

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS
County of Placer

TO: BOARD OF SUPERVISORS
FROM: KEN GREHM/BOB COSTA
SUBJECT: DISSOLUTION OF ZONE OF BENEFIT NO. 152 IN COUNTY SERVICE AREA 28 (CHELSHIRE DOWNS NORTH)

DATE: December 13, 2011

ACTION REQUESTED / RECOMMENDATION

Conduct a public hearing to consider all protests, tabulate ballots, and adopt a Resolution to Dissolve County Service Area 28, Zone of Benefit No. 152 ceasing extended services and all related charges and authorizing the Public Works Director to prepare and execute an agreement with the Chelshire Downs North Homeowners Association for the disposition of unexpended funds.

BACKGROUND

On November 8, 2011 your Board adopted Resolution of Intention No. 2011-309 setting a hearing on this date to consider elimination of extended services (long term road rehabilitation, and storm drain maintenance), and annual assessments within the Chelshire Downs North Subdivision. That action was in response to the County's receipt of a petition, signed by all of the current property owners, requesting the dissolution of the County Service Area 28, Zone of Benefit No. 152 and the relinquishment of all responsibilities for extended services and maintenance, as specified in applicable Engineer's Report, to the Chelshire Downs North Homeowner's Association (HOA).

Pursuant to Proposition 218, the property owners of record of the existing parcels of the Chelshire Downs North Subdivision have been provided ballots to indicate their support for, or opposition to, this proposal. The Clerk of the Board has received these voted ballots, and will provide results for your consideration.

Since this Zone of Benefit was established in 1999, funds have been collected annually from lot owners. To date, only administrative costs have been charged to the account; the current fund balance is approximately \$25,130. Per requirements of the Government Code, funds collected must be used for the specific purposes for which they were assessed and collected. To insure that outcome, it is requested that your action include authorization for the Public Works Director to work with County counsel and the Auditor's Office to prepare and execute an agreement with the Chelshire Downs North HOA, addressing the management and use of the balance of account funds, including interest accrued, after dissolution of the Zone of Benefit.

ENVIRONMENTAL CLEARANCE

This proposed action is not a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) and is exempt from CEQA requirements.

FISCAL IMPACT

The requested action will have no fiscal impact. County extended services provided under the CSA are fully funded through the charges levied to the land owners; therefore, there would be no impact to County Road or General Funds if such services were eliminated. Upon dissolution and after payment of all costs of administration and services for ZOB No.152, an agreement will be drawn between the County and the Chelshire Downs North Homeowner's Association as to the disbursement and utilization of any unexpended funds collected by the County.

Attachments: Resolution
Map

Before the Board of Supervisors County of Placer, State of California

In the matter of: A RESOLUTION
OF DISSOLUTION OF COUNTY
SERVICE AREA 28 ZONE OF
BENEFIT NO. 152 WITHIN
CHELSHIRE DOWNS NORTH
SUBDIVISION.

Resol. No: _____

The following RESOLUTION was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____, by the
following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

WHEREAS, County Service Area 28, Zone of Benefit 152 (Zone 152) was established by Resolution 99-108 to provide a funding mechanism for extended public services including long-term road rehabilitation and storm drain maintenance, within the Chelshire Downs North Subdivision, as shown on the attached "Exhibit A"; and

WHEREAS, annual charges authorized for Zone 152 have been levied and funds collected to provide for said extended public services, beginning Tax Year 1999-2000; and

Chelshire Downs North – COUNTY SERVICE AREA 28 ZONE 152

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Resol No. _____

WHEREAS, the current owners of record of said subdivision parcels have petitioned County for dissolution of County Service Area 28, Zone of Benefit 152, and for the return of unspent funds held for the Zone 152 extended services; and

WHEREAS, pursuant to Government Code Sections 25217.2 and 25210.39, on November 8, 2011 the Board of Supervisors adopted Resolution of Intention 2011-309 to conduct a public hearing regarding dissolution of Zone 152; and

WHEREAS, the owners of record have, by legally sufficient numbers, voted in favor of eliminating all extended County services (long term road rehabilitation and storm drain maintenance) and understand and assume responsibility for providing the aforementioned services through the subdivision homeowner's association; and

WHEREAS, the Board of Supervisors finds that said ballots constitute legally sufficient approval for the dissolution of Zone 152 after proper notice has been given of the right to protest.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Placer, State of California, as follows:

The Board of Supervisors does hereby find that public convenience and necessity no longer require the extended services funded through Zone of Benefit No. 152 within County Service Area No. 28, approves its dissolution, and orders the cessation of all related services and charges to Assessor's Parcel Numbers 463-010-001-000, 463-010-002-000, 463-010-003-000, 463-010-004-000, 463-010-005-000, 463-010-006-000, 463-010-007-000, 463-010-008-000, (Lots 1-8 of Chelshire Downs North Subdivision).

BE IT FURTHER RESOLVED that the Board directs and authorizes the Director of Public Works to prepare and execute an agreement with the Chelshire Downs North Homeowner's Association for the disposition of unspent Zone of Benefit 152 funds, consistent with requirements of Government Code Section 25217.

EXHIBIT A

CHELSHIRE DOWNS NORTH ASSESSMENT DIAGRAM ZONE OF BENEFIT 152, COUNTY SERVICE AREA NO. 28

