

**MEMORANDUM**

**DEPARTMENT OF PUBLIC WORKS**

**County of Placer**

**TO: BOARD OF SUPERVISORS**

**DATE: January 22, 2013**

**FROM: KEN GREHM / PETER KRAATZ**

**SUBJECT: KINGS BEACH BENEFIT ASSESSMENT DISTRICT NO. 1**

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**ACTION REQUESTED / RECOMMENDATION**

1. Conduct a public hearing related to formation of Kings Beach Benefit Assessment District No. 1 which would include the levy of annual assessments to fund the maintenance of future streetscaping improvements.
  - a. Tabulate ballots received following conclusion of public hearing
  - b. Present results of tabulated ballots
  - c. Should results of tabulated ballots result in no majority protest, adopt a Resolution finalizing formation of District and levying assessments to be collected when improvements are complete.

**BACKGROUND / SUMMARY**

On October 23, 2012, your Board adopted a Resolution to consider formation of Kings Beach Benefit Assessment District No. 1 at its' regularly scheduled Board of Supervisors meeting held at Sugar Bowl Resort. The resolution proposes to form a District pursuant to the provisions of 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"), that provides for the levy and collection of assessments by Placer County to pay for the maintenance and services of all improvements and facilities related hereto. In addition, the October 23, 2012 Resolution approved the Assessment Engineer's Report concerning the proposed District formation filed with the Clerk of the Board as a permanent record and to remain open for public inspection. Finally, the BOS approved the October 23, 2012 Resolution which gave notice of today's Public Hearing pursuant to Section 4 of Article XIID and authorized the issuance of assessment ballot proceedings 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, 2012 to ensure they were received at least 45 days prior to today's Public Hearing as required by Proposition 218 Law. As also required, all interested persons shall be afforded the opportunity to hear and be heard at today's Public Hearing, and the Board of Supervisors shall consider all oral statements or written communication made or filed by any interested person in regards to formation of the District, and the levying and collection of assessments to pay the annual costs and expenses for the maintenance and servicing of the improvements within said District.

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 \$47 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, and public bus shelters. The project is centered on transforming the highway from four lanes to three lanes with roundabouts and limited on-highway seasonal parking.

During ten years of planning efforts, the County has completed environmental review, completed preliminary design and a phase of traffic calming construction. We are currently securing right-of-way necessary to construct the proposed improvements, including parcels for replacement parking. The construction of the project could commence as early as 2013 assuming full funding for the project is available. 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.

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 paying before realizing the benefits of the improvements included in the District.

With regards to today's Public Hearing, the Board can only consider District formation and levying of assessments if there is no majority protest (more than 50% of weighted vote opposition) based on the ballots received. Only the ballots received and properly cast "in favor of" or "opposed" prior to the conclusion of today's Public Hearing can be tabulated for determining the weighted vote results. In the event that the weighted assessment ballots cast in opposition exceed the weighted assessment ballots in support, there will be a "majority protest," and the Board will be precluded from proceeding with District formation. As stipulated by Assessment Law, all ballot tabulation procedures shall occur in a location accessible for public observation and ballots shall remain sealed until the Public Hearing is closed. Once the ballots are opened, the ballots and their content become public information.

**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 did prepare 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 project improvements.

Attachments:  
Resolution  
Location Map

A copy of the Assessment Engineer's Report is on permanent file with the Clerk of the Board's Office for public review.

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

**In the matter of: CONDUCTING A PUBLIC HEARING, TALLYING ASSESSMENT BALLOTS CAST FOR KINGS BEACH BENEFIT ASSESSMENT DISTRICT NO. 1, AND CONSIDERING FINALIZING DISTRICT FORMATION AND LEVYING ASSESSMENTS DEPENDING ON PUBLIC TESTIMONY AND BALLOT RESULTS**

**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, the Board of Supervisors has retained NBS for the purpose of assisting with the formation of the District and to prepare and file an Assessment Engineer's Report with the Clerk of the Board in accordance with the Assessment Law.**

**WHEREAS, at this time the Board of Supervisors desires to declare its intention to form the District and to provide for the levy and collection of annual assessments, beginning with the 2014-2015 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 as presented on October 23, 2012, consisting of the following: a description of the improvements and services, the estimated costs to pay for the maintenance and servicing of the improvements, a diagram of the District, and the District's assessment roll containing the proposed Fiscal Year 2014-2015 assessment amount for each assessor's parcel within the District, was approved and filed in the office of the Clerk of the Board by the Board of Supervisors as a permanent record and to remain open for public inspection 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, requires that District property owners have the opportunity to vote on the levying of a special assessment for the expressed purpose of maintaining the new sidewalk related infrastructure; and**

**WHEREAS, at the Public Hearing of October 23, 2012, Board adopted a Resolution to consider formation of Kings Beach Benefit Assessment District No. and all interested persons were afforded the opportunity to hear and be heard. The Board of Supervisors considered all oral statements or written communication made or filed by any interested person in regards to considering formation of the District, approval of the Assessment Engineer's Report, and/or authorization of the issuance of ballots to district property owners; and**

**WHEREAS, at the Public Hearing of October 23, 2012, and 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 which included 294 parcels. 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. With the ballot materials, instructions were included for lost, spoiled or damaged ballots and how they can be replaced along with the allowance to change or withdraw a property owner's assessment ballot(s) prior to the conclusion of the January 22, 2013 Public Hearing.**

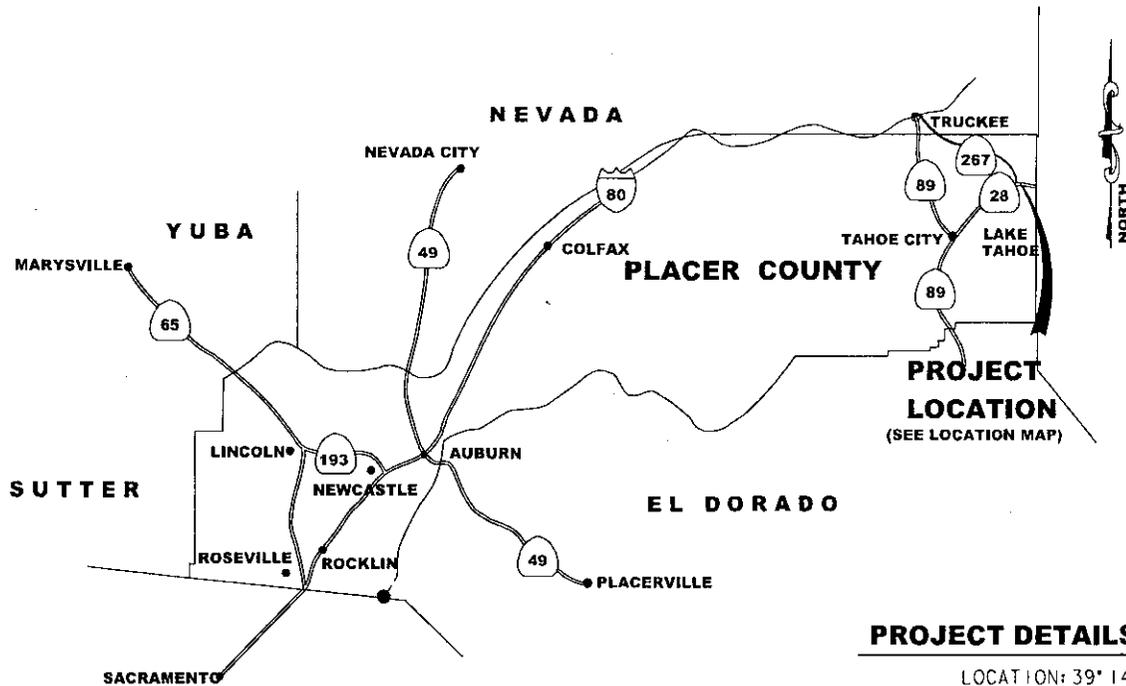
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:**

- 1. The Board of Supervisors hereby adopts a Resolution finalizing the formation of the District and to levy and collect assessments to pay the annual costs and expenses for the maintenance and servicing of the improvements within said District, should results of tabulated ballots not result in a majority protest. The improvements maintained by the District include the operation, maintenance, and servicing of sidewalks and appurtenant facilities that are located throughout the District. These improvements are located within the street 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 the removal, hauling, and storage, the upkeep, repair, removal or replacement of all or any part of any sidewalk improvement, power-washing of the sidewalks, emptying of trash receptacles, landscaping, sidewalk maintenance and repairs. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in an operational and satisfactory condition. This shall also include material, vehicle, equipment, capital improvements and**

**administrative costs associated with the annual administration and operation of the District. No levy and collection of assessments will occur until the said improvements are fully completed and operational.**

- 2. The District is located in the unincorporated area of Placer County designated as Kings Beach. The District is generally bounded by SR-267 on the west, on the north by a varying boundary including Rainbow Avenue, Trout Avenue, Brook Avenue, and Salmon Avenue, on the east by Chipmunk Street, and on the south-side of properties adjacent to SR-28. The District is designated as "Kings Beach Benefit Assessment District No. 1".**
- 3. The Assessment Engineer's Report is on file with the Clerk of the Board and open for public inspection. Reference is made to the Assessment Engineer's Report for a full detailed description of the improvements to be maintained, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District.**
- 4. Pursuant to Section 4 of Article XIIID (Assessment Law), the County gave notice of the January 22, 2013 Public Hearing, and assessment ballot proceedings together with the assessment ballot materials were mailed to the record owners of all real property proposed to be assessed in excess of 45 days prior to the January 22, 2013 Public Hearing.**
- 5. At the January 22, 2013 Public Hearing, all interested persons shall have been afforded the opportunity to hear and be heard from two locations including where the Board of Supervisors were scheduled to conduct the hearing at the North Tahoe Event Center in Kings Beach, California and at a remote site located at 175 Fulweiler Avenue, Auburn, California. The Board of Supervisors shall have considered all oral statements or written communication made or filed by any interested person in regards to formation of the District, and to levy and collect assessments to pay the annual costs and expenses for the maintenance and servicing of the improvements within said District.**
- 6. Regardless of public testimony made at the January 22, 2013 Public Hearing, the Board of Supervisors only adopts this Resolution finalizing District formation and levying of assessments if there was no majority protest (more than 50% of weighted vote opposition) based on the ballots received. Only the ballots received and properly cast "in favor of" or "opposed" prior to the conclusion of the Public Hearing were tabulated for determining the weighted vote results. The determination of potential District formation and levy and collection of assessments was only made following conclusion of the Public Hearing, tallying of ballots received, and tabulation of the weighted votes. In the event that the weighted assessment ballots cast in opposition exceeded the weighted assessment ballots in support, there would be a "majority protest," and the Board would be precluded from proceeding with District formation. As stipulated by Assessment Law, all ballot tabulation procedures occurred in a location accessible for public observation.**

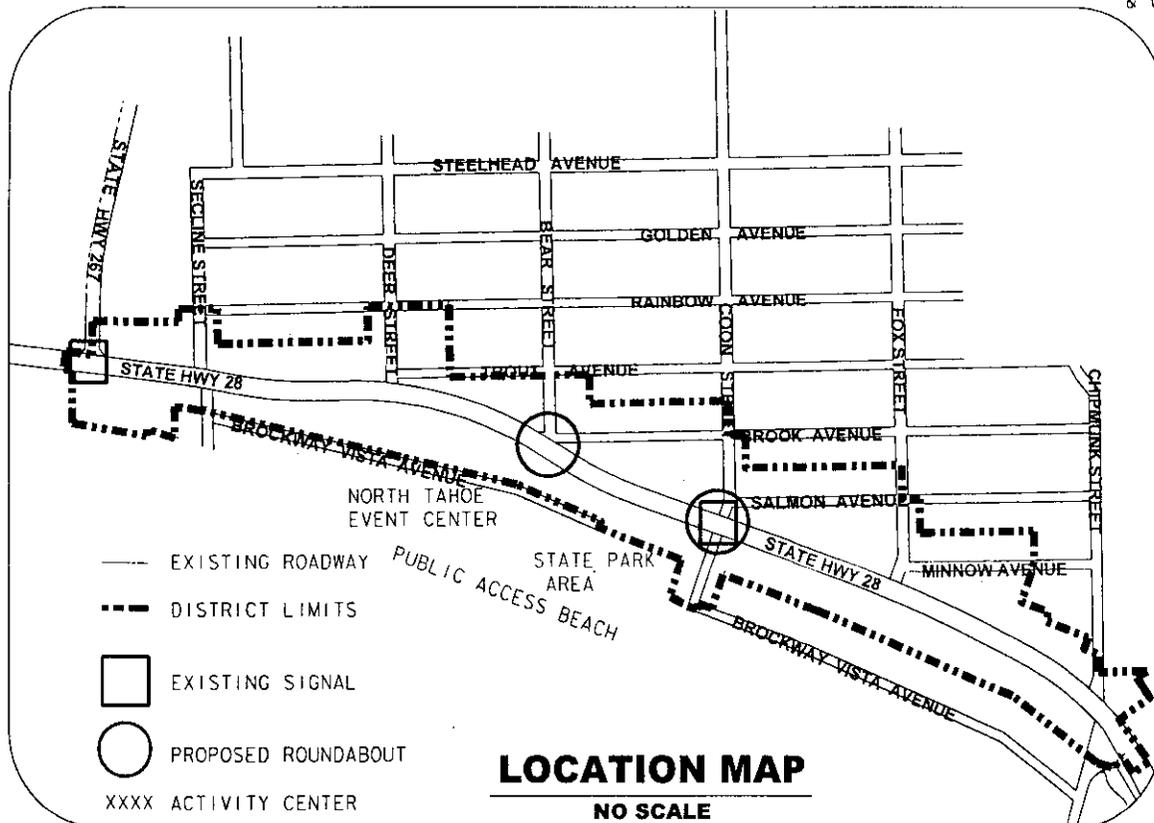
# ASSESSMENT DISTRICT KINGS BEACH COMMERCIAL CORE IMPROVEMENT PROJECT



## PROJECT DETAILS:

LOCATION: 39° 14' 15.67" N  
120° 01' 25.69" W  
LENGTH: 1 MILE  
LAND USE: RECREATIONAL,  
RESIDENTIAL  
& COMMERCIAL

SACRAMENTO



**LOCATION MAP**  
NO SCALE

1/14/13

RECEIVED

JAN 14 2013

CLERK OF THE  
BOARD OF SUPERVISORS

**To:** Placer County Supervisors

**From:** David Polivy

**Business Owner:** Tahoe Mountain Sports

**Volunteer:** North Tahoe Business Association Board of Directors

**Re:** Formation of a Benefit Assessment District in Kings Beach

To the Placer County Board of Supervisors-

I support and recommend the formation of a Benefit Assessment District for Kings Beach.. My primary reason for support is that with a \$50+ million dollar investment in our town, it is paramount to keep the built environment with a clean, safe and consistent look for locals and visitors alike. This assessment will fairly distribute the costs to ensure a clean, safe and consistent look throughout the community. By allowing a managed contract to execute the landscaping, provide snow removal, empty the garbage, clean the sidewalks and pedestrian areas and all other maintenance activities described, it will ensure the look of the town is consistent rather than haphazard. If each individual property or business owner were left to their own maintenance devices, we could and very likely would have a very inconsistent and incoherent look and feel to our downtown, the same downtown that is about to get a \$50+ million facelift. We deserve better!

From a business perspective, again, I do not own the property that will be assessed, I am accepting of this assessment should my landlord decide to pass it on to me, her renter. This is an important note because as a business owner, I want my customers to be able to walk from one end of town to the other in a safe and consistent manner. It is important for the entire district to have the same level of maintenance and appeal in order to attract visitors to stay and locals to enjoy. The cost breakdown and individual assessments have been developed in a fair and equitable manner.

Lastly, I was part of the outreach team, an offshoot of volunteers from the North Tahoe Business Association, who spoke with and reached out to property and business owners in our community. My contacts provided overwhelming support for the formation of the district for many of the same reasons I illustrated earlier.

I urge the Placer County Board of Supervisors to vote in favor of the formation of a Kings Beach Benefit Assessment District for the reasons I have stated above. Thank you for your consideration.

With respect,

-David Polivy

Owner, Tahoe Mountain Sports at 8331 N Lake Blvd. Kings Beach, CA 96143

