



Board Agenda Item 6

DATE: June 20, 2023

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Hearing on Annual Assessment Levy for County Service Area No. 34, Zone D - Renaissance at Bella Vista

RECOMMENDED ACTION(S):

- 1. Conduct public hearing to consider all oral statements and all written protests made or filed by any interested person concerning the annual assessment on real property for Fiscal Year 2023-24 for street lighting services, open space maintenance and public right-of-way landscape maintenance costs in County Service Area No. 34, Zone D, Renaissance at Bella Vista.**
- 2. Approve and adopt Resolution approving and levying an annual assessment on real property for Fiscal Year 2023-24 under Chapter 3 of the Landscaping and Lighting Act of 1972 in the Renaissance at Bella Vista Lighting, Open Space, and Landscape Maintenance for street lighting services, open space maintenance and public right-of-way landscape maintenance in County Service Area No. 34, Zone D, Renaissance at Bella Vista, which includes 106 residential parcels.**

Approval of the first recommended action allows your Board to consider all oral statements or written protest pertaining to the levying of an annual assessment in the Renaissance at Bella Vista Lighting, Open Space and Landscape Assessment District for County Service Area No. 34, Zone D (CSA 34D) for FY 2023-24. Approval of the second recommended action approves and levies the annual assessment for street lighting services, open space maintenance and public right-of-way landscape maintenance for CSA 34D for FY 2023-24. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

During the course of or upon the conclusion of the hearing, your Board may order changes to the 2023 annual Engineer's Report, filed with the Clerk on May 23, 2023, provided none of those changes increase any applicable rate used to calculate the assessment, or revise the methodology by which the assessment is calculated, or result in an assessment being levied on any person or parcel that exceeds what was approved in the Proposition 218 proceeding in 2017.

Your Board may also approve or disapprove the annual assessment based on your Board's independent discretion or continue the hearing from time to time, provided that no continuance shall be made to a date after July 18, 2023, without the prior consent of the County Auditor-Controller/Treasurer-Tax Collector. If the proposed annual assessment rate for FY 2023-24 of \$256.88 per parcel is not approved by your Board, the annual assessment rate will remain the at the same amount that it was for FY 2022-23--\$274.45 per parcel.

The adoption of the recommended resolution constitutes the levy of an annual assessment in CSA 34D for

the foregoing services in FY 2023-24

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. All operation, maintenance, and Department of Public Works and Planning - Special Districts staff costs are paid by the benefitted properties within CSA 34D from property assessments.

DISCUSSION:

CSA 34D was formed on December 5, 2017. The Renaissance at Bella Vista Lighting, Open Space, and Landscape Maintenance District (Assessment District) was created to fund street lighting, open space maintenance, and public right-of-way landscape maintenance in CSA 34D. CSA 34D consists of 106 residential parcels, which were created by Tract Map 4968 and are shown in Exhibit A to this item. CSA 34D also covers approximately 59.42 acres and is located in the Millerton Specific Plan area on the south side of Millerton Road, west of the intersection of Millerton Road and Winchell Cove Road. Services provided to the 106 parcels in CSA 34D levied under the Landscape and Lighting Act of 1972 include administration of the following: street lighting services, open space maintenance, and public right-of-way landscape maintenance.

On December 5, 2017, a Proposition 218 proceeding was held in which CSA 34D property owners at that time received an opportunity to protest. At the conclusion of the 2017 Proposition 218 hearing, the Board determined that there was no majority protest and approved an assessment incorporating inflation increases for seven fiscal years, including a maximum assessment amount for FY 2023-24 as follows: \$256.88 total annual assessment per parcel, including \$69.30 for street lighting, \$18.29 for open space maintenance and \$169.29 for landscape maintenance; total revenue \$27,229.28.

The purpose of the inflation increases over seven fiscal years is to build reserves and address inflation. After the end of the seventh fiscal year (FY 2023-24), the yearly assessment per parcel adopted by your Board will remain at the same amount unless CSA 34D property owners approve an increased assessment through another Proposition 218 ballot process. The 106 parcels receiving street lighting services, open space maintenance, and public right-of-way landscape maintenance, will pay 100% of the costs associated with the service.

Engineer's Report

As part of its May 23, 2023 resolution initiating this proceeding, the Board appointed and designated Steven E. White, P.E., Director of the Department of Public Works and Planning, as the Assessment Engineer, and directed him to prepare an Engineer's Report for the proposed assessment, to be filed with the Board under Article XIII D, Section 4 of the California Constitution and in compliance with the Landscaping and Lighting Act of 1972.

The Engineer's Report was filed with the Clerk of the Board on May 23, 2023, and the Board accepted that report as part of its adopted resolution of intention on the same date. The Engineer's Report has remained on file with the Clerk of the Board.

Annual Assessment

As described in the Engineer's Report, the annual assessments are for:

Street Lighting Services

PG&E owned and operated street lighting, including the Lighting System Operations and Maintenance Services such as the payment of PG&E usage charges, payment of all administrative costs associated therewith, and the contribution to and maintenance of operating reserves, to provide year-round street

safety lighting along all of the CSA 34D streets and to maintain the visual presentation of those streets in a ready-to-serve status for the benefit of all CSA 34D parcels.

Open Space Maintenance

All work and expenses associated with the monitoring of the restored riparian habitat and maintenance of the recreational trails and open space along the White Fox Creek Parkway corridor, which includes Outlots A and B of Tract 4968, as required by the open space impact mitigation requirements set forth in the conditions of development approval for Tract 4968.

Public Right-of-Way Landscape Maintenance

All work and expenses associated with the maintenance of the 0.76 acres of public-right-of-way and common area landscaping, required by the Millerton Specific Plan and the Conditions of Approval for the development of Tract 4968, to enhance the visual presentation of the community for the benefit of all of the CSA 34D parcels, including twice-monthly service that includes weed and trash removal, plant care and irrigation system maintenance, and weed and trash removal on two outlots designated for the protection of cultural resources, and including operating reserves.

Administration

County administration costs (including labor, legal, and annual audits).

Exhibit B to this item shows the maximum assessment approved by the Board of Supervisors after a finding of no majority protest for each of the 106 single-family residence parcels in CSA 34D over the first six fiscal years after the 2017 Proposition 218 proceeding. For FY 2023-24, the maximum assessment for each of the 106 single-family residence parcels in CSA 34D is \$256.88. That amount and equal proportionality for all parcels is based on each parcel receiving an equal special benefit from street lighting services, open space maintenance and public right-of-way landscape maintenance. The assessment for each of the 106 developed single-family residence parcels in CSA 34D may be increased by no more than 2.16% over the previous year to build reserves to comply with the Board's 50% cash reserve requirement.

Annual Assessment Process

This is not a Proposition 218 proceeding. Assessments governed by the Landscaping and Lighting Act of 1972 must be levied annually. Because the assessment described in this report does not exceed the total amount or the per-parcel amount approved by the Board, after a finding that there was no majority protest in a Proposition 218 proceeding in 2017, it is not "increased" for purposes of Proposition 218. That means the special notice, protest, and hearing requirements of Proposition 218, including the provision of printed protest ballots, are not applicable here.

At the public hearing, your Board must consider all oral statements or written protests made or filed by any interested person. Any interested person may, prior to the conclusion of the hearing file a written protest with the clerk, or if they have previously filed a protest, may file a written withdrawal of that protest. A written protest shall state the name of the property owner or authorized representative, all grounds of objection and the Assessor's Parcel Number of the property in CSA 34D.

During the course of or upon the conclusion of the hearing, your Board may order changes to the report, provided none of those changes increase any applicable rate used to calculate the assessment, or revises the methodology by which the assessment is calculated, or result in an assessment being levied on any person or parcel that exceeds what was approved in the Proposition 218 proceeding in 2017.

Your Board may approve or disapprove the annual assessment based on its independent discretion or continue the hearing from time to time, provided that no continuance shall be made to a date after July 18, 2023, without the prior consent of the County Auditor.

Your Board may adopt either the proposed resolution confirming the annual assessment or as amended by

the Board. The adoption of the resolution constitutes the levy of an annual assessment for FY 2023-24. In addition to levying the annual assessment, the Resolution provides that the annual assessment shall be collected at the same time, in the same manner, and subject to the same penalties as the Fiscal Year 2023-24 general property taxes of the County. The Resolution also authorizes and directs the Director of the Department of Public Works and Planning to timely deliver, or cause their designee to timely deliver, to the Auditor-Controller/Treasurer-Tax Collector, no later than August 10, 2023, a copy of the resolution, which must include the true and complete assessment roll. The assessment roll lists every property and the amount of the annual assessment on that property.

REFERENCE MATERIAL:

BAI# 40, May 23, 2023
BAI #12, June 7, 2022
BAI # 59, May 17, 2022
BAI # 11, August 10, 2021
BAI # 47, July 13, 2021
BAI # 4, July 7, 2020
BAI # 9, December 5, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Exhibit B
On file with Clerk - Resolution to Levy
On file with Clerk - Engineer's Report

CAO ANALYST:

Salvador Espino