

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE August 1, 2006		(3) CONTACT/PHONE John Waddell, Project Engineer (805) 788-2713	
(4) SUBJECT Public Hearing to Consider The Formation of Zone of Benefit and A Request to Call a Special Tax Election In Cimarron Way Road Improvement Zone of County Service Area No. 9.					
(5) SUMMARY OF REQUEST The Public Works Department has received signed requests from Cimarron Way property owners within County Services Area No. 9 for paved road improvements. Although road improvement service is an authorized extended service of CSA No. 9, no funding is available through the CSA. However, the property owners on Cimarron Way have filed a petition with the Director of Public Works requesting the formation of a special tax zone, to be known as the Cimarron Way Road Improvement Zone of County Service Area No. 9, as a means of paying for the improvement, administrative, and elections costs associated with the project. Before a new, special tax is imposed, it must be approved by two-thirds (2/3) of the qualified voters voting on the special tax proposition.					
(6) RECOMMENDED ACTION It is our recommendation that: 1. Your Honorable Board approve the attached resolution forming a special tax zone within CSA No. 9. 2. Your Honorable Board approve the attached resolution calling for a mail-ballot election within the newly formed special tax zone.					
(7) FUNDING SOURCE(S) CSA 9 Coop Roads (1505000000)		(8) CURRENT YEAR COST \$1,500.00		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel, County Auditor/Controller, Treasurer/Tax Collector, and Administrative Office					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 5 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> June 27, 2006
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center"><i>OK Leslie Bon</i></p>					

8-1-06



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: John Waddell, Project Engineer *JW*

VIA: Glen L. Priddy, Deputy Director of Public Works *REM for GP*

DATE: August 1, 2006

SUBJECT: Public Hearing to Consider the Formation of Zone of Benefit and a Request to Call a Special Tax Election in the Cimarron Way Road Improvement Zone of County Service Area No. 9

Recommendation

It is our recommendation that:

1. Your Honorable Board approve the attached resolution forming a special tax zone within CSA No. 9.
2. Your Honorable Board approve the attached resolution calling for a mail-ballot election within the newly formed special tax zone.

Discussion

County Service Area No. 9 was formed by resolution of the Board of Supervisors in order to provide multiple services to the residents and property owners in Los Osos/Baywood Park area in San Luis Obispo County. Although the majority of these services are now the responsibility of the Los Osos Community Services District, road improvement services remain within the jurisdiction of the County. The attached resolutions on zone formation and a special tax election meet the requirements of the enabling legislation to establish new fees, service charges or benefit assessments.

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The Department of Public Works has received signed requests from the residents and property owners of Cimarron Way, Los Osos. These requests are for County Service Area No. 9 to improve the northerly 200 feet of their road to a County maintained paved standard. Although these requests for road improvements are within the powers of CSA No. 9, no funding is available through the CSA. However, the residents and property owners on Cimarron Way have also asked that the County assist them in their efforts to improve their road by forming a zone of the CSA for that purpose. The proposal is for the Board of Supervisors to form the Cimarron Way Road Improvement Zone of County Service Area No. 9, and to impose, levy and collect in the Cimarron Way Road Improvement Zone a special tax for improving the road.

The Board of Supervisors were required to fix a time for hearing the petition and protests of interested parties, and was required to cause a notice of the filing of the petition and the time set for the hearing to be published. This was completed on June 27, 2006.

A resolution calling for a special tax election within the proposed special tax zone within County Service Area No. 9 is presented herewith to the Board of Supervisors for adoption if the special tax zone is approved. The election, if called for, will be conducted by the County Clerk and will be scheduled to be completed on November 5, 2006.

Other Agency Involvement/Impact

County Counsel has reviewed the resolutions and approved them as to legal form and effect. The County Clerk has been consulted regarding special tax election issues. The County Auditor/Controller, Treasurer/Tax Collector, and Administrative Office have been made aware of this proposed project.

Financial Considerations

There are 8 parcels within the proposed road improvement zone. The proposed special tax assessment, if approved by 2/3's of the registered voters voting within the proposed tax zone, will be on a per parcel basis. Based on the engineer's construction cost estimate, the County of San Luis Obispo, commencing in Fiscal Year 2007/2008, and annually thereafter, shall impose, levy and collect a special tax on real property within this Zone to provide road improvements with the special tax to be set at an initial rate not exceeding \$775.00 per year per parcel having a separate County Assessor's Parcel Number and increasing not more than two percent per year thereafter. Said special tax shall be considered repayment of the improvement project construction and administration costs as loaned to the improvement zone for the purpose of road improvements.

The special tax election by mailed-ballot has a processing cost of approximately \$1500.00. This cost is initially funded by CSA 9 Coop Roads reserves, which is then reimbursed by the property owners within the newly formed zone upon the successful approval of the special tax. If the election is unsuccessful, there is no reimbursement.

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Results

Approval of the recommended actions will cause a mailed ballot election to occur on November 5, 2006. If the election is approved, the Public Works Department will develop the required plans, specifications, acquire necessary approvals and permits, and contract for the paving of Cimarron Way to meet current County maintained paved road standards. Paving will reduce air pollution caused by road dust, minimize erosion, reduce tire noise, and generally improve the overall quality of life within this neighborhood.

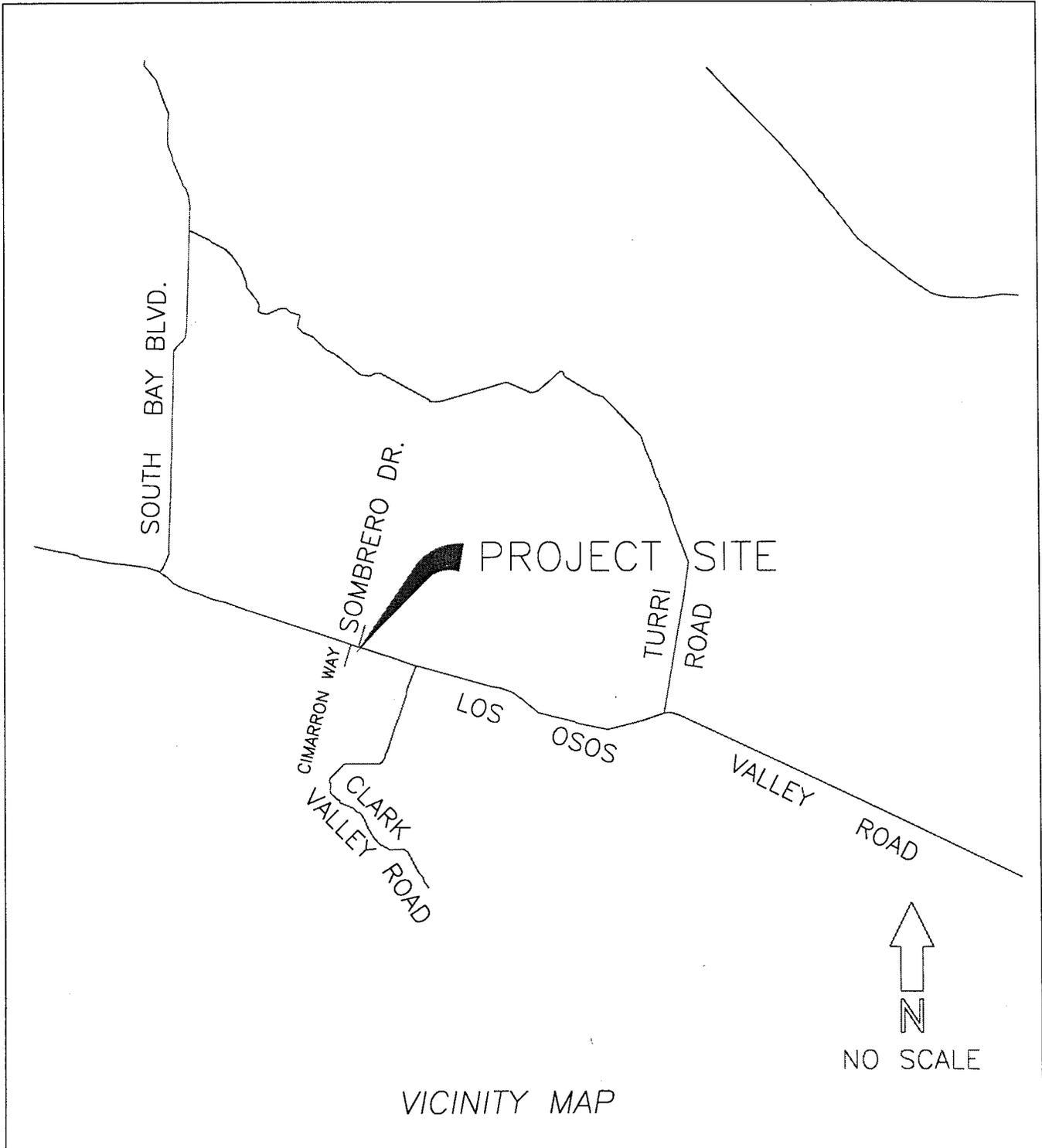
Attachments: Vicinity Map
 Resolution Approving Zone Formation
 Resolution Setting an Election on a Special Tax

File: CSA 9 Cooperative Roads

Reference: 06AUG01-H-1

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VICINITY MAP

CIMARRON WAY
 COOPERATIVE ROAD IMPROVEMENT PROJECT

TOWN OF LOS OSOS

COUNTY OF SAN LUIS OBISPO, CA.
 PUBLIC WORKS DEPARTMENT

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IN THE BOARD OF SUPERVISORS
County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

**RESOLUTION CREATING THE
CIMARRON WAY ROAD IMPROVEMENT ZONE WITHIN
SAN LUIS OBISPO COUNTY SERVICE AREA NO. 9**

RECITALS:

The following resolution is now offered and read:

WHEREAS, the majority of residents and property owners within the Cimarron Way area, area map attached hereto as Exhibit A, have requested road improvement services through the formation of a zone for the implementation of the County's Cooperative Improvement Program; and

WHEREAS, the residents and property owners requires special services in addition to those provided generally by County Service Area No. 9; and

WHEREAS, the residents and property owners desire and it is in the public interest that said zone be established; and

WHEREAS, the Cimarron Way Road Improvement Zone is entirely within the boundary of County Service Area No. 9; and

WHEREAS, Section 25210.8 of the Government Code authorizes the Board of Supervisors to establish a zone within any county service area; and

WHEREAS, the purpose of establishing said Cimarron Way Road Improvement Zone is to impose, levy and collect a special tax on the real property therein to pay the costs to improve the road to a County maintained paved standard construct road improvement services within said Zone; and

WHEREAS, all proposed tax levies within the proposed Cimarron Way Road Improvement Zone are commensurate with the special services to be provided within said Zone; and

WHEREAS, the Board of Supervisors on June 27, 2006, adopted Resolution No. 2006-219 calling for a August 1, 2006, public hearing on forming the Cimarron Way Road Improvement Zone within County Service Area No. 9; and

WHEREAS, a public hearing on the question of forming the Cimarron Way Road Improvement Zone of County Service Area No. 9 was held on August 1, 2006, in the Supervisor's Chambers, San Luis Obispo, California; and

WHEREAS, the Board of Supervisors finds it to be in the public interest to create the Cimarron Way Road Improvement Zone in County Service Area No. 9.

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C/O

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct, and valid.
2. That there be and hereby is established and formed within San Luis Obispo County Service Area No. 9, a new zone with boundaries as shown on Exhibit A attached hereto.
3. The new zone shall be named "Cimarron Way Road Improvement Zone."
4. That within said zone the following services are to be provided, when authorized and funded by this Board of Supervisors:

The extended service of road improvement of public rights of way.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.

County Counsel

By:

James B. Lindholm, Jr.
Deputy County Counsel

Dated:

7/16/06

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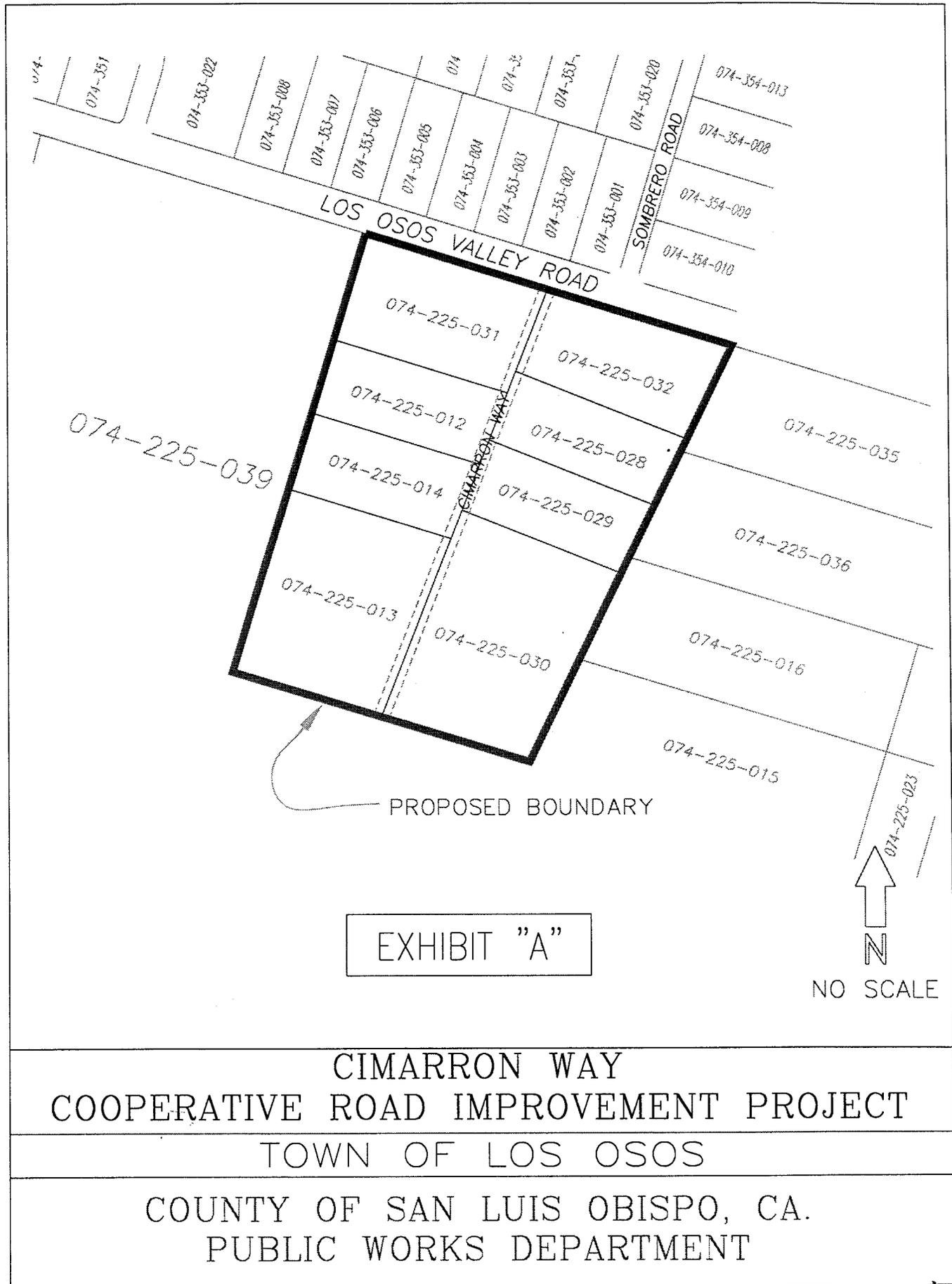


EXHIBIT "A"

↑
N
NO SCALE

CIMARRON WAY
COOPERATIVE ROAD IMPROVEMENT PROJECT

TOWN OF LOS OSOS

COUNTY OF SAN LUIS OBISPO, CA.
PUBLIC WORKS DEPARTMENT

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