BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of Click or tap here to enter meeting date

RESOLUTION NO. 24 –

RESOLUTION TO ESTABLISH HUMBOLDT COUNTY PERMANENT ROAD DIVISION 1000, ZONE NO. 009 AND TO IMPOSE PARCEL CHARGES FOR MAINTENANCE OF ROAD AND DRAINAGE FACILITIES

WHEREAS, pursuant to the provisions of Permanent Road Division Law (Streets and Highways Code Section 1160 et seq.), the Board of Supervisors is authorized to establish a Permanent Road Division as a method of providing road improvement and maintenance services by the County within the unincorporated area; and

WHEREAS, on December 17, 2002, the Board of Supervisors adopted Resolution 02-111 establishing the Humboldt County-Wide Permanent Road Division 1000; and

WHEREAS, Streets and Highways Code Section 1162.6 authorizes the Board of Supervisors to create zones within the division for specific permanent road projects, with differing special taxes or parcel charges; and

WHEREAS, Streets and Highways Code Section 1162.6 provides that parcel charges shall be deemed to be assessments within the meaning of Article XIII D of the California Constitution; and

WHEREAS, the Board of Supervisors has received a petition to form a zone for road and drainage facilities maintenance within Permanent Road Division 1000; and

WHEREAS, the legal description for the proposed zone is described within Exhibit “A”, and is generally shown on Exhibit “B”, both exhibits are attached hereto and incorporated herein; and

WHEREAS, the name of the proposed zone is Humboldt County Permanent Road Division 1000, Zone No. 009; and

WHEREAS, the petition has been signed by a majority of the landowners within the proposed zone and meets all the other requirements of Streets and Highways Code Sections 1162 and 1163; and

WHEREAS, the proposed services to be provided within the zone are maintenance of road and drainage facilities; and

WHEREAS, a copy of a detailed Engineer’s Report within the meaning of Article XIII D of the California Constitution has been provided to the Humboldt County Board of Supervisors; the

original is on file with the Clerk of the Board; and a copy is on file with the Department of Public Works; and

WHEREAS, the boundaries of the proposed zone, number of acres therein, and a description of the roads and drainage facilities to be maintained are set forth in the Engineer's Report; and

WHEREAS, Streets and Highways Code Section 1162.6(d) allows proceedings to form a Permanent Road Division zone to be consolidated with an assessment ballot proceeding pursuant to Government Code Section 53753; and

WHEREAS, on October 22, 2024, the Board of Supervisors adopted Resolution 24-114 intending to establish Permanent Road Division 1000, Zone No. 009 and to impose parcel charges for road and drainage facilities maintenance; and

WHEREAS, the Petition, Notice of Formation and Notice of Assessment have been published as required by law; and

WHEREAS, the Petition, Notice of Formation and Notice of Assessment have been posted pursuant to Streets and Highway Code Section 1195; and

WHEREAS, the assessment cannot be imposed within the zone without the approval of a majority vote of the property owners who cast ballots, pursuant to the provisions of Article XIII D of the California Constitution and Government Code Section 53753; and

WHEREAS, a notice of assessment and ballot have been sent to all property owners within proposed Permanent Road Division 1000, Zone No. 009 as required by law; and

WHEREAS, a public hearing was held on December 10, 2024, continued to January 7, 2025 and concluded on that date, after which the ballots were counted.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED

SECTION 1. The Board of Supervisors finds that all the recitations made herein above are true and correct.

SECTION 2. At the public hearings on December 10, 2024, and January 7, 2025, the Board of Supervisors received evidence and considered all objections and protests, if any, to the proposed zone and maintenance services to be provided.

SECTION 3. At the public hearings on December 10, 2024, and January 7, 2025, the Board of Supervisors received evidence and considered all objections and protests, if any, to the proposed assessment pursuant to Article XIII D of the California Constitution and Government Code Section 53753. A majority protest against the proposed assessment does not exist.

SECTION 4. The ballots were tabulated at the conclusion of the public hearing. The property owners within proposed Permanent Road Division 1000, Zone No. 009, by written ballot as required by law, voted in favor of the assessment. The results shall be forwarded to the Humboldt County Tax Collector. The results of the election are a public record and shall be on file with the Humboldt County Auditor-Controller's Office.

Total "Yes" votes _____ Total Weight of "Yes" votes _____

Total "No" votes _____ Total Weight of "No" votes _____

SECTION 5. Proceedings for formation of the Permanent Road Division 1000, Zone No. 009 and for imposing parcel charges within the zone are valid and in conformity with Permanent Road Division Law, Article XIII D of the California Constitution, and Government Code Section 53753. The territory described in Exhibit A is established as a zone and shall be designated Humboldt County Permanent Road Division 1000, Zone No. 009. Services to be provided in the zone are maintenance of road and drainage facilities as set forth in the Engineer's Report on file with the Department of Public Works.

SECTION 6. The proposed assessment is adopted, establishing rates as set forth below:

Fiscal Year 2024/2025	Not to exceed $1.00 per benefit unit plus first year formation cost of $171.43 per parcel.
Fiscal Year 2025/2026	Not to exceed $1.00 per benefit unit plus an inflation factor compounded based on CPI prepared by the U.S. Department of Labor, Bureau of Labor Statistics using the weighted average of Consumer Price Indexes (All Urban Consumers for the State of California).

SECTION 7. The assessment shall be collected in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected by the County of Humboldt.

SECTION 8. If any section, subsection, sentence, phrase or clause of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the resolution. The Board of Supervisors here declares that it would have adopted the resolution and such sections despite the fact that one or more sections, subsections,

phrases, or clauses be declared invalid.

SECTION 9. The Board of Supervisors is empowered and authorized to adopt this Resolution upon the majority vote of the voters in the Permanent Road Division 1000, Zone No. 009 .

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Dated: _____

_____
Supervisor Michelle Bushnell, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor_____, Seconded by Supervisor _____, and the following vote:

AYES: Supervisors: --
NAYES: Supervisors: --
ABSENT: Supervisors: --
ABSTAIN: Supervisors: --
STATE OF CALIFORNIA
County of Humboldt

I, Tracy Damico, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

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NIKKI TURNER
Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California

EXHIBIT "A"
LEGAL DESCRIPTION

ZONE NO. 009 to PERMANENT ROAD DIVISION NO. 1000 for
Maintenance of Road and Drainage Facilities for Morgan Subdivision,

Lots 1 through 26 of Tract No. 603, In the County of Humboldt, State of California, as filed in Book 24, Pages 57 through 59, of Maps, In the office of the County Recorder of said County. Together with all of Lynnea Court shown on said tract no. 603.

Parcels 3 and 4 of Parcel Map No. 3509, In the County of Humboldt, State of California, as filed in Book 34, pages 89 and 90, of Parcel Maps, In the office of the County Recorder of said County.

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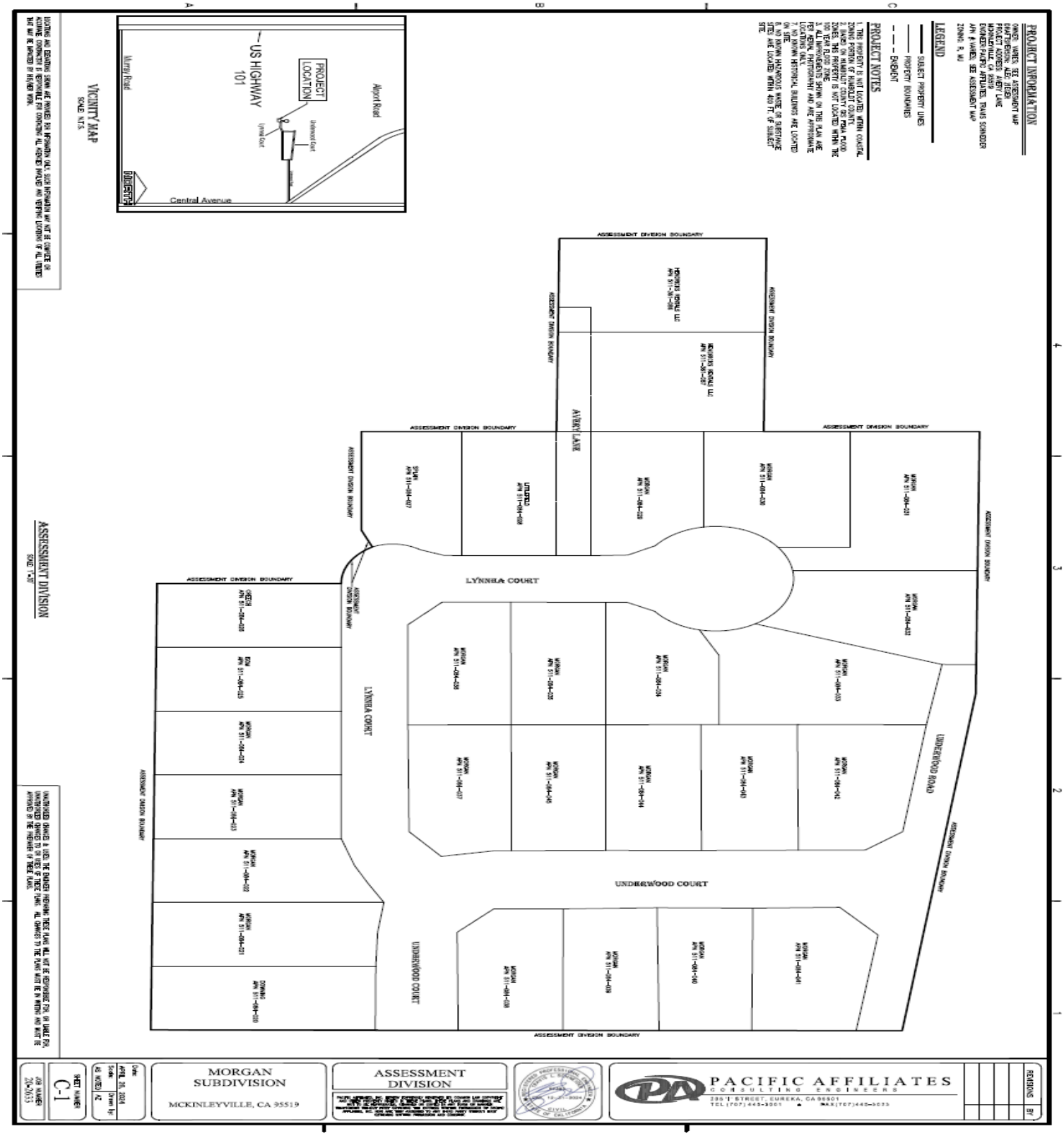
EXHIBIT "B" ASSESSMENT DIAGRAM