



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
www.co.monterey.ca.us

Board Order

Resolution No. 19-237

A motion was made by Supervisor Mary Adams, seconded by Supervisor Chris Lopez to:

Acting on behalf of County Service Area 66-Oak Tree Views:

- a. Conduct a Public Hearing to hear objections to, or protests against, the proposed assessment increase by CSA 66-Oak Tree Views property owners pursuant to Proposition 218 requirements. Said assessment increase in the amount of \$197.62 per parcel per year, will result in an annual increase from \$408.96 to \$606.58 per parcel per year, to take effect in Fiscal Year 2019-2020, with subsequent annual increases corresponding with the Consumer Price Index for San Francisco/Oakland/Hayward CA; and
- b. Direct the Clerk of the Board to tabulate and certify protests received before the conclusion of the public hearing; and
- c. Determine if a majority protest exists or if no majority protest exists; and
- d. If a majority protest exists, no assessment increase may be imposed; and e. If no majority protest exists, adopt a Resolution approving the assessment increase as proposed for County Service Area 66-Oak Tree Views.

PASSED AND ADOPTED on this 25th day of June 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting June 25, 2019.

Dated: June 26, 2019
File ID: RES 19-079
Agenda Item No. 23

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Joel G. Pablo, Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 19-237

Acting on behalf of County Service Area 66- Oak Tree Views)
Adopted Resolution No. 19-237 to:)

- a. Conduct a Public Hearing to accept protests against the)
proposed rate increase by CSA 66 – Oak Tree Views property)
owners pursuant to Proposition 218 requirements;)
- b. Direct the Clerk of the Board to tabulate and certify)
assessment ballots received before the conclusion of the public)
hearing;)
- c. Determine if a majority protest exists or if no majority)
protest exists;)
- e. If a majority protest exists, no assessment may be imposed;)
and)
- f. If no majority protest exists, approve the proposed)
assessment increase.....)

Acting on behalf of County Service Area 66-Oak Tree Views, adopt a Resolution to:

- a. Conduct a Public Hearing to accept protests against the proposed rate increase by CSA 66 – Oak Tree Views property owners pursuant to Proposition 218 requirements;
- b. Direct Clerk of the Board to tabulate and certify assessment ballots received before the conclusion of the public hearing;
- c. Determine if a majority protest exists or if no majority protest exists;
- e. If a majority protest exists, no assessment may be imposed; and
- f. If no majority protest exists, approve the proposed assessment increase.

WHEREAS, County Service Area 66-Oak Tree Views (CSA 66) manages and provides services to the properties located in CSA 66 pursuant to an Agreement A-07513, dated September 9, 1997, between the County of Monterey and Oak Tree Housing, Developer;

WHEREAS, the annual assessment of \$408.96 has remained unchanged for over 13 years, while aging infrastructure and inflationary cost impacts have resulted in the CSA’s present financial circumstance of not generating sufficient revenues to fund appropriate levels of annual routine maintenance and establishing sufficient reserves;

WHEREAS, the CSA 66 Engineer’s Report, completed in April 2018, analyzed routine maintenance and administrative costs and established a recommended annual assessment of \$606.58 to allow for the provision of an acceptable level of routine maintenance as well as to begin to establish a reasonable reserve for the County Service Area;

WHEREAS, two (2) community outreach events were held: one in October 2018 and the second in February 2019, to inform CSA 66 property owners of the proposed assessment increase to allow for an appropriate level of routine maintenance and build a nominal increase in reserves;

WHEREAS, on April 30, 2018, the Board of Supervisors set a public hearing for June 25, 2019, at 1:30 p.m., to hear protests against the proposed assessment increase by property owners pursuant to Proposition 218 requirements;

WHEREAS, the Board of Supervisors also directed RMA staff to mail a Notice of Public Hearing to property owners in CSA 66 and publish the Notice of Public Hearing in the Monterey County Weekly not less than 45 (forty-five) days prior to the date of this public hearing;

WHEREAS, said Notice of Public Hearing regarding the proposed assessment increase was mailed to property owners on April 30, 2019, and published in the Monterey County Weekly on May 2, 2019; and

WHEREAS, such a Public Hearing was held on June 25, 2019, and the Board of Supervisors, acting on behalf of CSA 66-Oak Tree Views, received and considered all protests related to the proposed assessment increase.

DECISION

NOW, THEREFORE BE IT RESOLVED THAT the Monterey County Board of Supervisors, acting on behalf of County Service Area 66-Oak Tree Views, does hereby find and determine as follows:

Section 1. The foregoing recitals are true and correct and incorporated herein by this reference.

Section 2. The Board of Supervisors has fully considered this matter and has:

- a. Reviewed the submittal, notice, and information submitted herewith regarding the proposed assessment increase and the reasons and basis for the assessment increase;
- b. Provided notice of the proposed assessment increase to the record owners of all parcels to which the proposed increase would apply in accordance with Article XIID of the California Constitution;
- c. Heard and received all objections, protests, or other written communications from any owners of real property subject to the assessment increase;
- d. Taken and received oral and documentary evidence pertaining to the proposed assessment increase; and
- e. Been fully informed of this matter.

Section 3. The Board of Supervisors determines that written protests have not been received from property owners representing a *majority* of the parcels subject to the proposed assessment increase.

Section 4. The Board of Supervisors, acting on behalf of County Service Area 66-Oak Tree Views, determines to initiate the assessment increase beginning in Fiscal Year 2019-20.

Section 5. That based on these facts and circumstances presented and the information received during the public hearing, the Board of Supervisors, acting on behalf of County Service Area 66 – Oak Tree Views, finds that the assessment increase is necessary and hereby adopted. Individual assessments shall be included on the property tax bill prepared by the County for each parcel of real property within CSA 66. Said assessment shall be collected annually by the Tax Collector in the same manner as real property taxes. Said assessment increase in the amount of \$197.62 per parcel per year will result in an annual increase from \$408.96 to \$606.58 per parcel per year, to take effect in Fiscal Year 2019-2020, with subsequent annual increases corresponding with the Consumer Price Index for San Francisco/Oakland/Hayward CA.

Section 6. Adjustments to the annual assessment are increased as set forth below:

The rate for subsequent years will increase by the applicable Bureau of Labor Statistics, Consumer Price Index, All Urban Consumers, for San Francisco/Oakland/ Hayward CA (CPI) percentage. If the Index is discontinued or revised, such other governmental index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be if the Index had not been discontinued or revised.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Supervisors in and for the County of Monterey, acting on behalf of County Service Area (CSA) 66 – Oak Tree Views, as follows that said Board:

- a. Conducted a Public Hearing to accept protests against the proposed rate increase by CSA 66 – Oak Tree Views property owners pursuant to Proposition 218 requirements;
- b. Directed the Clerk of the Board to tabulate and certify assessment ballots received before the conclusion of the public hearing;
- c. Determined that (0) a majority protest exists (0) no majority protest exists;
- e. If a majority protest exists, said Board found that no assessment may be imposed; and
- f. If no majority protest exists, said Board approved the proposed assessment increase as set forth above and incorporated herein by this reference.

PASSED AND ADOPTED on this 25th day of June 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting June 25, 2019.

Dated: June 26, 2019

File ID: RES 19-079

Agenda Item No. 23

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy

**CERTIFICATION OF CLERK OF THE BOARD
AND
STATEMENT OF NEGATIVE PROTESTS SUBMITTED**

STATE OF CALIFORNIA)
) §
COUNTY OF MONTEREY)

The Clerk of the Board of the County of Monterey, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIII D of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code section 53750 et seq.), I did tabulate the negative protests timely submitted in the Proposition 218 proceedings pertaining to the proposed CSA 66 – Oak Tree Views Assessment Increase.

I FURTHER CERTIFY that this Statement of Negative Protests Received shows the negative protests received against the proposed assessment increase.

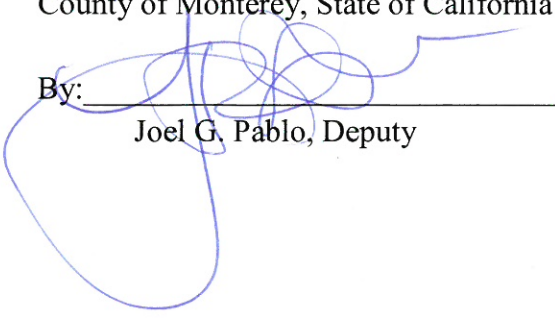
Negative Protests Necessary for Majority [50% + one (1)]	None
Negative Protests Received	None

This certification is executed this 25th day of June 2019, in Salinas, California.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Valerie Ralph
Clerk of the Board of Supervisors
County of Monterey, State of California

By: 
Joel G. Pablo, Deputy