

M E M O R A N D U M

DEPARTMENT OF PUBLIC WORKS

County of Placer

TO: BOARD OF SUPERVISORS

DATE: January 8, 2013

FROM: KEN GREHM / ^{YD}PETER KRAATZ

SUBJECT: **KINGS BEACH BENEFIT ASSESSMENT DISTRICT NO. 1 – COUNTY BALLOTS**

ACTION REQUESTED / RECOMMENDATION

1. Adopt a Resolution delegating authority to the County Executive Officer (CEO) to affirmatively vote eight Placer County owned parcels supporting the Kings Beach Benefit Assessment District No. 1 (District). The annual net County cost, should the assessments be levied, is \$3,350.81 per year which is estimated to begin in FY 2014-15.

BACKGROUND / SUMMARY

On October 23, 2012, your Board adopted a Resolution to form Kings Beach Benefit Assessment District No. 1 and to consider levying the assessments at its regularly scheduled Board of Supervisors meeting on January 22, 2013. The District is being created pursuant to the provisions of the Benefit Assessment Act of 1982, Article XIIID of the Constitution of the State of California, and the Proposition 218 Omnibus Implementation Act (hereafter collectively referred to as the "Assessment Law"), that provides for the levy and collection of assessments by Placer County to pay for the maintenance and services of all improvements and related facilities within the District. In addition, the October 23, 2012 Resolution approved the Assessment Engineer's Report concerning the proposed District formation which was filed with the Clerk of the Board as a permanent record and to remain open for public inspection. Finally, the Board approved October 23, 2012 Resolution authorized the issuance of assessment ballots together with the assessment ballot materials, to the record owners of all real property proposed to be assessed in the District. These materials were mailed on November 29 to ensure they were received at least 45 days prior to the scheduled January 22, 2013 Public Hearing as required by Proposition 218 Law.

The Kings Beach Commercial Core Improvement Project (Project) is located within the County's unincorporated area of Kings Beach. The Project represents a public investment in excess of \$48 million to revitalize Kings Beach through constructing storm water drainage and treatment infrastructure, reconfiguring and rebuilding State Route 28, and adding 10-foot nominal wide sidewalks, Class 2 bike lanes, public bus shelters, and related improvements. An important element highlighted during public outreach was how the new improvements will be maintained into the future. In Tahoe City adjacent property owners are responsible for maintaining sidewalk areas adjacent to their property, including snow removal. An assessment district is a means for the property owners to collectively fund efforts to maintain the sidewalk areas adjacent to their properties.

The formation of the Kings Beach Benefit Assessment District No. 1 ("District") intends to provide and ensure consistent maintenance and operations of the streetscaping improvements within the sidewalk areas. These improvements are located within the road right-of-ways and dedicated public easements which are within the boundaries of the District. The maintenance of the District improvements shall include snow management (including removal, hauling, and storage), the repair/replacement of all sidewalk improvements, power-washing of the sidewalks, emptying of trash receptacles, landscape maintenance and litter pick up. Services provided include all materials, equipment, labor and administrative costs associated with the annual administration and operation of the District.

Within the proposed District boundaries, there are a total of 294 parcels, eight of which are owned by Placer County (see attached map). The Department recommends that your Board delegate authority to

the CEO to affirmatively vote each of the eight ballots attached and associated with the eight corresponding County-owned parcels. The ballots would be submitted to the Clerk of the Board prior to the conclusion of the January 22, 2013 Public Hearing. In accordance with State law, ballots must be received prior to the close of the Public Hearing on January 22, 2013. The Board's action today will insure that the County's ballots are counted. The Department's recommendation is based on the necessity for a reliable and long-term funding program to be put in place that will maintain the proposed investment in streetscape improvements for the betterment of the Kings Beach community. The Department has also confirmed that the County is the record owner of the eight subject parcels and that like other parcel owners in the proposed District, will receive benefits from the streetscape improvements, and therefore each parcel owner would pay their fair share for the operation and maintenance of said improvements.

Today's requested action is distinctly separate from the Board's responsibility in relation to the scheduled January 22, 2013 Public Hearing on the Kings Beach Assessment District. At the conclusion of the January 22, 2013 public hearing, the Board can consider the levying of assessments if there is no majority protest (more than 50% of weighted vote opposition), based on all ballots received.

Should formation of the District eventually be approved, levying of assessments would not begin until project improvements are functional and ready for maintenance. Assessment would not be imposed until the year that funding is needed so that property owners are not being assessed before realizing the benefits of the improvements included in the District.

ENVIRONMENTAL

This action is not a project, as defined by Public Resources Code Section 21065, and is therefore exempt from environmental review under CEQA. For the Kings Beach Commercial Core Improvement Project, the County prepared an Environmental Impact Report (EIR) pursuant to the requirements for CEQA and the Placer County Environmental Review Ordinance; an Environmental Impact Statement (EIS) to meet the requirements of the Tahoe Regional Planning Agency (TRPA); and an Environmental assessment (EA) to meet the requirements of the Federal Highway Administration. The EIR was adopted by the Board of Supervisors on September 23, 2008.

FISCAL IMPACT

The effort to consider formation of the assessment District is part of the \$48M Kings Beach Commercial Core Improvement Project. Ongoing services for the proposed District are disclosed in the Engineer's Report and are estimated to total approximately \$166,000 per year paid for by District assessments commencing following the completion of the project's streetscape improvements. The annual County share of the total assessment budget, based on ownership and development status today of eight parcels, represents \$3,350.81 or 2% of the total assessment budget. Should the District be formed, annual assessments are intended to begin in Fiscal Year 2015/16 assuming streetscape improvements are completed by then. The funding source for the annual County share has not yet been determined.

Attachments:

Resolution
District Boundary Map

The eight (8) ballots are on file with the Clerk of the Board.

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

In the matter of: RECOMMENDATION TO DELEGATE EXPLICIT AUTHORITY TO COUNTY EXECUTIVE OFFICER OF PLACER COUNTY TO AFFIRMATIVELY VOTE FOR PLACER COUNTY-OWNED PARCELS IN KINGS BEACH BENEFIT ASSESSMENT DISTRICT NO. 1.

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

Chair, Board of Supervisors

WHEREAS, the Board of Supervisors, of Placer County (hereafter referred to as the "Board of Supervisors"), pursuant to the Benefit Assessment Act of 1982, Article XIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (hereafter collectively referred to as the "Assessment Law") did by previous Resolution to initiate proceedings to consider formation of a special assessment district, known and designated as Kings Beach Benefit Assessment District No. 1 (hereafter referred to as the "District") and ordered the preparation of an Assessment Engineer's Report for the levy and collection of annual assessments within said District; and,

WHEREAS, by previous Resolution, the Board of Supervisors declared its intention to form the District and to provide for the levy and collection of annual assessments, beginning with the 2014/15 fiscal year, to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements within the District, or a later fiscal year depending on when improvements are completed and in full operation. No levy and collection of assessments will occur until the year that said improvements are fully completed and operational; and,

WHEREAS, the Assessment Engineer's Report has been filed with the Clerk of the Board and submitted to this Board of Supervisors in accordance with the Assessment Law; and,

WHEREAS, the Board of Supervisors has carefully examined and reviewed the Assessment Engineer's Report as presented and is satisfied with the proposed formation, each and all of the budget items and documents as set forth therein, and is satisfied that the assessment amounts have been spread in accordance with the special benefit received from the improvements, operation, maintenance and services within the District as set forth in said Assessment Engineer's Report; and,

WHEREAS, The County wants to ensure that the estimated \$48M investment in public infrastructure is adequately maintained; and

WHEREAS, The Board of Supervisors, in accordance with Proposition 218, wants the District property owners the opportunity to vote on the levying of a special assessment for the expressed purpose of maintaining the new sidewalk related infrastructure; and

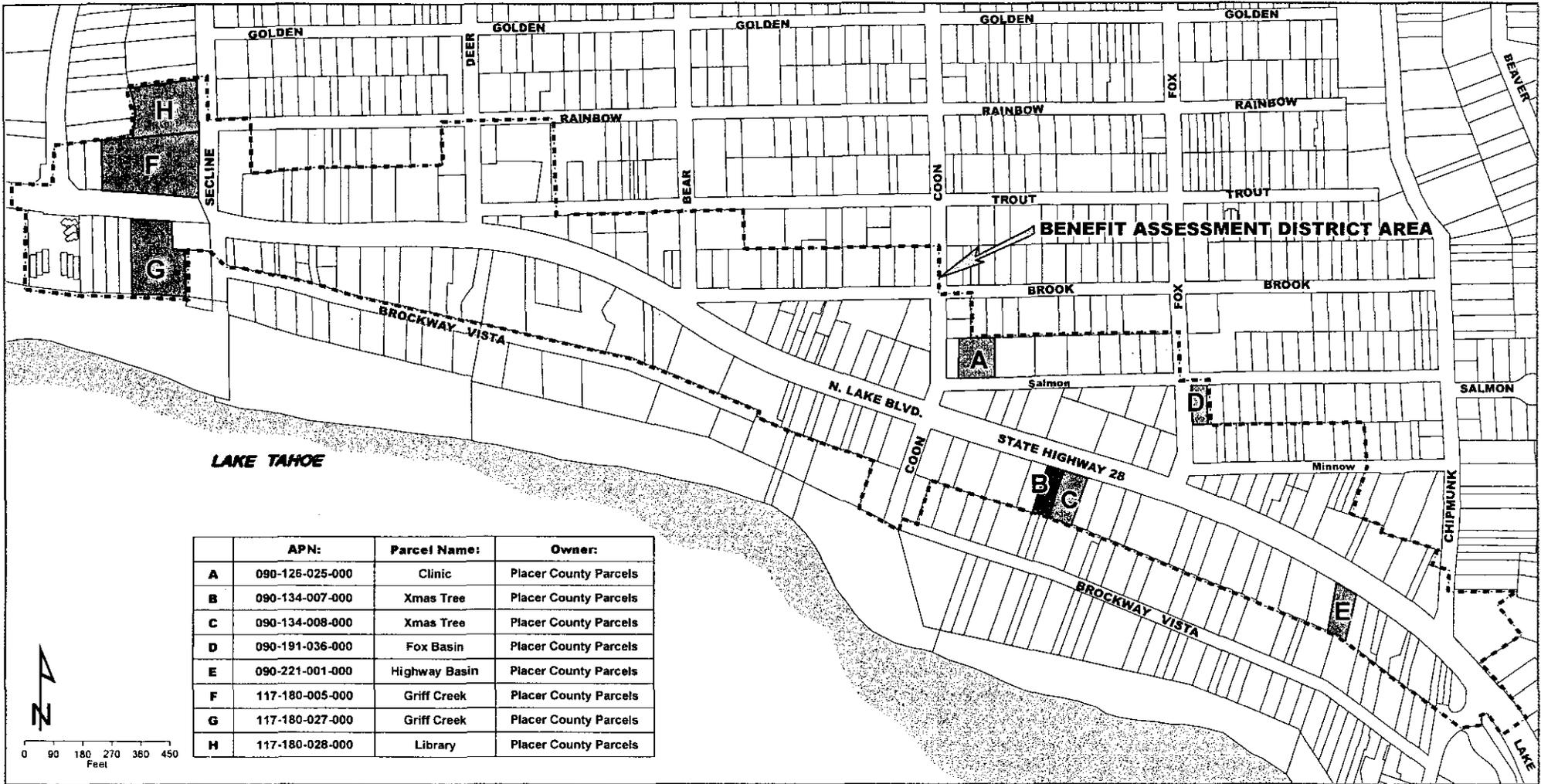
WHEREAS, The County owns eight parcels within the proposed District boundaries totaling \$3,350.81 in annual assessment for operations and maintenance of streetscape improvements should the District form and assessments levied based on the benefits these properties will receive following installation of said improvements; and

WHEREAS, Pursuant to Section 4 of Article XIID of the Assessment Law, the County gave notice of a Public Hearing scheduled for January 22, 2013, and assessment ballot proceedings together with the assessment ballot materials were mailed to the record owners of all real property on November 29, 2012 including Placer County who is the record owner of eight parcels within the proposed District boundaries. Assessment Law requires that property owners receive their ballots at least 45 days prior to the deadline for submitting ballots, and for conducting a Public Hearing that shall occur prior to tabulating submitted ballots.

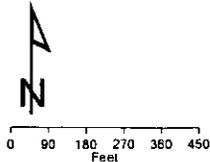
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

That the Board of Supervisors delegate explicit authority to the County Executive Officer of Placer County to affirmatively vote each assessment ballot corresponding with the eight County-owned parcels by checking the box on each ballot that states, "Yes, I am in favor of the proposed assessment...", and to return each ballot to the Clerk of the Board prior to the conclusion of the Public Hearing scheduled for January 22, 2013 in accordance with the instructions that accompanied the assessment ballots.

KINGS BEACH - PLACER COUNTY PARCEL LOCATIONS



	APN:	Parcel Name:	Owner:
A	090-126-025-000	Clinic	Placer County Parcels
B	090-134-007-000	Xmas Tree	Placer County Parcels
C	090-134-008-000	Xmas Tree	Placer County Parcels
D	090-191-036-000	Fox Basin	Placer County Parcels
E	090-221-001-000	Highway Basin	Placer County Parcels
F	117-180-005-000	Griff Creek	Placer County Parcels
G	117-180-027-000	Griff Creek	Placer County Parcels
H	117-180-028-000	Library	Placer County Parcels



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