



July 30, 2014

TO: LOCSD Board of Directors

FROM: Kathy A. Kivley, General Manager

SUBJECT: **Agenda Item 11E – 8/7/2014 Board Meeting**

Readopt Resolutions Levying Assessments and Collection in the San Luis Obispo County FY 2014/15 Tax Rolls

President
Craig V. Baltimore

Vice President
R. Michael Wright

Directors
Leonard A. Moothart
Marshall E. Ochylski
Jon-Erik G. Storm

General Manager
Kathy A. Kivley

Temporary District
Accountant
Michael L. Doyel

Fire Chief
Robert Lewin

Battalion Chief
Phill Veneris

Mailing Address:
P.O. Box 6064
Los Osos, CA 93412

Offices:
2122 9th Street, Suite 102
Los Osos, CA 93402

Phone: 805/528-9370
FAX: 805/528-9377

DESCRIPTION

Adoption of corrected Resolutions for funds 1759, 1760, 1761 and 1731 with corrections as applicable for the new Government Codes.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Board adopt the following motion:

Motion: I move that the Board readopt Resolution No. 2014-05, Resolution No. 2014-06, Resolution No. 2014-08 and Resolution No. 2014-09 with the appropriate revisions to the new Government Codes and direct staff to forward the Resolutions to the County Auditor/Controller for further processing.

DISCUSSION

On July 7, 2014, the District conducted public hearings and adopted resolutions for levying the assessments and collection in the tax rolls for Bayridge Estates, Vista de Oro, Drainage and Wastewater District #1. In preparing the information staff used prior information as a basis for the respective resolutions.

The information was forwarded to the County of San Luis Obispo Auditor Controller. Correspondence received from representatives of the Auditor/Controller's Office stating that because of issues that have surfaced statewide, the Auditor/Controller discovered that not all the resolutions that were submitted in the past from entities included the correct legislative authority to put special taxes and assessments on the tax bills. The Auditor/Controller's staff is now looking closely at the codes included in each resolution to insure that they include the correct reference to California State Law. Once the correct statutes are added to a resolution, they will be valid going forward unless they are changed by the State legislature.

In reviewing the resolutions, it appears that there are invalid codes and/or codes not included. The following information indicates the changes to the resolutions.

Resolution 2014-05 – Bayridge Estates – Government Code 25210.77a is no longer a valid code. Government Codes 61621 and 61621.2 are no longer valid codes. Revision: Government Code §61110 et seq. to have the charges for the purpose the collection and Government Code § 61115(b) provides for the manner of collection.

Resolution 2014-06 – Vista de Oro – Government Code 25210.77a is no longer a valid code. Government Codes 61621 and 61621.2 are no longer valid codes. Revision: Government Code §61110 et seq. to allow the charges and Government Code § 61115(b) provides for the manner of collection of assessments.

Resolution 2014-08 – Drainage - There is no code listed that enables the special tax to be collected on the property tax bill. Revision: California Government Code §§25210.6a and 50075 for the collection and Government Code § 61115(b) provides for the manner of collection.

Resolution 2014-09 – Special Fire Tax – Government Code Section 61600(d) is no longer a valid code. Revision: Government Code Section § 53978 is authorized to provide fire protection services and pursuant to Government Code § 61115(b) for collection as the same manner of general taxes.

FINANCIAL IMPACT

The recommended action will have no financial impact on the District and will meet the timelines for submission to the County for the appropriate actions.

Attachments: Resolutions 2014-05, 2014-06, 2014-08, 2014-09

Resolution 2014-06 – Vista de Oro – Government Code 25210.77a is no longer a valid code. Government Codes 61621 and 61621.2 are no longer valid codes. Revision: Government Code §61110 et seq. to allow the charges and Government Code § 61115(b) provides for the manner of collection of assessments.

Resolution 2014-08 – Drainage - There is no code listed that enables the special tax to be collected on the property tax bill. Revision: California Government Code §§25210.6a and 50075 for the collection and Government Code § 61115(b) provides for the manner of collection.

Resolution 2014-09 – Special Fire Tax – Government Code Section 61600(d) is no longer a valid code. Revision: Government Code Section § 53978 is authorized to provide fire protection services and pursuant to Government Code § 61115(b) for collection as the same manner of general taxes.

FINANCIAL IMPACT

The recommended action will have no financial impact on the District and will meet the timelines for submission to the County for the appropriate actions.

Attachments: Resolutions 2014-05, 2014-06, 2014-08, 2014-09

RESOLUTION NO. 2014-05

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
SETTING ASSESSMENTS FOR SERVICES AT BAYRIDGE ESTATES AND DIRECTING
THEIR COLLECTION BY THE COUNTY IN THE FY 2014/2015 TAX ROLL**

WHEREAS, the Los Osos Community Services District ("LOCSD") is a community services district organized under California Law under Govt. Code § 61000 et. seq.; and

WHEREAS, pursuant to Govt. Code § 61100(g) LOCSD has the power to acquire, construct, improve, maintain and operate street lighting and landscaping on public property, public rights-of-way and public easements; and

WHEREAS, the Los Osos Community Services District ("District") became effective on January 1, 1999, pursuant to an election and Resolution No. 98-239 of the Board of Supervisors of the County of San Luis Obispo; and

WHEREAS, by said Resolution and the resulting election, the Los Osos Community Services District is authorized to exercise all of the powers, with all of the authority and responsibilities, that County Service Area No. 9 exercised prior to January 1, 1999, except the Cooperative Road Program and Fire and Emergency Medical for Zone I; and

WHEREAS, the San Luis Obispo County Board of Supervisors previously established and fixed annual service charge for central septic and street lighting within the Los Osos Community Services District within this subdivision named Bayridge Estates which is a part of Los Osos Community Services District; and

WHEREAS, Community Services Districts are authorized under Government Code §61110 et seq. to have the charges for the purpose the collection, treatment, or disposal of sewage and waste generated within the District's boundary; and

WHEREAS, Government Code § 61115(b) provides for the manner of collection of assessments and provides that those assessments can be collected on the County tax rolls; and

WHEREAS, the Los Osos Community Services District has determined in prior years that the procedure for collection of annual service charges on the County tax roll for costs of certain services is the most advantageous procedure for the District to use and such determination is hereby affirmed; and

WHEREAS, this resolution is for the purpose of continuing to levy charges for central septic services and street lighting in the Bayridge Estates subdivision; and

WHEREAS, the Board held a public hearing in its special meeting on June 20, 2013 at the time and place for which notice was given, which concluded a Prop 218 process that asked voters to vote on a proposed increase of \$172 per parcel per year and at which meeting, votes showed that the proposed increase was passed by majority vote; and

WHEREAS, the Board of Directors hereby determines that the levy for service charges as listed are fair and necessary to the continued provision of services in Bayridge Estates.

NOW, THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. That the findings and recitals in Paragraphs 1 through 11 are true and correct; and
2. That the Board of Directors hereby confirms and levies each individual service charge of \$373.00 per parcel for Fiscal Year 2014/2015 on all properties within Bayridge Estates for the purpose of funding central septic operations and street lighting within Bayridge Estates; and
3. That this service charge on the parcels of real property within Bayridge Estates shall be established, imposed and levied in the amounts as listed in EXHIBIT A and as so confirmed shall appear as separate items on the Fiscal Year 2014/2015 tax bill of each parcel of property so listed; and
4. That the levy of the charge shall be collected at the same time and in the same manner as general taxes levied for collection by the County.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

Ayes: _____
Noes: _____
Absent: _____
Conflicts: _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 7th day of August, 2014.

R. Michael Wright
Vice President, Board of Directors
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Kathy A. Kivley
General Manager and Secretary to the Board

Michael W. Seitz
District Legal Counsel

Date: August 7, 2014
Agenda Item: 11E
() Approved
() Denied
() Continued to

RESOLUTION NO. 2014-06

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
SETTING ASSESSMENTS FOR SERVICES AT VISTA DE ORO SUBDIVISION AND
DIRECTING THEIR COLLECTION BY THE COUNTY IN THE FY 2014/2015 TAX ROLL**

WHEREAS, the Los Osos Community Services District ("LOCSD") is a community services district organized under California Law under Govt. Code § 61000 et. seq.; and

WHEREAS, pursuant to Govt. Code § 61100(g) LOCSD has the power to acquire, construct, improve, maintain and operate street lighting and landscaping on public property, public rights-of-way and public easements; and

WHEREAS, the Los Osos Community Services District ("District") became effective on January 1, 1999, pursuant to an election and Resolution No. 98-239 of the Board of Supervisors of the County of San Luis Obispo and

WHEREAS, by said Resolution and the resulting election, the Los Osos Community Services District is now authorized to exercise all of the powers, with all of the authority and responsibilities, that County Service Area No. 9 exercised prior to January 1, 1999, except the Cooperative Road Program and Fire and Emergency Medical for Zone I; and

WHEREAS, the San Luis Obispo County Board of Supervisors previously established and fixed annual service charge for central septic and street lighting within the Los Osos Community Services District within this subdivision named Vista de Oro which is a part of Los Osos Community Services District; and

WHEREAS, Community Services Districts are authorized under Government Code §61100(b) and (c) to have as its purpose the collection, treatment, or disposal of sewage and waste generated within the District's boundary; and

WHEREAS, Community Services Districts are authorized under Government Code §61110 et seq. to allow the charges for the purpose the collection, treatment, or disposal of sewage and waste generated within the District's boundary; and

WHEREAS, Government Code § 61115(b) provides for the manner of collection of assessments and provides that those assessments can be collected on the County tax rolls; and

WHEREAS, the Los Osos Community Services District has determined in prior years that the procedure for collection of annual service charges on the County tax roll for costs of certain services is the most advantageous procedure for the District to use and such determination is hereby affirmed; and

WHEREAS, this resolution is for the purpose of continuing to levy charges for central septic services and street lighting in the Vista de Oro subdivision; and

WHEREAS, at the time and place for which notice was given, the Board of Directors conducted a public hearing and gave every interested person an opportunity to object to the proposed annual report on the proposed service charges orally and in writing and has considered each protest, if any; and

WHEREAS, the Board of Directors hereby determines that the levy for service charges as listed are fair and necessary to the continued provision of services in the Vista de Oro subdivision.

NOW, THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT AS FOLLOWS:

- 1. That the findings and recitals in Paragraphs 1 through 11 are true and correct; and**
- 2. That the Board of Directors hereby confirms and levies each individual service charge of \$216.00 per parcel for Fiscal Year 2014/2015 on all properties within the Vista de Oro subdivision for the purpose of funding central septic operations and street lighting within the Vista de Oro subdivision; and**
- 3. That this service charge on the parcels of real property within the Vista de Oro Subdivision shall be established, imposed and levied in the amounts as listed in EXHIBIT A and as so confirmed shall appear as separate items on the Fiscal Year 2014/2015 tax bill of each parcel of property so listed; and**
- 4. That the levy of the charge shall be collected at the same time and in the same manner as general taxes levied for collection by the County.**

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

Ayes: _____
Noes: _____
Absent: _____
Conflicts: _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 7th day of August, 2014.

R. Michael Wright
Vice President, Board of Directors
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Kathy A. Kivley
General Manager and Secretary to the Board

Michael W. Seitz
District Legal Counsel

RESOLUTION NO. 2014-08

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
SETTING ASSESSMENTS FOR DRAINAGE SERVICES AND DIRECTING
THEIR COLLECTION BY THE COUNTY IN THE FISCAL YEAR 2014/15 TAX ROLL**

WHEREAS, the Los Osos Community Services District ("LOCSD") is a community services district organized under California Law under Govt. Code § 61000 et. seq.; and

WHEREAS, Community Services Districts are authorized under Government Code §61100(b)(r) to have as its purpose the collection, treatment, or disposal of sewage and waste generated within the District's boundary; and

WHEREAS, the Los Osos Community Services District ("District") became effective on January 1, 1999, pursuant to an election and Resolution No. 98-239 of the Board of Supervisors of the County of San Luis Obispo; and

WHEREAS, by said Resolution and the resulting election, the Los Osos Community Services District is authorized to exercise all of the powers, with all of the authority and responsibilities, that County Service Area No. 9 exercised prior to January 1, 1999, except the Cooperative Road Program and Fire and Emergency Medical for Zone I; and

WHEREAS, the Board of Supervisors of the County of San Luis Obispo established procedures pursuant to California Government Code §§25210.6a and 50075 for the collection of special taxes to cover the cost of drainage services provided by the former County Service Area 9-J ; and

WHEREAS, the residents within old County Service Area No. 9-J pursuant to Proposition 218 voted to establish a special tax for Drainage Services in the former County Service Area 9-J; and

WHEREAS, the Los Osos Community Services District has determined in prior years that the collection of the special tax for Drainage services on the County tax roll is the most advantageous procedure for the District to use and hereby affirms that determination; and

WHEREAS, Government Code § 61115(b) provides for the manner of collection of assessments and provides that those assessments can be collected on the County tax rolls; and

WHEREAS, this resolution is for the purpose of continuing to levy charges to cover costs of drainage services within the boundaries of the District; and

WHEREAS, at the time and place for which notice was given, the Board of Directors conducted a public hearing and gave every interested person an opportunity to object to the levy of the Drainage special tax orally and in writing and has considered each protest, if any, and

WHEREAS, the Board of Directors hereby determines that the levy for the Drainage special tax as listed are fair and necessary to the continued provision of drainage services within the District.

NOW, THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT AS FOLLOWS:

- 1. That the finding and recitals set forth in Paragraphs 1 through 9 are true; and**

2. That the Board of Directors hereby confirms and levies each individual assessment of \$16.00 per parcel for Fiscal Year 2014/2015 on all properties within the boundaries of the District for the purpose of funding Drainage services; and
3. That this assessment on the parcels of real properties within the District boundaries shall be established, imposed and levied in the amounts as listed in EXHIBIT A and as so confirmed shall appear as separate items on the Fiscal Year 2014/2015 tax bill of each parcel of property so listed; and
4. That said special tax shall be collected at the same time and in the same manner as general taxes levied for collection by the County.

On the motion of Director _____, seconded by Director _____,
and on the following roll call vote, to wit:

Ayes: _____
 Noes: _____
 Absent: _____
 Conflicts: _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 7th day of August, 2014.

 R. Michael Wright
 Vice President, Board of Directors
 Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

 Kathy A. Kivley
 General Manager and Secretary to the Board

 Michael W. Seitz
 District Legal Counsel

RESOLUTION NO. 2014-09

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
APPROVING THE CPI RATE INCREASE FOR THE SPECIAL FIRE TAX
AND SETTING ASSESSMENTS FOR THE SPECIAL FIRE TAX
FOR PURPOSES OF FIRE PROTECTION AND PREVENTION
AND DIRECTING THEIR COLLECTION BY THE COUNTY
IN THE FISCAL YEAR 2014/2015 TAX ROLL**

WHEREAS, the Los Osos Community Services District ("District") pursuant to Government Code § 53978 is authorized to provide fire protection services; and

WHEREAS, the voters of the Los Osos Community Services District ("District") approved Measure A-05 that adopted Ordinance 2005-01 that repealed the prior special tax and adopted a new special tax for the purposes of obtaining, furnishing, operating and maintaining fire department equipment and/or apparatus, real property and facilities, for fire protection services, rescue services, emergency response services and other services relating to the personnel and for no other purpose; and

WHEREAS, Ordinance 2005-01, Section 6 provides as follows:

MAXIMUM TAX AMOUNTS. The maximum amount of tax imposed on each parcel pursuant to this ordinance shall be determined as follows:

- A. *Commencing fiscal year 2005/2006 a maximum special tax rate of Thirteen Dollars and Fifty-Two Cents (\$13.52) per unit of benefit, to be adjusted each year thereafter not to exceed the average of the percentage changes in the Consumer Price Index (CPI) for all items for the San Francisco/Oakland/San Jose and the Consumer Price Index for all items in Los Angeles/ Anaheim/ Riverside at June 30 of the current year over the previous year's average of those indexes on the same date.*

WHEREAS, in accordance with the formula contained in the ordinance, several increases have been adopted through the years with the last increase of thirty-four cents (\$0.34) adopted for Fiscal Year 2013/14 setting the rate to \$15.22 per unit of benefit; and

WHEREAS, the average percentage change in the Consumer Price Index for the period from June 30, 2013 to June 30, 2014 has been determined to be an increase of 1.86% or twenty-eight cents (\$0.28) setting the rate to fifteen dollars and fifty cents (\$15.50) per unit of benefit, exhibited as follows:

SCHEDULE OF BENEFITS

Property Classification/Land Use	Number of Benefit Units Per Parcel	Examples for Fiscal Year 2014/15
Residential/Single Family Dwelling	5 Units Per Dwelling Unit	Total of \$77.50 Per Year
Residential/Secondary Dwelling on Parcel	4 Units Per Dwelling Unit	Amount dependent on number of dwellings on parcel
Residential Care Facility	5 Units plus 1/Patient Room	Amount Dependent on Size
Condominium	4 Units Per Dwelling Unit	Amount Dependent on Size
Duplex/Triplex/Fourplex	4 Units Per Dwelling Unit	Amount Dependent on Size
Apartment	3 Units Per Dwelling Unit	Amount Dependent on Size
Mobile Home	3 Units Per Dwelling Unit	Total of \$46.50 Per Year
Commercial/Manufacturing/Storage	1 Unit Per 300 S.F. or Less	Amount Dependent on Size
Schools and Churches	1 Unit Per 300 S.F. or Less	Amount Dependent on Size
Preschools/Daycares	1 Unit Per 300 S.F. or Less	Amount Dependent on Size
Unimproved/Agriculture Property 1 Acre or Less	1 Unit Per Acre or Less	Amount Dependent on Size
Unimproved/Agriculture Property Over 1 Acre	1 Unit/Acre Maximum of 5	Amount Dependent on Size
Property for Vehicle Storage	2 Units Per Acre or Less	Amount Dependent on Size
Barns/Shops Over 300 Square Feet	2 Units Per Building	Total of \$31.00 Per Year
Transit Container Storage	1 Unit Per Container	Total of \$15.50 Per Year
Motel/Hotel/Bed and Breakfast	3 Units Per Rental Room	Amount Dependent on Size
Golf Courses/Recreational Facilities	1 Unit Per Acre/Maximum of 5	Amount Dependent on Size

WHEREAS, the Emergency Advisory Committee (ESAC), in conjunction with CALFIRE staff, and the Finance Advisory Committee (FAC) recommended the rate of fifteen dollars and fifty cents (\$15.50) per unit of benefit; and

WHEREAS, General Property Taxes that fund fire functions declined for the last five years and although these slightly increased, full recovery of lost tax revenues will take many more years; and

WHEREAS the Fire Fund has no other means to fund increases in costs of equipment and materials on account of inflation; and

WHEREAS, the Board finds that the funds generated annually by this Special Fire Tax rate is necessary to prudently operate Station 15-South Bay in Fiscal Year 2014/15; and

WHEREAS, the Board held a hearing on this date pursuant to a published notice and before the adoption of this resolution to receive public input, including any objections to adopting the proposed increase on the rate and setting the Special Fire Tax rate for Fiscal Year 2014/15.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. That the findings and recitations in Paragraphs 1 through 10 are true and correct;
2. That the Board of Directors hereby confirms and levies the Special Fire Tax on all properties within the Los Osos Community Services District a rate of Fifteen Dollars and Fifty Cents (\$15.50) per unit of benefit for the Fiscal Year 2014/15, in accordance with the Schedule of Benefits listed above; and
3. That this special tax on the parcels of real property within the Los Osos Community Services District shall be established, imposed and levied in the amounts as listed in EXHIBIT A and as so confirmed shall appear as separate items on the Fiscal Year 2014/15 tax bill of each parcel of property so listed; and
4. That said special tax shall be collected at the same time and in the same manner as general taxes levied for collection by the County pursuant to Government Code § 61115(b).

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

Ayes: _____
 Noes: _____
 Absent: _____
 Conflicts: _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 7th day of August, 2014.

 R. Michael Wright
 Vice President, Board of Directors
 Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

 Kathy A. Kivley
 General Manager and Secretary to the Board

 Michael W. Seitz
 District Legal Counsel