

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 AUTHORIZING AND LEVYING A NEW OR INCREASED ASSESSMENT
FOR ROAD MAINTENANCE AND OPERATIONS FOR ZONE BLUE MOUNTAIN RIDGE
(BMR) WITHIN COUNTY SERVICE AREA NO. 23, OLD RANCH ROAD
FOR 2018/2019 AND EACH YEAR FOLLOWING

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

1. Basic Policy. This Board has heretofore conducted proceedings under the statutes authorizing the levying of Special Assessments and desires to bring its assessments for road maintenance and operations services into conformity with the provisions of Article XIID of the California Constitution for the fiscal year 2018/2019, and each year following.

2. Engineer's Report. On January 9, 2018, this Board received for filing a written Engineer's Report supporting the proposed assessments, prepared by a registered professional engineer certified by the State of California, which pursuant to Article XIID, Section 4 of the Constitution contains all of the following:

A. Identifies and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed.

B. Determines the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the road maintenance and operations to be provided.

C. Determines that no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

D. Determines that the only benefits assessed are special and that the general benefits have been separated from the special benefits conferred on each parcel.

3. Resolution of Intention. Based on the Engineer's Report, on January 9, 2018, this Board adopted its Resolution of Intention which:

A. Set a public hearing to hear any protest pursuant to Article XIID, Section 4 of the Constitution, and

B. Directed the Clerk to give a notice of the filing of the report and the time and place of the hearing set by the Board by publication, and directed Public Works to give notice to each property owner whose property would be subject to the assessment at least 45 days before the date set for the public hearings and specified the contents of the notice, all in the manner required by law.

4. Notice. The Clerk of this Board and the Department of Public Works gave notice in the manner directed by this Board and as required by law.

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

6. Protest Failed. The ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment, weighting the ballots according to the proportional financial obligation of the affected property.

7. Finding. It is in the interest of Zone BMR within County Service Area No. 23, Old Ranch Road, and its inhabitants, and its property owners to levy the assessment as proposed.

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

1. Findings. Each of the foregoing recitals is true and correct.
2. Authorization. This Resolution and the benefit assessment authorized herein is adopted pursuant to Government Code Section 25215 and Article XIID, Section 4 of the California Constitution.
3. Purpose of the Assessment. The express purpose for which this benefit assessment is levied is to provide a source of funding for Zone BMR within County Service Area No. 23, Old Ranch Road, road maintenance and operations.
4. Determination of Necessity. The level of road maintenance and operations which can be provided is determined to be reasonably adequate to meet current needs.
5. Limitation upon Expending Assessment Proceeds. Any funds collected from the benefit assessment authorized by this Resolution shall be expended only for such road maintenance and operations to benefit solely Zone BMR within County Service Area No. 23, Old Ranch Road. Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.

6. Levy. A benefit assessment to raise revenue to fund road maintenance and operations is hereby levied upon real property within Zone BMR within County Service Area No. 23, Old Ranch Road, excepting any common areas, unbuildable parcels, and parcels with an assessed value of \$5,000 or less.

7. Assessment Rate. For the fiscal year 2018/2019 and each year thereafter the rate of assessment is as follows:

| | |
|----------|---|
| Zone A: | \$ 185.40 per year per improved parcel |
| Zone B: | \$ 329.60 per year per improved parcel |
| Zone C: | \$ 432.60 per year per improved parcel |
| Zone BMR | \$5,000.00 per year per improved parcel |

Improved parcels within each zone shall be assessed the total of assessment rates for the zones which they access as follows:

| | |
|--------------------|---|
| Zone A: | \$ 185.40 per year per improved parcel |
| Zone B: | \$ 329.60 per year per improved parcel |
| Zone C: | \$ 432.60 per year per improved parcel |
| Zone BMR + zone A: | \$5,185.40 per year per improved parcel |

Assessment rate for 2019/2020 and thereafter for Zone BMR are proposed to be \$2,500.00 per year per improved parcel.

Unimproved parcels in 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 2018/2019, 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-San Jose, 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.

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

D. The foregoing schedules and rates are based upon a flat fee for each improved parcel. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

8. Collection. The collection of the assessment determined and levied by this Resolution shall be by the County of Santa Cruz on behalf of Zone BMR within County Service Area No. 23, Old Ranch Road, 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 Zone BMR within County Service Area No. 23, Old Ranch Road.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20____, by the following vote:

AYES: SUPERSVISORS
NOES: SUPERSVISORS
ABSENT: SUPERSVISORS

Chairperson of the Board

ATTEST: _____
Clerk of said Board

Approved as to form:

Office of County Counsel

Distribution: County Counsel
Public Works