

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		[] 4/5 Vote Required	
Contact: Steve Urbanek	Phone: (707) 565-2231	Board Date: 06/16/09	Deadline for Board Action:
<p>Agenda Short Title:</p> <p>Canon Manor Ordinance Placing Road Maintenance Fee on Property Tax Roll</p> <p>Requested Board Action:</p> <p>Introduce Ordinance of the Board of Supervisors, on behalf of the Canon Manor West Assessment District, authorizing placement and collection of annual Road Maintenance Fee on the Property Tax Roll for collection beginning in Fiscal Year 2009/2010; approve Ordinance on June 23, 2009 (Second Supervisorial District).</p>			
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):			
<p>Prior Board Action(s): 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.</p>			
<p>Alternatives - Results of Non-Approval: Billing will have to be done on a separate basis, increasing costs to the County.</p>			

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 (“the Project”). Along with approving an assessment for construction of the Project in 2001, District property owners approved imposition of an annual Road Maintenance Fee for specified property owners to provide a fund for future maintenance of roads within the Canon Manor subdivision after road improvements were completed. The road maintenance fee was to be collected after completion of Project improvements. At the time of approval, District property owners also approved placement of the Road Maintenance Fee on the property tax roll.

The Project was accepted as complete by the Board of Supervisors in December of 2007. The purpose of this Ordinance is to formally establish collection of the Road Maintenance Fee on the property tax roll beginning in fiscal year 2009/2010. The amount of the FY 09/10 fee is \$163.27 per year per parcel, based on criteria for calculation of the Fee approved at the time of approval of the Fee. The Ordinance prescribes the requirements related to placement and collection of the Road Maintenance Fee on the property tax roll, which are the same or similar to the requirements for other fees placed on the property tax roll. The Ordinance also includes the standard administrative charge, which is .0085 of the annual levy of the Road Maintenance Fee, until modified by the Board per the Ordinance.

Requested Board Action:

Introduce Ordinance of the Board of Supervisors, on behalf of the Canon Manor West Assessment District, authorizing placement and collection of annual Road Maintenance Fee on the Property Tax Roll for collection beginning in Fiscal Year 2009/2010; approve Ordinance on June 23, 2009 (Second Supervisorial District).

Attachments: Public Hearing Notices (2); Location Map

On File With Clerk: Ordinance placing Road Maintenance Fee on the Property Tax Roll for collection.

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

ORDINANCE NO. _____

ORDINANCE OF THE SONOMA COUNTY BOARD OF SUPERVISORS, ON BEHALF OF THE CANON MANOR WEST ASSESSMENT DISTRICT, APPROVING PLACEMENT OF THE ROAD MAINTENANCE FEE PREVIOUSLY APPROVED BY DISTRICT PROPERTY OWNERS ON THE PROPERTY TAX ROLL FOR COLLECTION, AND MAKING FINDINGS AND DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND OTHER LAW.

RECITALS

WHEREAS, Canon Manor West Assessment District (“District”) property owners approved imposition of a road maintenance fee in 2001 to provide a fund for future maintenance of roads within the Canon Manor subdivision after road improvements were completed pursuant to the Improvement Project approved by property owners at the same time; and

WHEREAS, collection of the road maintenance fee was authorized after Project completion; and

WHEREAS, at the time of approval of the road maintenance fee, District property owners also approved placement of the road maintenance fee on the property tax roll for collection; and

WHEREAS, the Notice of Completion for the Project was accepted by the Board in December of 2007; and

WHEREAS, the current road maintenance fee authorized fee amount, based on criteria approved at the time of approval of the fee for specified parcels, is \$163.27 per year per parcel.

Based on the above, the Sonoma County Board of Supervisors, on behalf of the District, ordains as follows:

SECTION I

A road maintenance fee of \$163.27 shall be collected and shall be placed on the property tax roll for collection each fiscal year, beginning in Fiscal year 2009/2010, for the parcels listed in Exhibit A, attached to this Ordinance and incorporated herein by this reference. The road maintenance fee shall be levied for the parcels regardless of whether the parcels are improved.

SECTION II

An administrative charge for placement and collection of the annual road maintenance fee on the property tax roll by the County of the Sonoma shall be included on the tax roll. This charge shall be .0085 of the annual levy of the road maintenance fee per property owner, unless and until modified by the Sonoma County Board of Supervisors to account for inflation and/or other increase in cost to do business.

SECTION III

The road maintenance fee and associated administrative charge (hereinafter collectively referred to as “Fee”) placed on the property tax roll shall be paid in two equal installments. The payment for the first one-half of any fiscal year shall be due and payable on November 1st, or before December 10th, of the particular year. The payment for the second one-half of any fiscal year shall be due and payable on February 1st, or before April

10th of the particular fiscal year. Such dates shall remain in effect until they are changed by the Board of Supervisors, or by authorized delegate.

SECTION IV

A. The Fee shall appear as a separate item on the tax bill. The Fee may be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of County ad valorem property taxes shall be applicable to the Fee, except that if the real property to which such Fee relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, prior to the date on which the first installment of such Fee would become delinquent, then the Fee confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

B. If the Fee is not paid by the due date(s) shown in Section III above, a penalty of ten (10) percent of the amount due shall be applied, as well as a one-half of one (1) percent per month penalty for nonpayment of said charges and the basic penalty.

SECTION V

The Board hereby finds that the California Environmental Quality Act (“CEQA”) does not apply to the Fee on the property tax roll pursuant to this Ordinance, as collection of the Fee has no effect or impact on the environment (14 California Code of Regulations § 15061(b)(3)).

SECTION VI

The Board hereby finds that the Fee complies with Proposition 218 for reasons which include, but are not limited to, the following: 1) The Fee was approved by District property owners in 2001 utilizing the required procedures; 2) The Fee is reasonable and necessary to provide for maintenance of roads within the District; 3) The Fee will be used only in connection with District road maintenance and not for general County services.

SECTION VIII

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Sonoma County Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION IX

This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published as follows: either (1) once in its entirety before the expiration of fifteen (15) days after said passage, or (2) a summary shall be published once at least five (5) days before proposed date of passage and a summary published once within fifteen (15) days after the date of passage. All publications shall include the names of the Board of Supervisors voting for or against the same, and shall be in a newspaper of general circulation, published in the County of Sonoma, State of California, and

the Clerk of the Board shall post in the office of the Clerk, a certified copy of the full text of this ordinance along with the names of those Directors voting for or against the Ordinance.

In regular session of the Sonoma County Board of Supervisors, introduced on June 16, 2009, passed and adopted this 23rd day of June, 2009, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown ___ Kerns___ Zane ___ Carrillo ___ Kelley ___

Ayes ___ Noes ___ Abstain ___ Absent ___

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and **SO ORDERED**.

Paul Kelley
Chair, Sonoma County Board of Supervisors

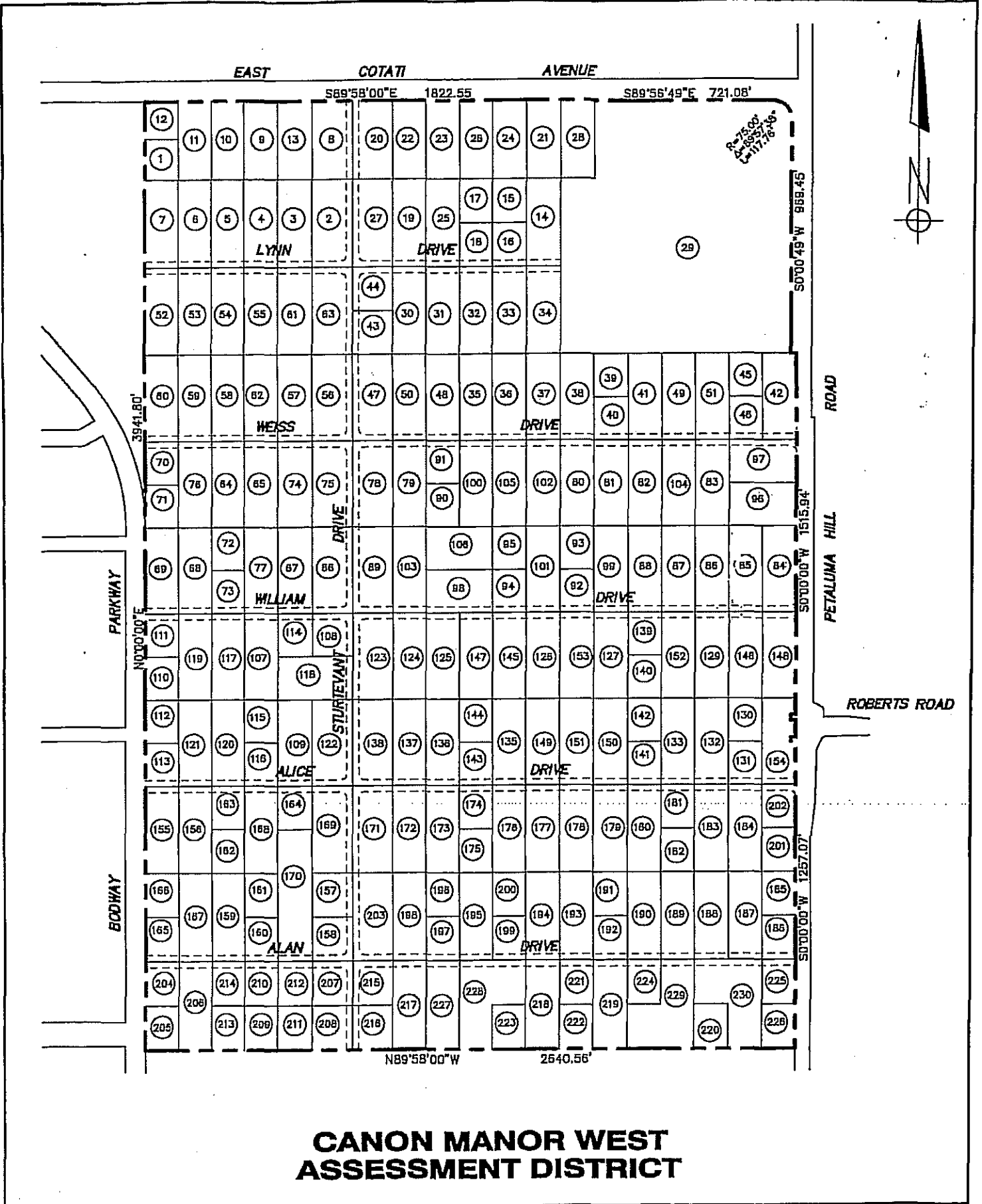
ATTEST:

Robert Deis, Clerk
of the Board

Exhibit A

List of District Parcels on which Road Maintenance Fee will be Levied

LOCATION MAP



Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.