2003 Benefit Assessment.
2. Approve the Amended Engineer's Report for CSA No. 36, Forest Glen, King Road Zone to include \$25.00 per year for parcel No. 041-121-63.
3. Request submittal of ballots for CSA No. 36, Forest Glen, King Road Zone 2002/2003 assessments.
4. Close the public hearing.
5. Direct the Department of Public Works to count CSA No. 36, Forest Glen, King Road Zone assessment ballots and return to the Board of Supervisors with a tabulation and certification of the ballots on March 12, 2002.

Yours truly,

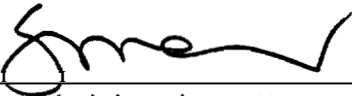


For THOMAS L. BOLICH
Director of Public Works

SRL:mg

Attachment

RECOMMENDED FOR APPROVAL:



County Administrative Officer

Copy to: Public Works

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

0257

The undersigned submits this written Amended 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. Levy. A benefit assessment to raise revenue to fund services is hereby proposed to be levied upon real property within County Service Area No. 36, 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 2002/03 and the maximum rate for each year thereafter is proposed as follows:
 - A. \$500.00 per year per parcel except parcel number 041-121-63
 - B. \$ 25.00 per year for parcel number 041-121-63
(emergency access use only)

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 2002/03, 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. 0258

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 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, except as identified and described on the attached schedule, receives any special benefit from the proposed assessment.

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 of protests. 0259

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: FEBRUARY 12, 2002

