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| COUNTY OF SONOMA AGENDA ITEM SUMMARY REPORT | | Clerk of the Board Use Only Meeting Date _____ Held Until _____ Agenda Item No: _____ Agenda Item No: _____ | |
| Department: Transportation and Public Works | | <input type="checkbox"/> 4/5 Vote Required | |
| Contact: Steve Urbanek | Phone: (707) 565-2231 | Board Date: 06/16/09 | Deadline for Board Action: |
| Agenda Short Title: Placement of Canon Manor Sewer Service Fee on Property Tax Roll. | | | |
| Requested Board Action: Adopt Resolution, on behalf of Canon Manor West Assessment District, approving placement of Canon Manor Sewer Service Fee on Property Tax Roll for collection beginning in Fiscal year 2009/2010, unless a majority protest is filed by District property owners (Second Supervisorial District). | | | |
| CURRENT FISCAL YEAR FINANCIAL IMPACT | | | |
| <u>EXPENDITURES</u> | | <u>ADD'L FUNDS REQUIRING BOARD APPROVAL</u> | |
| Estimated Cost | \$ -0- | Contingencies (Fund Name: _____) | \$ _____ |
| Amount Budgeted | \$ -0- | Unanticipated Revenue (Source: _____) | \$ _____ |
| Other Avail. Approp (Explain below) | \$ _____ \$ -0- | Other Transfer(s) | \$ _____ \$ _____ |
| Additional Requested | | Add'l Funds Requested: | |
| Explanation (if required): | | | |
| Prior Board Action(s): 10/08: Adopted Amendment to Ordinance 5742 (Ordinance 5808) specifying collection procedures for fiscal year 2008/2009. 6/07: Adopted Ordinance 5742 establishing District Sewer Service Fee. 12/20/05: Approve first Amendment to Agreement with Penngrove Water Company to provide potable water to Canon Manor West. 12/06/05: Approve Cost Sharing Agreement between City of Rohnert Park, developers, and County for construction of sewer station, etc. 2/8/05: Certify Environmental Impact Report for this project. | | | |
| Alternatives - Results of Non-Approval: Board will need to approve continued collection of the sewer service fee using direct billing, which will likely result in increased County cost. | | | |

Background:

In September 2001, the Canon Manor West Assessment District (“District”) was formed pursuant to a petition to the Board of Supervisors and an assessment vote by District property owners for the purpose of constructing sewer and water systems, as well as drainage and road improvements (“Project”). District property owners approved the assessments and certain fees associated with construction and maintenance of the Project in 2001. To implement the Project, the County entered into an agreement with the City of Rohnert Park (“City”) (“Agreement”) to provide sewer service to the District. The Agreement provided, among other things, for establishment of a sewer service fee to be collected from District property owners by the County and paid to the City when sewer services were provided.

In June 2007, following a Proposition 218 protest procedure, the County adopted the sewer service fee based on information provided by the City in the amount of \$855 per year per connection. The ordinance adopting the fee, Ordinance 5742, did not establish the method for collection of the sewer service fee in years after the initial connection because, at the time of adoption of the Ordinance, District property owners had not yet connected to the system and the fee could only be collected after service was provided.

In October 2008, the County adopted Ordinance 5808, amending Ordinance 5742 to provide, among other things, for collection of the sewer service fee in fiscal year 2008/2009 by direct billing. Ordinance 5808 also specified that the County intends to place the sewer service fee for continuing service on the property tax roll for collection beginning in fiscal year 2009/2010 after the necessary procedures have been followed.

Health and Safety Code Section 5743 authorizes placement of the sewer service fee on the property tax roll by the Board of Supervisors, unless affected property owners file a majority protest. On April 22, 2009, the Department of Transportation and Public Works (“Department”) sent a notice to District Property owners informing them of the hearing to place the sewer service fee on the property tax roll and providing information on how a protest can be filed. If a majority protest is not filed, the Department recommends that the Board approve placement of the sewer service fee on the property tax for collection.

Requested Board Action:

Adopt Resolution, on behalf of Canon Manor West Assessment District, approving placement of Canon Manor Sewer Service Fee on Property Tax Roll for collection beginning in Fiscal year 2009/2010, unless a majority protest is filed by District property owners (Second Supervisorial District).

Attachments: Resolution; Location Map

On File With Clerk: ESD Assessment Report for Canon Manor West Assessment District

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

RESOLUTION NO. _____

**County of Sonoma
Santa Rosa, CA 95403**

Date: _____

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, ON BEHALF OF THE CANON MANOR WEST ASSESSMENT DISTRICT, APPROVING PLACEMENT OF SEWER SERVICE FEE ON THE PROPERTY TAX ROLL FOR COLLECTION.

WHEREAS, in June 2007, the Board adopted Ordinance 5742 on behalf of the Canon Manor West Assessment District (“District”) establishing the sewer service fee for the District pursuant to law; and

WHEREAS, in October 2008, the Board adopted Ordinance 5808 on behalf of the District, amending Ordinance 5742 and providing, among other things, that it was the County’s intention to place the sewer service fee on the property tax roll in accordance with required procedures, beginning in Fiscal year 2009/2010; and

WHEREAS, by letter dated April 22, 2009, the County notified District property owners of its intention to place the sewer service fee on the property tax roll beginning in fiscal year 2009/2010, and provided District property owners information on the protest procedure District property owners may utilize if they object to placement of the fee on the property tax roll, in accordance with Health & Safety Code 5743; and

WHEREAS, at the close of the hearing on this matter on June 16, 2009, District property owners have not filed a majority protest pursuant to Health & Safety Code 5743.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves placement of the sewer service fee for the District on the property tax roll beginning in fiscal year 2009/2010.

BE IT FURTHER RESOLVED that all of the procedures, requirements, and administrative charges pertaining to placement and collection of the sewer service fee on the property tax roll which are specified in Ordinance 5742, as amended by Ordinance 5808, are in effect.

SUPERVISORS:

Brown_____ Kerns_____ Zane_____ Carrillo_____ Kelley_____

Ayes_____ Noes_____ Abstain_____ Absent_____

SO ORDERED.

LOCATION MAP

