



County of Santa Cruz

PARKS, OPEN SPACE & CULTURAL SERVICES

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BARRY C. SAMUEL, DIRECTOR

December 8, 2004

AGENDA: JANUARY 11, 2005

BOARD OF SUPERVISORS

County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, CA 95060

RE: Establishment of a new CSA No. 11 Subzone for Extended Recreational & Park Services in the Seacliff Area, and Levy of Special Tax for such Purposes

Dear Members of the Board:

On December 7, 2004, the Board: (1) Adopted a Resolution of Intent to Establish County Service Area No. 11, McGregor Community Zone of Benefit (CSA No. 11 "M") and (2) Established January 11, 2005 at 9:00 a.m. or thereafter as a public hearing date on the Resolution of Intent. In addition, the Board inquired about the possibility of a senior exemption and directed staff to provide further information on this date. The County Counsel's Office has advised that the Board has broad discretion in determining the structure of a proposed tax. A senior exemption under these circumstances is neither legally required nor unlawful. Thus, it is within the Board's discretion to determine whether or not to exempt seniors from the special tax proposed to fund the acquisition and partial development of the McGregor property as part of the tax measure to be placed before the voters. There are approximately **238** senior residences, which is an equivalent of \$699,720 over 30 years. If your Board were to include a senior exemption, the County would need approximately \$450,000 in additional funding to purchase the property and there would be no funding for initial development. Additional information on these issues will be presented at the public hearing.

This matter is now back before the Board to take additional steps to establish CSA #11 "M" and to provide for a funding mechanism for such additional services.

A. Public Hearing on Establishment of CSA 11 "M".

In order to complete the proceedings to establish CSA #11 "M", it will be necessary for the Board to now open the public hearing on the Resolution of Intent to establish County Service Area No. 11, McGregor Zone of Benefit (CSA No. 11 M) and to take testimony and consider objections and protests, if any. Government Code Sections 25210.17-25210.18 govern protests and the conduct of the hearing.

- Any interested persons or taxpayers may make protests orally or in writing.
- Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities or defects to which objection is made.
- All written protests must be filed with the Clerk of the Board on or before the time fixed for the hearing.
- The Board may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings.
- Written protests may be withdrawn in writing at any time before the conclusion of the hearing.
- The Board must abandon the creation of the proposed Subzone M if written protests are filed by 50% or more of the registered voters in the proposed Subzone or the owners of ½ or more of the value of land and improvements in the proposed Subzone (as shown by the last equalized assessment roll).
- The Board must abandon the extension of particular types of services if written protests are filed by 50% or more of the registered voters in Subzone M, or the owners of ½ or more of the value of land and improvements in the Subzone (as shown by the last equalized assessment roll).
- If the Board abandons the proceedings, it cannot then provide any of the proposed additional extended services with County general funds.
- The public hearing may be continued from time to time, but must be completed within 30 days.

Board of Supervisors
CSA No. 11 "M"
Page Three

Agenda: January 11, 2005

B. Final Resolution:

At the conclusion of the public hearing, assuming no protest requires the abandonment of these proceedings, the Board must adopt a final resolution establishing County Service Area No. 11, McGregor Community Zone of Benefit (CSA No. 11 M). The form of such resolution is set forth in the attached Exhibit A – Resolution Establishing County Service Area No. 11, McGregor Community Zone of Benefit (CSA No 11 M).

C. Call for Special Tax Election:

In order to fund the proposed additional extended services, Seacliff community members have proposed the levy of a special tax within Subzone M, in the annual amount of \$98.00 per improved residential parcel, for a 30-year period. The special tax will require the approval of **2/3** of the registered voters within Subzone M voting in the election. Because of the limited size of Subzone M, it is proposed that a special election be conducted, entirely by mail, with drop off centers for the in-person return of mail ballots.

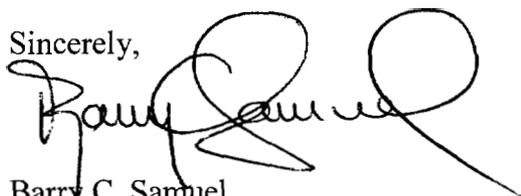
To this end, the Board must adopt a resolution or ordinance authorizing the imposition of a special tax and calling for an election. The Elections Department will then conduct a special mail ballot election on the measure. Attached to this letter is Exhibit B – Resolution Calling and Providing for a Special Election to be Held on Tuesday, May 3, 2005, for the Purpose of Submitting to the Qualified Electors of County Service Area No. 11, McGregor Zone of Benefit, of the County of Santa Cruz a Measure Proposing the Levy of a Special Tax for Parks and Recreation Purposes.

It is recommended that your Board take the following actions:

1. Open the public hearing and hear objections or protests, if any, to the proposed Resolution of Intent to Establish County Service Area No. 11 McGregor Community Zone of Benefit (CSA No. 11 "M"); and
2. Close the public hearing and, at the conclusion of the hearing, adopt the attached Exhibit A – Resolution Establishing County Service Area No. 11 McGregor Community Zone of Benefit (CSA No. 11 "M"); and

- 3. Adopt the attached Exhibit B – Resolution Calling and Providing for a Special Election to be Held on Tuesday, May 3, 2005, for the Purpose of Submitting to the Qualified Electors of County Service Area No. 11, McGregor Community Zone of Benefit (CSA No. 11 "M"), of the County of Santa Cruz a Measure Proposing the Levy of a Special Tax for Parks and Recreation Purposes.

Sincerely,



Barry C. Samuel
Director

BCS:bp(v#3)

RECOMMENDED:

A. MAURIELLO

County Administrative Officer

Attachments: Exhibit A, Exhibit B

Distribution: CAO, Parks, Elections, Treasurer/Tax Collector, Auditor-Controller

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 ESTABLISHING COUNTY SERVICE AREA NO. 11,
MCGREGOR COMMUNITY ZONE OF BENEFIT (CSA NO.11 “M”)

WHEREAS, County Service Area No. 11 (CSA No.11) is formed and in existence to provide park, recreation, and parkway facilities and services; and

WHEREAS, The boundaries of CSA No. 11 are all of the unincorporated territory within the County of Santa Cruz, with the exception of the five special recreation and park districts within the County limits (Alba, Ben Lomond, Boulder Creek, La Selva and Opal Cliffs); and

WHEREAS, Seacliff community members have expressed the need to enhance park and recreational services in the Seacliff area through the acquisition of the property known as the “McGregor Property” for park purposes, and have expressed the desire to proceed with the imposition of a special tax to raise sufficient funds for the acquisition of the McGregor Property and for partial development of the Property for park purposes; and

WHEREAS, pursuant to California Government Code Sections 25210.1 et seq., on December 7, 2004, this Board adopted Resolution No. 387-2004, entitled Resolution of Intent to Establish County Service Area No. 11, McGregor Community Zone of Benefit (hereafter referred to as CSA No. 11 “M”); and

WHEREAS, the Board hereby determines that all proceedings related to the establishment of CSA No. 11 “M” are valid; and

WHEREAS, the Board has held a public hearing and considered all testimony and communications for or against the proposed action; and

WHEREAS, the Board has considered all written protests submitted and determined that all protests should be overruled; and

WHEREAS, at the time and place fixed, a 50 percent protest pursuant to Government Code Section 25210.17a was not received against the proposed action; and

WHEREAS, the Board determines that the public necessity and convenience require that CSA No. 11 "M" be established to provide recreational and park services as specified herein; and

WHEREAS, CSA No. 11 "M" is proposed to be funded largely by a special tax in the amount of \$98.00 per residential unit annually, subject to voter confirmation in a special election. The proceeds of such tax, coupled with Proposition 12 money previously allocated by this Board for the acquisition of the McGregor Property, is anticipated to be sufficient for the costs associated with the acquisition of the Property and for a portion of the initial development of the Property for park purposes. The proceeds of such tax are not anticipated to be sufficient to provide for ongoing maintenance or operation of the Property.

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

1. Pursuant to its authority under the County Service Area Law, California Government Code Sections 25210.1 et seq., the County hereby establishes a new Subzone within CSA No. 11, the name of which shall be County Service Area No. 11, McGregor Community Zone of Benefit, and which shall be referred to for the sake of convenience in this resolution as CSA No. 11 "M." CSA No. 11 "M" is hereby finally established without necessity for an election; and

2. The geographic boundaries of CSA No. 11 "M" are as follows: Highway 1 on the north, the Monterey Bay on the south, the eastern boundary of New Brighton State Beach on the west, and Moosehead Drive on the east, as these boundaries exist on the date of this Resolution. These boundaries are reflected on the attached map, which is incorporated into this Resolution (Exhibit A); and

3. The types of extended County services authorized to be provided within CSA No. 11 "M" are as follows:

To acquire, operate and maintain a system of parks and playgrounds to supplement the Countywide Recreation and Park Plan; and

4. Except where funds are otherwise available from service charges collected pursuant to California Government Code Section 25210.77a or otherwise authorized sources, a tax sufficient to pay for such extended services, as described above, will be levied annually upon all taxable property within such area, pursuant to a separate resolution and subject to voter confirmation in a special election; and

CBD BOSMAIL

From: CBD BOSMAIL
Sent: Monday, January 10, 2005 5:16 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 1/11/2005

Item Number : 39

Name : Rose Marie McNair

Email : Not Supplied

Address : Not Supplied

Phone : 831 476-2102

Comments :

Honorable Supervisors:

I have watched this property as I had been working with the previous owner of the entire 9 acre property since 1980 and was present for the General Plan hearings on this property, inclusive of the subject 3 acre site.

Should the neighbors decide that there will be an assessment for this park, I direct my questions to County Counsel. Since each property in the district is being assessed on their tax bill, should not each property owner, who pays the bill be allowed to vote? Another question: Does this election follow the guidelines of Proposition 218? What is the law that you are required to follow? Once the annual assessment is derived, will the \$98 be adequate to maintain the park? Will there have to be an election to obtain the bond? If the seniors are exempted, where will the shortfall be found? I request that this be placed on the record and that County Counsel provide answers to these questions. Thank you, Rose Marie McNair