

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:

The following resolution is adopted:

RESOLUTION AUTHORIZING AND LEVYING
AN ASSESSMENT FOR ROAD MAINTENANCE AND OPERATIONS FOR
COUNTY SERVICE AREA NO. 17, EMPIRE ACRES

WHEREAS, this Board has heretofore conducted proceedings under the statutes authorizing the levying of Special Assessments and desires to bring its assessments for road maintenance and operations services into conformity with the provisions of Article XIID of the California Constitution for the fiscal year 2025-26,

WHEREAS, on February 11, 2025, this Board received for filing a written Engineer's Report supporting the proposed assessments, prepared by a registered professional engineer certified by the State of California, which pursuant to Article XIID, Section 4 of the Constitution contains all of the following:

- A. Identifies and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed.
- B. Determines the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the road maintenance and operations to be provided.
- C. Determines that no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
- D. Determines that the only benefits assessed are special and that the general benefits have been separated from the special benefits conferred on each parcel.

WHEREAS, after considering the Engineer's Report, the Board found it is in the best interest of County Service Area 17, Empire Acres and its owners and inhabitants to declare its intention to levy the proposed assessments each year in accordance with that report, the Board set a public hearing to hear any protest

Resolution _____

pursuant to Article XIID, Section 4 of the Constitution, and directed the Clerk to give a notice of the filing of the report and the time and place of the hearing set by the Board by publication, and directed Community Development and Infrastructure – Public Works Division to give notice to each property owner whose property would be subject to the assessment at least 45 days before the date set for the public hearings and specified the contents of the notice, all in the manner required by law.

WHEREAS, the Clerk of this Board and the Community Development and Infrastructure – Public Works Division gave notice in the manner directed by this Board and as required by law.

WHEREAS, at the time and place set forth in the notice, this Board conducted the public hearing in the manner required by law and heard and considered all objections and protests to the report referred to in the notice, heard and determined all protests as required by law, and tabulated all ballots.

WHEREAS, the ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment, weighting the ballots according to the proportional financial obligation of the affected property.

WHEREAS, it is in the interest of County Service Area No. 17, Empire Acres and its inhabitants, and its property owners to levy the assessment as proposed.

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz resolves, orders, and finds that:

1. Findings. Each of the foregoing recitals is true and correct.
2. Authorization. This Resolution and the benefit assessment authorized herein is adopted pursuant to Government Code Section 25215 and Article XIID, Section 4 of the California Constitution.
3. Purpose of the Assessment. The express purpose for which this benefit assessment is levied is to provide a source of funding for County Service Area No. 17, Empire Acres maintenance and operations.
4. Determination of Necessity. The level of road maintenance and operations which can be provided is determined to be reasonably adequate to meet current needs.
5. Limitation upon Expending Assessment Proceeds. Any funds collected from the benefit assessment authorized by this Resolution shall be expended only for such road maintenance and operations to benefit

Resolution _____

County Service Area No. 17, Empire Acres. Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.

6. Levy. A benefit assessment to raise revenue to fund road maintenance and operations is hereby levied upon real property within the County Service No. 17, Empire Acres, excepting any common areas, unbuildable parcels, and parcels with an assessed value of \$5,000 or less.

7. Assessment Rate.

A. For the fiscal year 2025-26 and each year thereafter, the parcels shall be assessed as follows:

\$200 per parcel.

Unimproved parcels in common areas, parcels which have been Determined to be unbuildable by the Planning Department or Environmental Health regulations, and parcels with an assessed valuation of \$5,000 or less, will not be charged.

B. For each fiscal year after 2025-26, the assessment rate may be increased by a percentage which does not exceed the percentage increase in the Consumer Price Index, All Urban Consumers for the San Francisco-Oakland-Hayward Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics (or in any price index which replaces that index in the future) for the prior calendar year. The assessment rate will be increased only when necessary to meet approved expenses and will not increase automatically each year. If in any year the assessment rate is not increased or is increased by an amount less than the increase in the Consumer Price Index, the difference between the rate of the increase in the assessment rate and the rate of increase in the Consumer Price Index will remain available for use in future years to raise the assessment rate as necessary to meet approved expenses.

C. The lien date shall be that prescribed by law.

D. The foregoing schedules and rates are based upon a zone of benefit fee for each parcel. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit

Resolution _____

conferred on that parcel.

8. Collection. The collection of the assessment determined and levied by this Resolution shall be by the County of Santa Cruz on behalf of County Service Area No. 17, Empire Acres, in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by or on behalf of all County Service Areas. The County may deduct its reasonable costs incurred for that service before resubmittal of the balance to the account of County Service Area No. 17, Empire Acres.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20____, by the following vote:


AYES:
NOES:
ABSENT:
ABSTAIN:

Chair of the Board of Supervisors

ATTEST: _____

Clerk of the Board

Approved as to Form:

Signed by:
 4/24/2025
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Office of the County Counsel

Certificate Of Completion

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Christine Hicks

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Michael De Smidt

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Approved as to Form by District Counsel

Santa Cruz County Sanitation District

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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