

DEPARTMENT OF TRANSPORTATION  
OCTOBER 18, 2023



ZONE OF BENEFIT ADVISORY  
COMMITTEE ORIENTATION



## AGENDA TOPICS

- Introductions and Updates
- What is a Zone of Benefit?
- Advisory Committee Overview
- California's Open Meeting Laws (The Brown Act)
- Ethics Training Requirement
- Volunteer Work Program
- Elections
- Zone Calendar
- General Questions



# COUNTY SERVICE AREAS

- County Service Area Law guides program
  - (GOV 25210, *et seq*)
  - CSA Laws originated in 1953 to mitigate competing demands for County services between high growth suburban areas and existing rural development.
  - CSA Laws allow for difference services, or a higher level of services to be available within the CSA that otherwise available in the unincorporated area of a County.
- LAFCO forms CSA with defined boundaries
- Allowed or Authorized services designated
- Funding mechanisms vary
- CSA business is administered by the County



# COUNTY SERVICE AREA AUTHORIZED SERVICES CURRENTLY FUNDED

## **Transportation Zones**

- Road Maintenance & Improvement
- Drainage Facility Maintenance & Improvements
- Snow Removal Equipment and Services
- Street Lighting
- Landscaping
- Wetland Related Services

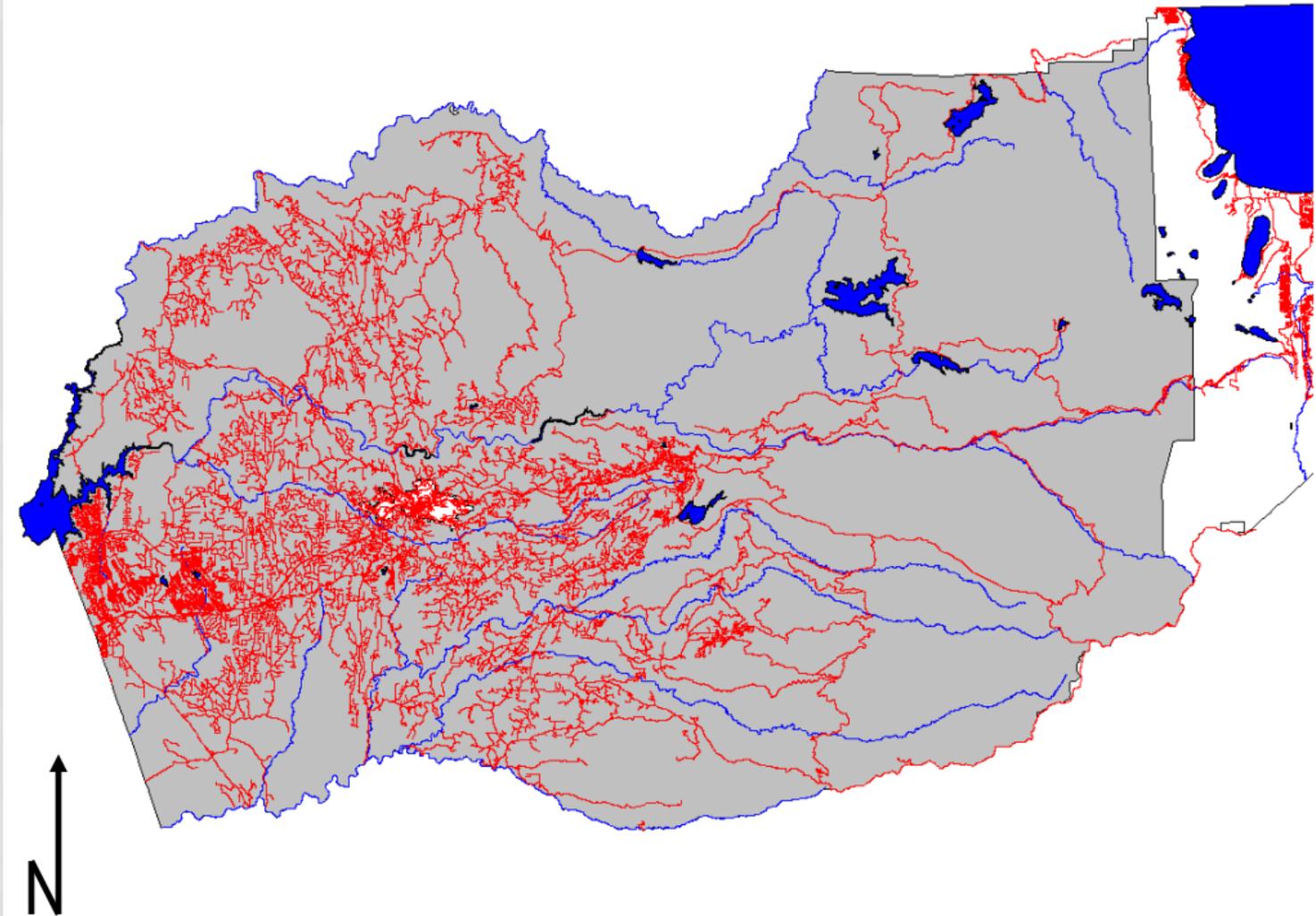
## **Other Departments' Zones**

- Cemetery Maintenance & Improvement
- Vector Control
- Mosquito Abatement
- Ambulance Services
- Waste Management Services
- Library Services

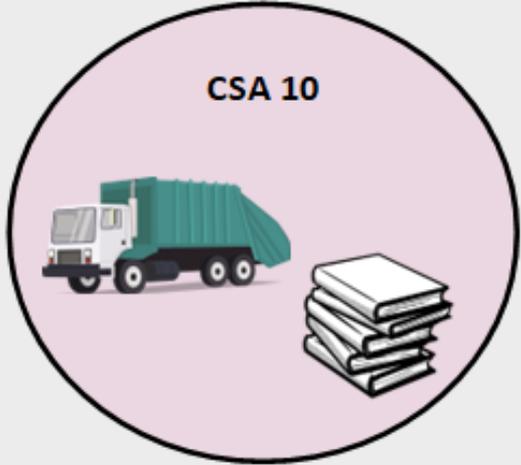
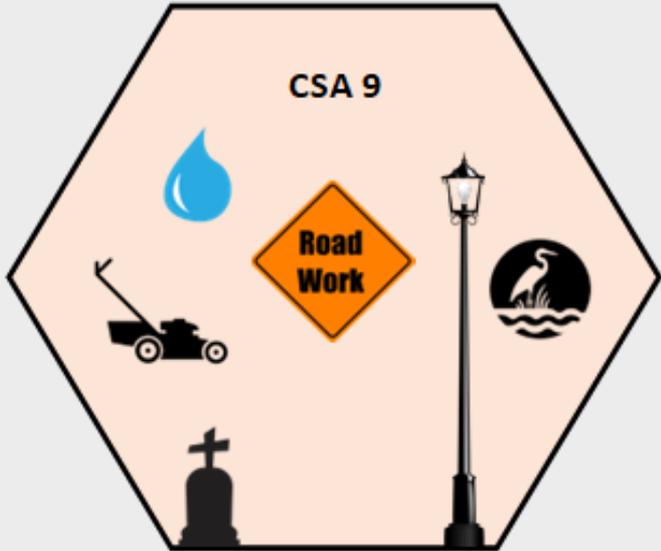
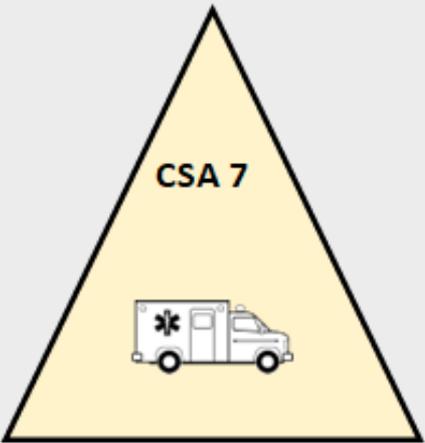
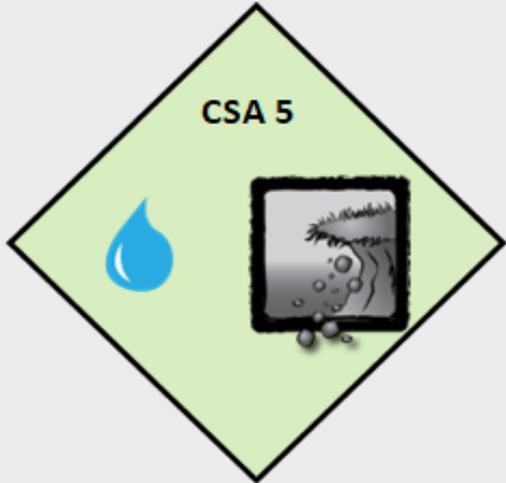
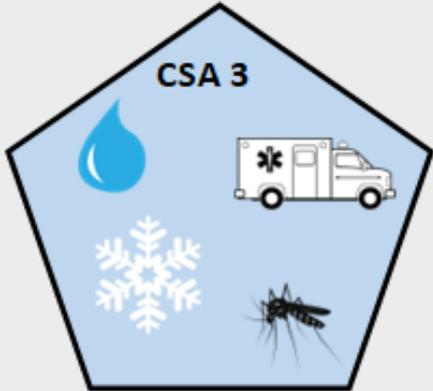
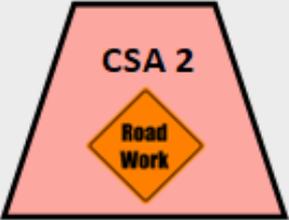
# COUNTY SERVICE AREAS SUMMARY BY SERVICE

<u>CSA No.</u>	<u>Year Formed</u>	<u>Types of Services</u>	<u>Area</u>	<u>No. of Zones</u>
2	1963	Road & Drainage Maintenance & Improvements	Near "Four Corners," west of Lotus Rd at Luneman Rd	2
3	1963	Vector Control, Ambulance Services, Drainage, Snow Removal Equipment & Services	Entire Tahoe Basin of El Dorado County	6
5	1970	Drainage & Erosion Control	Tahoe-Cedars Subdivision at northern boundary of El Dorado County in the Tahoe Basin	1
7	1976	Ambulance Services	Entire West Slope of the County	1
9	1983	Roads, Drainage, Cemetery, Landscape, Street Lighting, Wetland Related Services	Entire West Slope of the County	95
10	1988	Waste Management & Library	Encompasses the whole of El Dorado County	10

# CSA 9



# COUNTY SERVICE AREAS





# COUNTY SERVICE AREA ZONES OF BENEFIT

- Board of Supervisors forms Zones
- Purpose designated at formation
- Services must be allowed under the CSA
- No funding, no zone



# WHAT IS A ZONE OF BENEFIT?

- **A zone of benefit is:**

- Part of a County Service Area (CSA)
- Governed by the Board of Supervisors
  - *A part of County Government*
- A guaranteed collection mechanism for funds
  - *Collected with property taxes*

- **A zone of benefit is not:**

- An independent district
- An association

# ROAD ZONES OF BENEFIT

- **Road Maintenance Zones**

- 2 in CSA 2 (circa 1979)
- 41 in CSA 9 (circa 1980's - early 2000's)

Roads are not County Maintained.

- *Public roads, privately maintained.*

# ZONE ADVISORY COMMITTEES

- Overview
- Responsibilities
- Meetings & Brown Act
- Ethics



# ZONE ADVISORY COMMITTEE

- The Advisory Committee is the link between DOT and the residents.
- DOT is the link between you and the Board.



# ZONE ADVISORY COMMITTEE OVERVIEW

- **Board of Supervisors establishes a committee at its discretion.**
  - Typically established at formation.
- **Committee Members serve at the pleasure of the Board.**
  - Input from an advisory committee and its members are *wholly advisory*.
  - It is not within the authority of an advisory committee or its members to make decisions, manage or direct the delivery of services on behalf of the zone.
- **Department of Transportation facilitates communication.**
  - Many levels
  - Many subjects
  - Various departments



# ADVISORY COMMITTEE MEETING REQUIREMENTS

- Policy & Procedure Guidelines, Part V
  - Four times per year
  - One of the four is the General Meeting
  - Advance agenda to County for approval – five business days requested
  - Provide minutes to the County within one week, even if not yet adopted.
  - Ethics Training for Local Officials is required
- All meetings are subject to provisions of the Brown Act - California's Open Meeting Laws
  - Assembly Bill 361 took effect on October 1, 2021, allowing committees to continue conducting remote meetings in response to COVID. We will discuss this in depth.

# ADVISORY COMMITTEE & DOT RESPONSIBILITIES

## • Advisory Committee Responsibilities

- Meets with property owners and residents to:
  - Evaluate adequacy of services
  - Compile annual budget and work plan
  - Recommend action to the County
- Subject to California's open meeting laws ("The Brown Act").
- Ethics Training for Local Officials required.
- Adhere to program guidelines.

## • DOT Responsibilities

- Works with Advisory Committees to:
  - Evaluate adequacy of services
  - Develop annual budget and work plan
  - Recommend action to the County CAO, Board
- Zones must comply with same requirements as all County Departments.

***We are here to help you navigate processes and support the zone's operations.***

# BROWN ACT

- What is it?
- How is it affected by COVID-19?
- Topics
  - Meetings
  - Documentation
  - Noticing
  - Consequences



# BROWN ACT REQUIREMENTS

- What is the Brown Act?
  - The Ralph M. Brown Act, California's Open Meeting Law:  
*“Open decisions, openly arrived.”*
- What are the requirements?
- What are the consequences?



# COVID-19 & MEETING SOLUTIONS

- Executive Order N-29-20 allowed for some flexibility but expired on September 30, 2021.
- On September 15, 2021, the Governor signed AB 361 into law that, among other things, amended open meeting laws related to teleconference meetings during times of declared emergencies, with a sunset date of **January 1, 2024**. The next slide will discuss this further.
- Committees must adhere to the Brown Act, regardless of using Zoom or in-person meetings.
  - Zones can meet in-person if social distance protocols and local mandates are followed. Large spaces or outdoor meetings allow for safer gatherings but must still be accessible. Procedures for receiving accommodations requests must still be followed
  - Be sure to follow the recommended public health guidance.



# BROWN ACT REQUIREMENTS: AB 361

- A local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body.
- Must make findings at each meeting using the County Counsel provided template.
- Must implement procedure for receiving and swiftly resolving reasonable accommodation requests from individuals with disabilities (per Americans with Disabilities Act) and advertise the procedure each time notice is given.
- Give advanced notice of the time and post the agenda for each public meeting at least 72 hours in advance.

# BROWN ACT REQUIREMENTS: MEETINGS

- Meetings
  - Any gathering of a quorum (majority of committee).
  - Discussion of Zone business.
  - Noticing required in conspicuous locations.
  - Agenda required.
  - Minutes required.
  - Anyone may attend.
  - Serial Meetings - Prohibited under the Brown Act
  - Per AB 361, teleconferencing is allowed when the proper findings are made.



# BROWN ACT REQUIREMENTS: MEETINGS

- **Facilities** (if conducting in-person meetings)
  - Must be “freely accessible to the public.”
  - Allow ADA accommodation for participation.
  - Have contact person telephone number.
  - Attendees must adhere to social distancing protocols and any local mandates in effect.
- **Compliance**
  - Accommodation requested at least one full business day in advance.
  - Contact the County with any questions on a case-by-case basis.



# BROWN ACT REQUIREMENTS: DOCUMENTATION

- **Agenda – a public record**

- Brief description (20 words) of topics
- Allow time for Public Comment
- Include ADA statement
- Refer to Samples in Manual, on County website
- Submit to DOT a week prior to meeting date for approval

- **Minutes – also public record**

- Objectively document action taken
- Provide to the County – even if not adopted yet within one week
  - ***Even if your internet is down, we must receive the minutes. Consider mailing or delivering.***

# ZONES OF BENEFIT WEBSITE RESOURCES

WWW.EDCGOV.US/GOVERNMENT/DOT/PAGES/ZONES-OF-BENEFIT.ASPX

**Department of Transportation Menu**

## Department of Transportation

Home > Government > Department of Transportation

### ZONES OF BENEFIT

If you cannot find the information you are looking for, please send an email to: [zoneofbenefit@edcgov.us](mailto:zoneofbenefit@edcgov.us).



**IMPORTANT ANNOUNCEMENTS**

Advisory Committee Orientation - Wednesday, October 18th, 2023 6:00 - 7:30 pm  
Budget & Contracting Workshop - Wednesday, October 25th, 2023 6:00 - 7:30 pm  
Both Workshops will be held in the Planning Commission Hearing Room located at 2850 Fairlane Court, Placerville, CA 95667.

**Zones with upcoming elections:**

Pineoak  
Pilot View  
Election

#### Board Information

- Board Item 21-0781 June 8, 2021
  - Increase in Administrative Rate and Dissolution Discussion

#### Workshops

- Orientation Workshop - October 25, 2022
- Budget & Contract Workshop - November 10, 2022

#### Advisory Committee Information

- Advisory Committee Roster - Updated 01/03/2023
- Notice of Vacancy - Updated 12/30/2022

#### Advisory Committee Guidance

- Advisory Committee Manual
- Policy & Procedure Guidelines for Zones of Benefit

#### Advisory Committee Training

- Local Officials Ethics Training Course

#### Road Maintenance Best Management Practices

- Applicable County Design Standards
- El Dorado County Design Manuals
- Estimated Costs
- Estimated Road Maintenance Cost Per Mile
- Typical Items of Work

#### FHWA Guidance Web Links

- FHWA Gravel Roads Construction & Maintenance Guide
- FHWA Local and Rural Road Drainage Maintenance
- FHWA Local and Rural Road Safety Briefing Sheets
- FHWA Pavement Preservation Resources
- FHWA Publications

#### Contact Information

Email: [zoneofbenefit@edcgov.us](mailto:zoneofbenefit@edcgov.us)  
Phone: (530) 621-5900, Option 3  
Address: 2441 Headington Road  
Placerville, CA 95667



Subscribe to Zones of Benefit  
[More Information](#)

#### Forms & General Information

- Common Definitions
- Guide To Changing Tax or Assessment
- Election Process for 2024
- Petition to Dissolve a Zone of Benefit
- Public Work Contracting Handout
- Contract Timeline
- Contract Process-Less than \$60,000
- Maintenance vs. Construction Handout
- Maintenance Location Worksheet (Excel)
- Maintenance Location Worksheet (.pdf)
- On-Call Maintenance Services Worksheet (.pdf)
- Purchase Request Form - PO Request
- Reimbursement Request Form - \*Ethics Training Certificate Required
- Volunteer Agreement
- Volunteer Work Program
- Zone Calendar
- Zoom User Guide
- FAQs

#### History of Zones of Benefits





## BROWN ACT REQUIREMENTS: NOTICING

- **Provide Agenda to County for review one week before posting deadline;**
  - Make it legible, keep it simple.
  - Include ADA statement with telephone contact.
  - Use Sample Agenda & Notice in the Manual.
    - A Word Document template can be provided upon request.
- **Post Agenda at least 72 Hours In Advance;**
  - At locations freely accessible to public.
  - At the meeting location.
  - Zone website.

## DON'T

- Discuss zone business via telephone, text, social media posts or email.
- Discuss zone business without a properly noticed meeting which includes an agenda.
- Take action on an item not already included on the published meeting agenda.
- Allow personal feelings or bias to impact how zone business is conducted or how work is selected.



## DO

- Be transparent.
- Get a consensus for a meeting date and time.
- Add issues to the next meeting agenda – and set the date and time.
- Avoid opportunities for accidental serial meetings.
- Conduct business as a public servant.
- Conduct at least four (4) meetings each year.



# BROWN ACT REQUIREMENTS: NOTICING

- Set regular dates, time and place
- Post Agendas at least 72 hours in advance
- Posting locations must be freely available and in the same conspicuous location(s) each time
- Publish schedule annually
  - Zone Website
  - Neighborhood Bulletin Board
- Mail advance notice of each meeting
  - When written request is on file for that calendar year.
  - Include the Agenda.
  - Emailing to the requestor is okay.

*Remember:* Emailing the Agenda and Notice exclusively, and/or telephoning residents and property owners about a meeting does not meet the noticing requirements of The Brown Act.



## BROWN ACT: CONSEQUENCES

- Any person or entity can file an action in Superior Court.
- Violations could invalidate actions taken.
- Applies to non-compliance with open meeting laws.
  - Noticing requirements
  - Agenda requirements
  - Serial meetings
- Criminal misdemeanor
  - All committee members involved based on:
    - Participation in the meeting
    - Knowledge that the law is being violated
- Local District Attorney files charges
  - Zone funds cannot be spent on defense



# ETHICS TRAINING

- AB1234 effective January 1, 2006 (Gov. Code §53234 et. seq.)
- Zone Advisory Committee Members are Local Officials
- Two (2) hours of training required within 6 months of appointment and every two (2) years.
- Includes Conflict of Interest, “perks” rules and Brown Act.
- Certificate is required for reimbursement of eligible expenses.

# ETHICS TRAINING

- <https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

## Public Officials

- ▶ Upcoming Training Opportunities
- ▶ Candidates, Treasurers, and Committees
- ▶ Filing Officers
- ▶ Conflict of Interest Codes
- ▶ Form 700 Filers
- ▶ Public Officials
- ▶ Lobbyists

### How to Request Advice

If you have questions about your obligations under the Act you can request advice directly from FPPC staff

[Request Advice](#)

### How to Stay Engaged...

Join our [mailing list](#) to receive notification of future training opportunities.

## Training and Outreach: Ethics Training for Public Officials

Many public officials are required to take an ethics training course to educate them on the ethical standards required of any individual who works in state or local government. Public officials may utilize free online courses available to satisfy this requirement. Please note that the state officials ethics course will not satisfy the local officials ethics course requirement and vice versa.

### For State Officials

California law requires state officials to complete an ethics training course within six months of being hired. If your service is ongoing, you must complete the course once during each two-year period. The two-year period begins with an odd-numbered year, for example, 2017-18, 2019-20, etc. To help state officials meet this requirement, the Attorney General's Office and the Fair Political Practices Commission have developed an online training course. State officials who wish to use this course to satisfy their mandatory ethics training requirement should check with their agency to ensure additional training is not required.

[State Officials Ethics Training](#)

### For Local Officials

Cities, counties and special districts in California are required by law (AB 1234, Chapter 700, Stats. of 2005) to provide ethics training to their local officials.

The law also provides that if an entity develops criteria for the ethics training required by AB 1234, the Fair Political Practices Commission and the Attorney General must be consulted regarding any proposed course content.

Several training options are available to your agency, including training conducted by commercial organizations, nonprofits, or an agency's own legal counsel. In addition, an online training program has been established that allows local officials to satisfy the requirements of AB 1234 at no cost. The course can be accessed via the link below. When the training is finished, *you must print* the Certification of Completion provided at the end.

[Local Officials Ethics Training Course](#)

**The FPPC cannot advise on the legal requirements of AB 1234 because the FPPC does not have jurisdiction to do so.** For questions pertaining to legal interpretation and application of AB 1234, please consult your local agency counsel.

If you have questions, concerns, or technical issues related to the online training program **offered on our website only**, please contact us at [ab1234@fppc.ca.gov](mailto:ab1234@fppc.ca.gov).



# VOLUNTEER WORK PROGRAM

- Volunteer work allowed:
  - Brush/Tree/Weed Trimming
  - Pothole Patching
  - Clearing ditches
  - Trash pickup
  - Minor snow removal

# VOLUNTEER WORK PROGRAM

- **Projects require County approval.**
  - Submit Request to DOT:
    - Task(s) to be performed
    - Materials/Supplies/Equipment, if any
    - Who will be working
    - Target date
- Supplies must be included in approved budget.
- Work must be in roadway easement.
- Waivers **must** be on file before work begins.
  - Waivers and Project Information Sheet are on our website



# ELECTIONS

- Visit the [Zones of Benefit](#) website for the following helpful resources:
  - Guide to Changing Tax or Assessment
  - Election Process (PowerPoint Presentation)



## ELECTIONS: CHAIN OF EVENTS

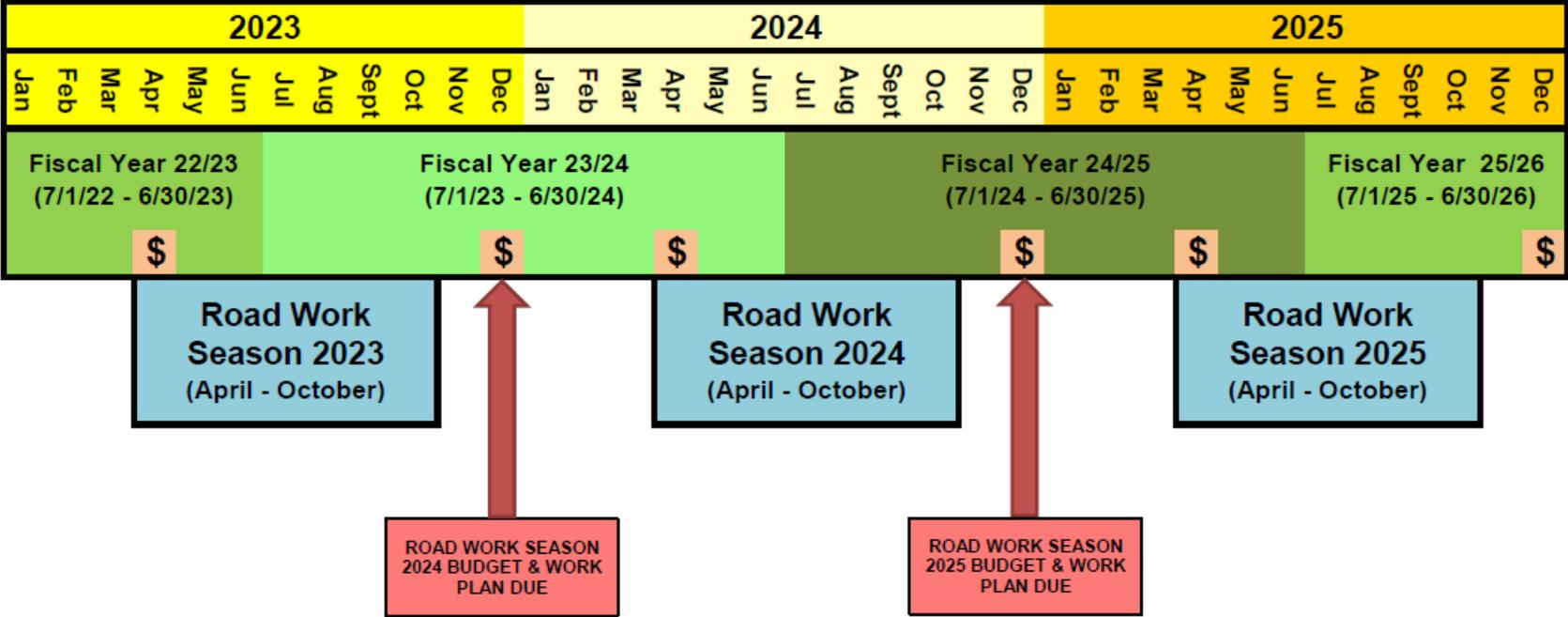
- Advisory Committee conducts a publicly noticed meeting and the Agenda must specifically address the topic.
  - For example, “Propose \$100 increase to special tax amount.”
- Minutes of the Meeting are provided to our office along with the Advisory Committee’s recommendation of the special tax amount and the official request for the election.
- No less than 125 days prior to the Election, the Board of Supervisors must approve the Resolution Setting the Election.
- Ballots are mailed approximately one month prior to the Election Day.
- Special Tax is placed on the Tax Roll for the *upcoming* year.



## ELECTIONS: EXAMPLE TIMELINE FOR NOVEMBER 2024 ELECTION

- **April 1, 2024** – Firm deadline to submit Meeting Minutes & recommendation to DOT for June 2024 Board date
- **June 2024** – Resolution to Board setting measure for election
- **July 19, 2024** – Arguments for and against measure close
- **July 26, 2024** – Last day to file rebuttal arguments
- **October 2024** – Ballots Mailed
- **November 5, 2024** – Election Day

# ZONE CALENDAR



Legend:  
\$ Income Received  
■ Important Item Due to County



# IMPORTANT UPCOMING DATES

- **October 25th, 2023** – Budget & Contracting Workshop
- **January 3rd, 2023** – Deadline to submit:
  - Updated Member Contact Information Sheets
  - Budget Workbook FY 2/25
  - Work Plan for 2024 Season

# RESOURCES

- **Zone of Benefit email address & My email address:**

- [zoneofbenefit@edcgov.us](mailto:zoneofbenefit@edcgov.us)
- [elizabeth.hess@edcgov.us](mailto:elizabeth.hess@edcgov.us)

- **Zone of Benefit Website:**

<https://www.edcgov.us/Government/dot/Pages/Zones-of-Benefit.aspx>

- Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area, amended 2/10/15
- Zone of Benefit Advisory Committee Manual
- Orientation Presentation



[Subscribe to Zone of Benefit](#)  
[More Information](#)

- **Online Local Ethics Training Website:**

- <https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

# GENERAL Q&A

