



COUNTY OF HUMBOLDT

For the meeting of: 8/21/2018

File #: 18-999, Agenda Item Number:

To: Board of Supervisors

From: Public Works

SUBJECT:

Formation of Permanent Road Division (PRD) 1000, Zone Number 008 and Imposition of Parcel Charges for Bongio Subdivision, Eureka

RECOMMENDATION(S):

That the Board of Supervisors 1) Open the public hearing regarding the formation of Permanent Road Division 1000, Zone Number 008 and imposition of parcel charges for road maintenance for the Bongio Subdivision, receive public testimony and close the public hearing; 2) Direct the Auditor-Controller to tally the ballots received to impose parcel charges for road maintenance in the Bongio Subdivision; 3) Based upon the public testimony and results of the election, adopt the attached Resolution to establish Humboldt County Permanent Road Division 1000, Zone Number 008 and to Impose Parcel Charges for Road Maintenance; 4) Adopt the Resolution of Acceptance to accept the rights of way for Mary Court for public road purposes, and Parcel H for public sidewalk easement purposes, all as shown dedicated to the County of Humboldt on Tract Number 0650, filed in Book 25 of Maps, pages 66 through 68, in the Office of the Humboldt County Recorder; 5) Direct the Auditor to calculate yearly the compounded inflation factor based upon the Consumer Price Index (CPI) to the parcel charges for road maintenance.

SOURCE OF FUNDING:

Public Works Land Use 1100166-3412 and Fund 2307 PRD 1000-Zone 008.

DISCUSSION:

On December 17, 2002, the Board of Supervisors adopted Resolution Number 02-111 establishing the Humboldt County-Wide Permanent Road Division Number 1000 (PRD Number 1000). Streets and Highway Code (S&H) § 1162.6 authorizes the Board of Supervisors to create zones within the division for specific permanent road projects.

Mr. Alan Bongio submitted a petition to the Board of Supervisors requesting the Board to hold the necessary hearings and election to establish a zone within PRD Number 1000 for the benefit of the Bongio Subdivision, located within Eureka. As required by S&H §1162, the petition included the name of the zone, the signatures of the landowners, the boundaries of the zone, the number of acres in the zone and the assessed valuation, the value of improvements on the real estate, the number of inhabitants therein and a description of the roads and associated facilities to be maintained. The petition requested that an assessment be levied to pay the costs of the future road maintenance.

An engineer's report and an affidavit of valuations accompanied the petition. The engineer's report provided the basis for the estimation of assessment to cover the cost of the requested maintenance. The affidavit of valuations was required by S&H §1163 and stated that the affiant had compared the valuations given in the petition and found them to be complete and correct.

In order to form a zone within PRD Number 1000, the Board of Supervisors had to receive and accept the petition and the affidavit of valuations, and must hold a public hearing to hear any protests to the formation of a zone. They must also conduct a public hearing regarding the proposed parcel charges for maintenance of roads within the subdivision.

On June 19, 2018, the Board of Supervisors received the petition, affidavit of valuations and engineer's report and adopted Resolution Number 18-62. The resolution was entitled "RESOLUTION OF INTENT TO ESTABLISH HUMBOLDT COUNTY PERMANENT ROAD DIVISION NUMBER 1000, ZONE NUMBER 008 AND TO IMPOSE PARCEL CHARGES FOR ROAD MAINTENANCE". The Resolution scheduled a public hearing to be held August 21, 2018, at 9:00 a.m. to consider all protests against the proposed assessment, tabulate the ballots and determine whether to form PRD Number 1000, Zone Number 008. The

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Resolution directed the Department of Public Works (Department) to mail notice of the hearing to form the zone and to impose special parcel charges for road maintenance to each record owner of each parcel within the proposed zone as required by Government Code Section (GC) 53753 and Article XIII D, Section 4 of the California Constitution. Resolution Number 18-62 also directed the Clerk of the Board to publish the petition and notices of hearing in accordance with S&H § 1196.

The petition, notice of the hearing for formation of the zone and notice of the hearing to establish the assessment were posted on the property by the Department in conformance with S&H § 1195 on June 27, 2018.

Ballots and notices of the hearing in conformance with GC § 53753 were mailed to each record owner of parcels located within the proposed zone on June 20, 2018. The ballots were addressed to be returned to the Auditors office of the County of Humboldt on or before the close of the hearing for formation of the zone on August 21, 2018.

The petition to form the zone, the notice of the hearing to form the zone and the notice of the hearing to consider the assessment are scheduled to be published in the Times Standard on July 31, 2018 and is scheduled to be published on August 4, 2018 and August 11, 2018.

It is recommended that the Board of Supervisors open the public hearing to form PRD Number 1000, Zone Number 008 and to impose a parcel assessment, take public testimony, and close the public hearing.

At the conclusion of the hearing the Board of Supervisors must decide, based upon the petition and public testimony, whether PRD Number 1000, Zone Number 008 should be formed (S&H §1166). The Department supports the creation of Zone Number 008

The Board of Supervisors must decide whether to accept the petition and provide the maintenance services requested (S&H §1169). The Department has reviewed the engineer's report submitted with the petition and finds the costs appropriate for maintaining the requested services.

The Board of Supervisors, based upon all objections and protests during the public hearing, if any, must decide whether the assessment for the petitioned maintenance services should be levied (GC § 53753). The assessment is subject to an annual inflation factor based upon the Consumer Price Index (CPI). The assessment can only be imposed upon a majority vote of the landowners.

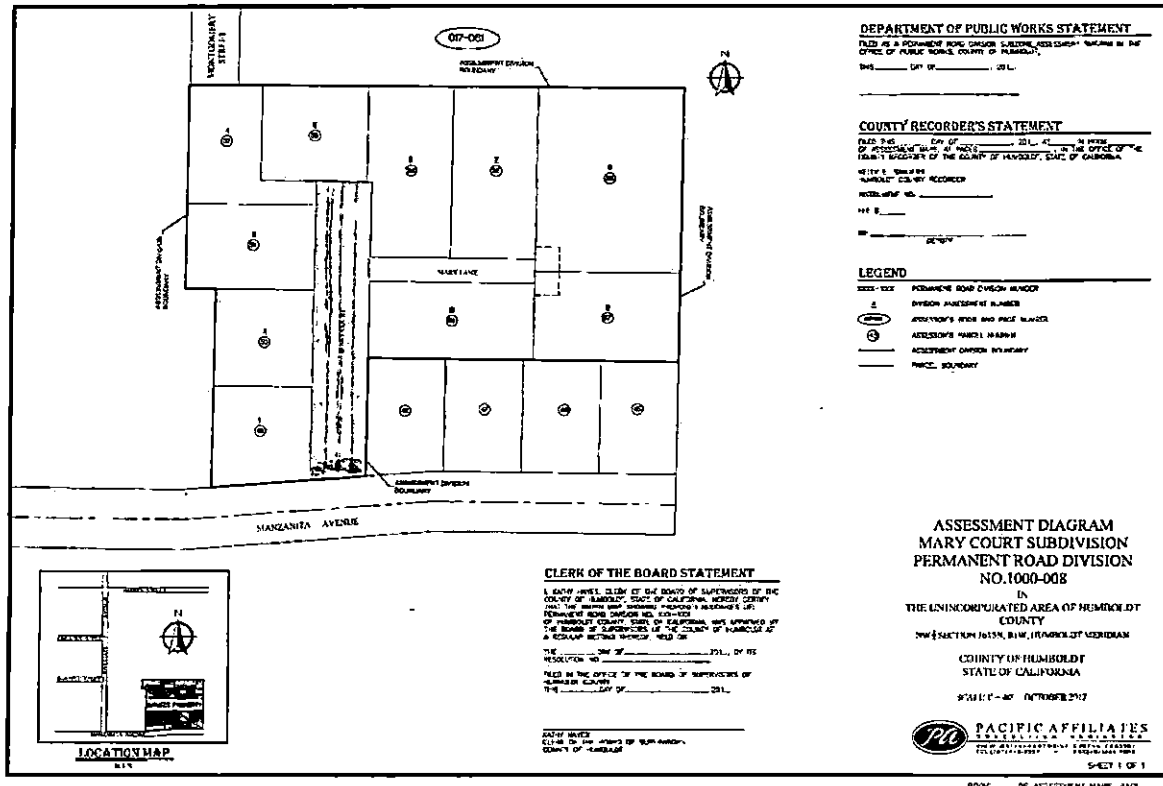
The Department supports the proposed assessment. This assessment is necessary to provide the funds to enable the Department to provide the requested maintenance services. Without approval of the assessment the Department does not support the formation of Zone Number 008.

It is recommended that the Board of Supervisors direct the Auditor-Controller or his designee to tally the ballots regarding a parcel assessment for road maintenance within Bongio Subdivision and provide the results to the Board.

Based upon the public testimony and a positive election, it is recommended that the Board of Supervisors adopt the attached resolution to establish PRD Number 1000, Zone Number 008 and to impose parcel charges.

The formation of the PRD zone and imposition of parcel charges allows the Department to recommend that the Board of Supervisors accept the streets within the Bongio Subdivision into the County Maintained Road System. Policy #2, adopted by the Board of Supervisors on July 15, 2003, allows the Department to recommend acceptance of subdivision roads into the County Maintained Road System should a PRD zone be formed to fund future maintenance. The parcel charges provide additional funding to the county for the future maintenance of the roads within the subdivision. In summary, the proposed maintenance will consist of:

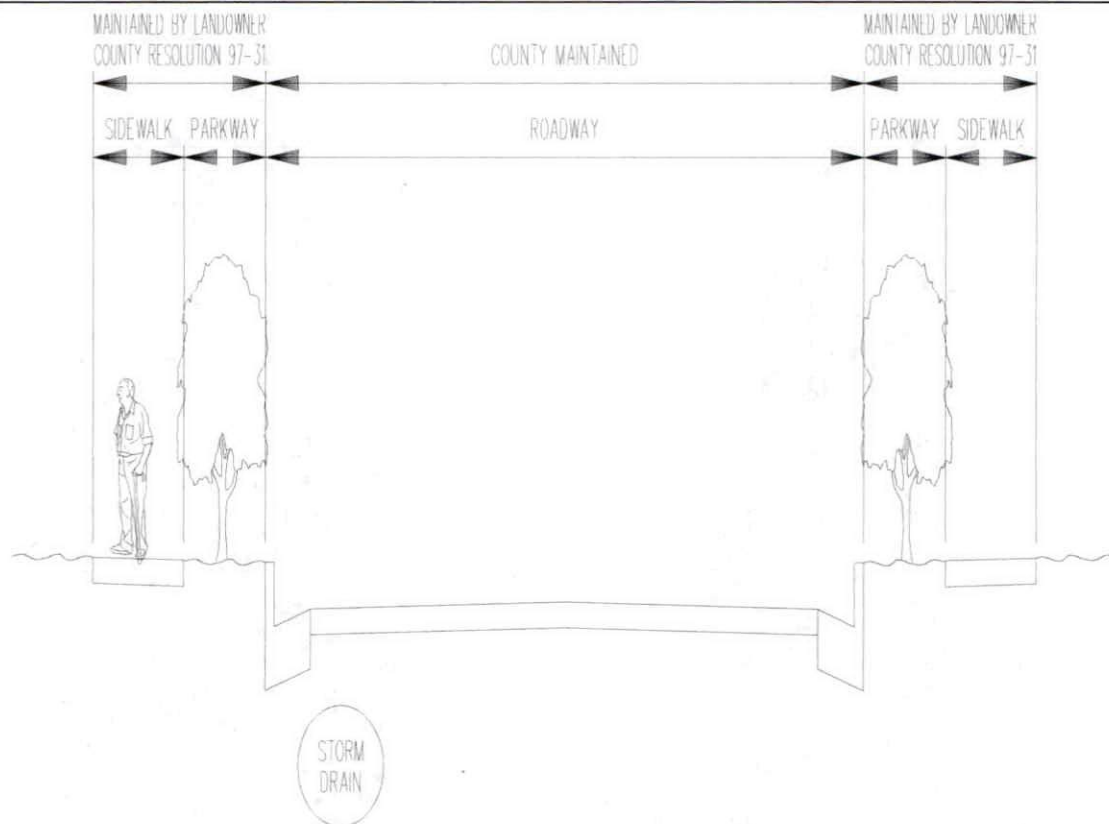
- A repeating twenty-five (25) year cycle with a slurry seal on year twelve (12) and asphalt overlay on year twenty-five (25).
The roads to be maintained include those portions of Mary Court within the boundaries of the zone.



Above: Diagram showing the road area (shaded in blue) to be maintained by the county as part of the proposed division for road maintenance.

The drainage system within the subdivision and Mary Lane, the access road off of Mary Court, (Parcel I) will be privately maintained.

In addition, sidewalks within and fronting the subdivision will not be maintained by the county. Pursuant to Resolution 97-31, adopted by the Board of Supervisors on March 4, 1997, maintenance of sidewalks is the responsibility of the fronting landowner.



Above: Diagram showing the roadway improvements to be maintained by the county and the sidewalk improvements to be maintained by the landowner.

When the Board of Supervisors accepted the Bongio Subdivision for filing on July 25, 2017, the Department recommended rejecting the offer of public road easement to the County of Humboldt of Mary Court; and Parcel H for public sidewalk easement purposes. Should the Board of Supervisors decide to form PRD Number 1000, Zone Number 008, it is recommended that the Board of Supervisors adopt the attached resolution accepting the right of way for Mary Court; and Parcel H for public sidewalk easement purposes. This allows the county to have the necessary rights to bring the roads into the County Maintained Road System. This recommendation is subject to the Board of Supervisors adopting the resolution for formation of PRD Number 1000, Zone Number 008 and the establishment of the parcel assessment for maintenance of the roads within the Bongio Subdivision.

The Department recommends the establishment of fund number 2308, should the Board adopt the resolution for formation of Zone Number 008 and imposition of parcel charges. The fund is necessary in order to collect, segregate, and track the funds received from the parcel charges for PRD Number 1000, Zone Number 008.

The Department recommends that the Board of Supervisors direct the Auditor-Controller to calculate the yearly inflation factor based upon the CPI to the parcel charges for road maintenance. The Department contacted the Auditor-Controller's Office and they indicated their concurrence with this request. They prepare calculations for similar assessment districts within the county on a yearly basis.

FINANCIAL IMPACT:

The cost of formation for the annexation into the PRD 1000, Zone Number 008 and parcel assessment election is required to be funded through the General Fund. Once this annexation is formed, a portion of the first year assessment will be used to reimburse the General Fund for expenditures. The assessment will fund the county's cost to perform the maintenance described in the petition. To offset inflation, the assessment includes a provision for an annual compounded increase based upon the CPI. On June 19, 2018, the Board of Supervisors approved a supplemental budget of \$1,760.00 (Account Number 1100166-3412) to pay for the formation costs.

OTHER AGENCY INVOLVEMENT:

The Auditor's Office is designated as the department to receive and tabulate the ballots for the election. Previously, a special trust fund was created for PRD 1000, Zone Number 008. The area proposed for annexation will utilize the existing trust fund. The Auditor's Office is requested to provide yearly inflation figures based upon the CPI for the assessment. The Auditor will be responsible for updating the assessments in the county's property tax database based upon updated assessment rolls provided by the Department of Public Works.

The Tax Collector will be responsible for collecting the assessment as part of the property taxes.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose, based upon protest testimony, to not approve the formation of the annexation into PRD 1000, Zone Number 008 and may choose, based upon testimony or the results of the election, to not impose the assessment for the maintenance of roads. In this case, the existing Covenants, Conditions and Restrictions or Road Maintenance Association for the Bongio Subdivision would maintain and repair the improvements contained within the subdivision. Copies of these documents are on file with the Land Use Division.

ATTACHMENTS:

Attachment 1: RESOLUTION TO ESTABLISH HUMBOLDT COUNTY PERMANENT ROAD DIVISION 1000, ZONE
NUMBER 008 AND TO IMPOSE PARCEL CHARGES FOR ROAD MAINTENANCE

Attachment 2: RESOLUTION TO ACCEPT THE RIGHTS OF WAY FOR MARY COURT FOR PUBLIC ROAD PURPOSES,
PARCEL H FOR PUBLIC SIDEWALK EASEMENT PURPOSES

PREVIOUS ACTION/REFERRAL:

Board Order No.: C8

Meeting of: 06/19/2018