



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

GREG COX  
First District

DIANNE JACOB  
Second District

PAM SLATER-PRICE  
Third District

RON ROBERTS  
Fourth District

BILL HORN  
Fifth District

2

**DATE:** April 9, 2008

**TO:** Board of Supervisors

**SUBJECT:** CONTINUED PUBLIC MEETING: SECOND MAILED ASSESSMENT BALLOT PROCEEDING RESULTS AND FORMATION HEARING FOR PROPOSED SAN DIEGO COUNTY LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2 – JULIAN (JESS MARTIN PARK) (District: 2)

### SUMMARY:

#### Overview

On January 30, 2008 (5), the Board of Supervisors authorized a second mailed assessment ballot proceeding to owners of parcels within the proposed San Diego County Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park). At a public hearing on March 26, 2008 (5) the public was provided an opportunity to comment on the proposed formation of the Landscape Maintenance District for Jess Martin Park and ballots were collected.

The public meeting was continued until April 9, 2008, to allow for ballot tabulation. Following the close of the March 26, 2008 hearing, the ballots were tabulated under the direction of the assessment engineer. Today's action is to confirm and approve ballot results. If the results indicate majority support of district formation and the Board authorizes the new district, the requested action will adopt a resolution to establish the San Diego County Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park) for Fiscal Year 2008-2009. If the ballot measure passes, the new District would become operational on July 1, 2008.

#### Recommendation(s)

##### CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and is therefore not subject to CEQA.
2. Accept and confirm the ballot results of the proposed San Diego County Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park).

If the San Diego County Landscape Maintenance District Zone No. 2 – Julian (Jess

**(ATTACHMENTS DISTRIBUTED TO EACH BOARD MEMBER, CAO, COUNTY COUNSEL AND ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD)**

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Martin Park) passes:

3. Adopt the resolution entitled Resolution of the San Diego County Board of Supervisors Approving Engineer's Report, Confirming Diagram and Assessment, Ordering Levy of the San Diego County Landscape Maintenance District Zone No. 2- Julian (Jess Martin Park) for Fiscal Year 2008-2009. (Attachment B)
4. Authorize the Director of the Department of Parks and Recreation to re-open Jess Martin Park on July 1, 2008.
5. In accordance with Board Policy A-74, Citizen Participation in County Boards, Commissions and Committees, direct the Chief Administrative Officer to coordinate the formation of an Advisory Committee whose members will be nominated by Supervisor Jacob and approved by the Board. The Committee will serve as an advisory body by providing input to the Department of Parks and Recreation regarding annual operations and maintenance budget for Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park).

If the San Diego County Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park) fails:

6. Direct the Chief Administrative Officer to return to the Board with options for the parcel's future and associated costs.

**Fiscal Impact**

Funding for this request is budgeted in the Fiscal Year 2007-2008 Operational Plan. If approved, the costs for consultant services in the current fiscal year are encumbered in the original contract and total approximately \$25,000. If the ballot measure passes there will be future costs and revenue related to operations and maintenance of Jess Martin Park which will be provided by Department of Parks and Recreation staff and funded by the proposed Landscape Maintenance District (LMD).

The current total annual maintenance budget for the proposed District is approximately \$100,000. The recommended assessment district does not include indexing for future cost increases including inflation. With passage of the ballot measure, approximately 90% of the budget would be provided by the assessments levied on property owners within the District boundaries. Assessment law prohibits the collection of fees for services and/or improvements that benefit properties outside the District. This would require the County to pay the remaining 10% or \$10,000 of the proposed maintenance budget. If the benefit assessment fails, there is no plan to continue to operate Jess Martin Park in its current condition. The County of San Diego may be required to repay certain grant funds and incur other costs related to closure.

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**Business Impact Statement**

N/A

**Advisory Board Statement**

On March 12, 2007 and again on August 30, 2007, the Julian Community Planning Group approved moving forward with the first ballot measure to form the Landscape Maintenance District for Jess Martin Park. The Julian Community Planning Group did not take any action regarding this second ballot proceeding.

**BACKGROUND:**

Jess Martin Park is an approximately 9-acre park in the community of Julian that is owned by the County. It is the only community park in Julian and the surrounding area, with the closest County park with ballfields located nearly 25 miles away in Pine Valley. Existing amenities within the park include a playground, skatepark, three ballfields, a volunteer pad, and on-site parking.

On July 20, 1993 (25), the County of San Diego and Intermountain Park and Recreation, Inc. (IPR), a non-profit volunteer organization, entered into a lease agreement for IPR to operate and maintain Jess Martin Park. On May 1, 2006, IPR sent written notice indicating it would cease providing maintenance at Jess Martin Park in sixty days. On April 25, 2006 (8), the Board directed the Chief Administrative Officer (CAO) to identify the necessary staffing and funding that would allow the Department of Parks and Recreation (DPR) to manage and maintain Jess Martin Park and to explore the viability of County Service Area (CSA) funding. On June 20, 2006 (16), the Board directed the CAO to include one-time funding in the Fiscal Year 2006-2007 budget of \$50,000 for the preparation of ballot materials and an Engineer's Report to establish a CSA or other park maintenance entity and \$150,000 for ongoing costs including one position at the level of Park Maintenance Worker to sustain Jess Martin Park for the 18 months needed until a park maintenance funding entity was established.

On September 19, 2007 (4), the Board authorized the initiation of Proposition 218 compliant ballot proceedings to establish a proposed Landscape Maintenance District (LMD) Zone No. 2 – Julian (Jess Martin Park) to fund operations and maintenance of the park. The ballot measure for the proposed District failed due to a weighted property owner vote of 45.6% in favor and 54.4% opposed to District formation.

At the request of some community members, the Board authorized proceeding with a second ballot for property owners to re-consider District formation. The District boundary map has not changed. As a result of the failed ballot, the Board also directed Jess Martin Park be temporarily closed to public use effective December 31, 2007 and that DPR return to the Board to report on costs for permanent closure. The proposed LMD would provide funding necessary to operate the park and maintain it at a standard level of service in current year costs. Any increases in the assessment for future costs would be subject to additional property owner approval.

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As a result of the resolution of intention, adopted by the Board on January 30, 2008 (5), staff began the process of conducting the mailed ballot proceedings, in accordance with State law procedures. The Public Notice of the ballot measure included a description of project expenditures, cost to each benefiting property owner, date, time, and location of the public hearing where the public could speak to the Board regarding the proposal. Ballots are weighted based on financial obligation of each property owner. If weighted ballots against the assessment exceed weighted ballots in favor, assessments will not be imposed.

### **Benefit Assessment Process**

Benefit assessments, conducted according to Proposition 218 (Article XIID of the California Constitution), are levies on real property that are based on the “special benefit” each property receives from the services to be funded by the assessments. As such, the amount of individual proposed assessments is not uniform for all properties. Any increases to assessments are not permitted without a majority approval vote of the affected property owners.

Ballot results are determined by a weighted majority of returned ballots. Each ballot is “weighted” by the amount of assessment for the property it represents. For example, a single-family home has a proposed assessment of \$47.82 per year and a condominium (or multi-family residential property) has a proposed annual assessment of \$33.48 per unit. Properties benefit from the services and improvements in proportion to the number of dwelling units or property area (for non-residential uses). This method assures that all property owners have a vote in deciding if the assessment should be approved and each property owner’s vote is proportional to the amount of assessment they would receive.

The Preliminary Engineer’s Report (Attachment B) defines the proposed benefit assessment, which would provide funding for maintenance of the proposed LMD Zone No. 2, and includes the rates for all property types that are located within the proposed boundaries of the LMD.

There is no proposed Cost of Living Increase for future maintenance budgets for this proposed District. Any recommended increases in assessments would be placed for approval before the property owners by mailed ballot proceedings and a public hearing process.

### **Assessment Results**

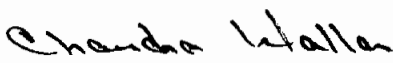
If voters approve the benefit assessment and the Board directs District formation, the new District will become operational on July 1, 2008 and the LMD Zone No. 2 will fund maintenance and operations of Jess Martin Park at a standard level of service in current dollars. It will result in an estimated \$90,000 in annual revenue from property owners and \$10,000 in revenue from the County’s General Fund for operations and maintenance of Jess Martin Park. If a weighted majority of the ballots submitted does not support the assessment, the assessment cannot be levied. If the benefit assessment fails, there is no plan to continue to operate Jess Martin Park in its current condition. If this park does not re-open for public use, the County may be required to repay certain grant funds and incur other costs related to closure.

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**Linkage to the County of San Diego’s Strategic Plan**

The requested action to complete the ballot proceeding process under the Landscaping and Lighting Act of 1972 for the proposed LMD Zone No. 2 – Julian (Jess Martin Park) is in alignment with the Environment, Kids, and Safe and Livable Communities Initiatives included in the County of San Diego Strategic Initiatives. The proposed action will support initiative objectives to provide funding to maintain current and future local park improvements within the proposed LMD Zone No. 2 – Julian (Jess Martin Park).

Respectfully submitted,



CHANDRA L. WALLAR  
Deputy Chief Administrative Officer

**ATTACHMENT(S)**

- Attachment A: Project vicinity map
- Attachment B: Resolution of the San Diego County Board of Supervisors Approving Engineer’s Report, Confirming Diagram and Assessment, and Ordering Levy of the San Diego County Landscape Maintenance Assessment District Zone No. 2- Julian (Jess Martin Park) for Fiscal Year 2008-2009

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 BALLOT PROCEEDING RESULTS AND FORMATION HEARING FOR  
 PROPOSED SAN DIEGO COUNTY LANDSCAPE MAINTENANCE  
 DISTRICT ZONE NO. 2 – JULIAN (JESS MARTIN PARK) (District: 2)

CITY OF SAN DIEGO  
 BOARD OF SUPERVISORS  
 2018 MAR 27 PM 1:24  
 THOMAS J. WASIUSZKA  
 CLERK OF THE BOARD  
 OF SUPERVISORS

**AGENDA ITEM INFORMATION SHEET**

**CONCURRENCE(S)**

- COUNTY COUNSEL REVIEW**  Yes
  - Written disclosure per County Charter §1000.1 required?  Yes  No
- GROUP/AGENCY FINANCE DIRECTOR**  Yes  N/A
- CHIEF FINANCIAL OFFICER**  Yes  N/A
  - Requires Four Votes  Yes  No
- GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR**  Yes  N/A
- COUNTY TECHNOLOGY OFFICE**  Yes  N/A
- DEPARTMENT OF HUMAN RESOURCES**  Yes  N/A

**Other Concurrence(s):**

**ORIGINATING DEPARTMENT:** Parks and Recreation

**CONTACT PERSON(S):**

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**AUTHORIZED REPRESENTATIVE:** Renée E. Bahl  
 RENÉE E. BAHL

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**AGENDA ITEM INFORMATION SHEET**  
(continued)

**PREVIOUS RELEVANT BOARD ACTIONS:**

January 30, 2008 (5), Authorized second mailed ballot proceedings to owners of parcels within the proposed San Diego County Landscape Maintenance District (LMD) Zone No. 2 – Julian (Jess Martin Park); December 12, 2007 (1), Directed a second ballot proceeding for LMD Zone No. 2 (Jess Martin Park), due to failure of the initial ballot measure; December 5, 2007 (1), Public hearing for proposed LMD Zone No. 2; September 19, 2007 (4), Authorized mailed ballot proceedings to owners of parcels within the proposed San Diego County LMD (District) Zone No. 2 – Julian (Jess Martin Park); June 20, 2006 (16), Approved one-time funding for the preparation of the ballot materials and engineer's costs to establish a County Service Area (CSA) or other park maintenance entity for the on-going costs for the 18 months needed to sustain Jess Martin Park until a park maintenance funding entity is established; July 20, 1993 (25), Approved lease agreement with IPR to operate and maintain Jess Martin Park.

**BOARD POLICIES APPLICABLE:**

J-37, Landscape Maintenance Districts

**BOARD POLICY STATEMENTS:**

N/A

**CONTRACT AND/OR REQUISITION NUMBER(S):**

N/A

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**FISCAL IMPACT STATEMENT**

**DEPARTMENT:** Parks and Recreation

**PROGRAM:** Proposed Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park)

**PROPOSAL:** FORMATION HEARING FOR PROPOSED SAN DIEGO COUNTY LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2 – JULIAN (JESS MARTIN PARK)

	FUTURE YEARS ESTIMATED BUDGET OF PROPOSAL IF ADOPTED				
	(a) Budgeted Amount For Proposal	(b) Proposed Change in Budgeted Amount	(c) Proposed Revised Current Year Budget (a+b)	(d) 1st Subsequent Year	(e) 2nd Subsequent Year
Direct Cost	\$0	\$0	\$0	\$100,000	\$100,000
Revenue/Other Offset	\$0	\$0	\$0	\$90,000	\$90,000
<b>NET GENERAL FUND COST</b>	\$0	\$0	\$0	\$10,000	\$10,000
Staff Years	N/A	N/A	N/A	N/A	N/A

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Sources of Revenue/Other Offset for Proposed Change and Subsequent Years:		
General Purpose Revenue	\$10,000	\$10,000
Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park)	\$90,000	\$90,000

**Space-Related Impacts:** Will this proposal result in any additional space requirements?  Yes  N/A

**Support/Other Departmental Impacts:**  Yes  N/A

**Remarks:**  Yes  N/A

If the proposed ballot measure is approved, it will result in an estimated \$90,000 of annual assessment fee revenue in the District’s budget for operations and maintenance of Jess Martin Park. Pending approval of the assessment district, funding would become effective on July 1, 2008. Of the total \$100,000 estimated maintenance budget, funding in the amount of \$90,000 would be provided by assessment fees collected from property owners within the boundaries of the new district. The remaining ongoing \$10,000 would be paid by the County’s General Fund and represents the portion of the park use by visitors from outside the assessment district. Funds generated by the new district would be budgeted annually to offset staff costs needed to operate and maintain the park.