

RESOLUTION NO. 2016-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ACCEPTING THE PROPOSITION 218 RESULTS AND ESTABLISHING A STREET AND STREET LIGHTING ASSESSMENT, COMMENCING FISCAL YEAR 2016-17

WHEREAS, the Board of Directors ("Board") of the Scotia Community Services District ("District") has by previous resolutions initiated a protest ballot proceeding and declared its intention to levy a special benefit assessment ("Assessment") for street and street lighting services pursuant to the Benefit Assessment Act of 1982 (commencing with Section 54703), Chapter 6.4 of Part 1 of Division 2 of Title 5 of the Government Code, commencing fiscal year 2016-17; and

WHEREAS, an Engineer's Report was prepared for the proposed Assessment, and the Board accepted the Report by motion at the April 21, 2016 Board meeting; and

WHEREAS, in accordance with the provisions of Article XIID of the California Constitution and Article 4.6 of the California Government Code, the Board conducted a property owner protest ballot proceeding for the proposed Assessment to be levied on properties within the District; and

WHEREAS, the notice and ballot mailed to each property owner of record clearly identified the reason for the proposed assessment, the total assessment amount for the entire district, the basis upon which the proposed assessment was calculated, and the proportional annual amount for each property commencing fiscal year 2016-17; and

WHEREAS, on June 16, 2016, the Board conducted a properly noticed public hearing regarding the proposed Assessment, and considered any oral and written statements, protests and communications made or filed by interested persons regarding these matters; and

WHEREAS, all ballots submitted prior to the close of the public hearing, weighted according to the proportional financial obligation of the affected properties, were tabulated by the Board Clerk; and

WHEREAS, the weighted value of the votes cast in favor and against the special assessment were \$43,256 and \$24,491, respectively; and

WHEREAS, the Board desires to levy and collect the assessments commencing fiscal year 2016-17.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Purpose of Benefit Assessment:

The express purpose for which this benefit assessment is levied is to generate sufficient funds to implement a comprehensive street and street lighting department within the District, and to pay the annual costs and expenses for the ongoing operation, maintenance, servicing, acquisition, construction, installation, and incidental expenses including any debt service issued to finance capital improvements related to all non-County or private streets and alleyways. The final map for each phase of subdivision will delineate the separate County of Humboldt public rights of way and Scotia Community Services District street and alleyway easements. The Scotia Community Services District will also maintain the street known as "Mill Lane", from the Mill Street County right of way to the end of said street, coincident with private lot lines.

Section 2. Limitation Upon Expending Assessment Proceeds:

Any funds collected from the benefit assessment authorized by this resolution shall be expended only for the purposes described in Section 1, whether or not streets and street lighting services are actually used by or upon a parcel, improvement, or property. Any unexpended funds raised by the assessment remaining at the end of any fiscal year shall be placed in a capital reserve fund established solely to fund street and street lighting facilities, services, and improvements.

Section 3. Maximum Assessment and Annual Escalators:

The benefit assessment shall be assessed annually on all real property within the boundaries of the District. The cost shall not exceed fifty-three dollars and one cent (\$53.01) per unit of benefit for fiscal year 2016-17. The assessment has an inflationary provision not to exceed 3% based on the annual change in the Consumer Price Index (CPI), and may further be adjusted for any pass through costs.

Section 4. Duration of Assessment:

The assessment shall be levied beginning with the 2016-17 fiscal year and continued every year thereafter, so long as the Board approves an annual resolution for continuation of the assessment.

Section 5. Collection:

The Humboldt County Assessor is hereby requested to collect the benefit assessment adopted by the Board beginning with the 2016-2017 fiscal year in the same manner and subject to the same penalties as the other assessments, fees, or other charges fixed and collected by the County on behalf of the District. The County may recover reasonable costs incurred for the administration of collecting those revenues.

Section 6. Adoption:

The adoption of this Resolution constitutes the establishment of a Streets and Street Lighting Assessment, the boundaries of which are contiguous with the District boundary; the establishment of the method of assessment, duration, and annual escalators; and the collection of assessments commencing fiscal year 2016-17, as described in the Engineer's Report and adopted by the Board.

BE IT FURTHER RESOLVED that the ballots shall be treated as public records and shall be preserved for a minimum of two years, after which they may be destroyed as provided in Government Code Sections 26202, 34090, and 60201.

PASSED, APPROVED AND ADOPTED on the 23rd day of June, 2016, by the following vote of the governing body:

APPROVED:



Rick Walsh, Board President, Scotia CSD

ATTEST:



Board Clerk, Scotia CSD

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2016-18, passed and adopted at a special meeting of the Board of Directors of the Scotia Community Service District, County of Humboldt, State of California, held on the 23rd day of June, 2016, by the following vote:

AYES: Bristol, Mcknight, Newmaker, Pryor, Walsh

NOES: 0

ABSENT: 0

ABSTENTIONS: 0


Board Clerk, Scotia CSD

