

WASTEWATER TREATMENT & WATER RECLAMATION PROJECT

Frequently Asked Questions - Assessment District Formation

Q: Is Assessment District proposed as a special tax or an assessment?

A: This will not be a special tax as defined by the law, but instead an assessment. The difference is there is a direct or “special benefit” to the assessed property. AB 2701 (Blakeslee) authorizes the District to propose “assessments”.

Q: What is an assessment?

A: An Assessment is a common way to pay for public infrastructure improvement by securing debt with a lien on the properties benefiting from the improvements. An assessment becomes a lien on parcels of real property to pay for “special benefits” the parcels receive from a project. The lien may be paid off by property owners in a lump sum or paid annually with property taxes over a period of 20 to 30 years.

Q: What properties will be assessed?

A: Any property determined to have a “special benefit” from the collection, treatment, and disposal of wastewater will be assessed.

Q: Who determines if my property receives “special benefit”?

A: All assessments shall be supported by a detailed engineer’s report prepared by a registered professional engineer certified in California [California Constitution, Article XIID, §4 (b)].

Q: How does Proposition 218 define “special benefit”?

A: Proposition 218 provides the following definition of “special benefit”: “Special benefit” means a particular and distinct benefit over and above a general benefit conferred on real property located in the district or to the public at large. General enhancement of property value or improved aesthetics do not constitute a “special benefit.” [Cal. Const. article XIID, § 2 (i)].

Q: Where should a local agency document the distinction between general and special benefit?

A: In the engineer’s report discussed above it will distinguish the properties that will receive special benefit and a general benefit. General benefits are those shared by the entire service area not specific to the actual connection or direct use of the infrastructure, such as improved water quality or property values.

Q: Will property owned by a public agency, State of California or the United States be assessed?

A: Yes, unless there is evidence that the publicly-owned parcels receive no special benefit.

Q: What are the procedures for forming an assessments district?

A:

1. Identify the parcels (by phase) receiving special benefit.
2. Determine the proportionate special benefit to each property
3. Give the property owners a 45 day (minimum) notice of proposed assessment & ballot prior to vote deadline.
4. Receive and tabulate the property owner ballots after the public hearing.
5. Conduct a public hearing.
6. Determine if a “majority protest” exists (if greater than 50% of weighted votes based on financial obligation received are opposed).



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Q: Who will be voting on the Assessment District?

A: Property owners whose properties are included in the project boundaries of the Assessment District.

Q: How are the ballots weighted?

A: This is not a “one ballot, one vote” election. The ballots are weighted according to the proposed amount of the assessment on the affected property (i.e. the higher the assessment, the greater the weight of the vote).

Q: How does the agency identify the property owner for the purposes of sending notice and a ballot?

A: Article XIIIID, § 4(c) says the notice and ballot must be sent to “the record owner of each parcel.” “Record owner” means the owner of a parcel whose name and address appears on the last equalized secured real property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of the entity known to the agency [Cal. Gov’t Code § 53750 (j)]. Mobile home parks typically will receive one assessment per parcel to the landowner; the mobile homes are not assessed separately.

Q: May property owners submit ballots at the public hearing?

A: Yes. An assessment ballot may be submitted, changed, or withdrawn prior to the conclusion of the public testimony on the proposed assessment at the hearing.

Q: How will I know the results of the vote/who counts the ballots?

A: The Secretary of the Board is authorized to tabulate the ballots and will report the results at a public hearing.

Q: How will the District collect assessments?

A: The assessment will be collected through property taxes. The District can also collect the assessment up front in one lump sum if the property owner wishes to pay cash instead.

Note: The capital costs of the project do not include the monthly sewer bill or private property improvements.

Q: When will the amount of the proposed assessments be available to the public?

A: The Assessment District Engineer’s Report will be available in January 2011. A copy of the report will be kept on file with the District Secretary. Once the Assessment District report is complete, information about the proposed assessment will be mailed to each property owner and available to other stakeholders through local media, bill inserts, websites, public meetings, etc. There will be a number of public meetings scheduled for January 2011 for the public to attend to learn more and ask questions.

For more information call Chief Financial Officer Frank Luckino at (760) 228-6282 or the Project Information Line at (760) 861-8031.

**Learn more about the
Wastewater Treatment and Water Reclamation Project
online at www.yuccavalleywastewater.com.**



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