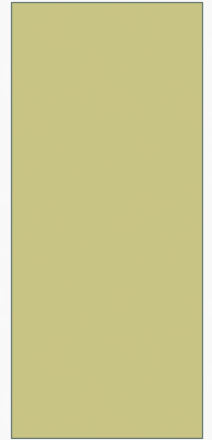


DEPARTMENT OF TRANSPORTATION
OCTOBER 25, 2022



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
 - (GOV 25210, *et seq*)
- LAFCO forms CSA
- Allowed or Authorized services designated
- Funding varies

COUNTY SERVICE AREA AUTHORIZED SERVICES

Transportation Zones

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

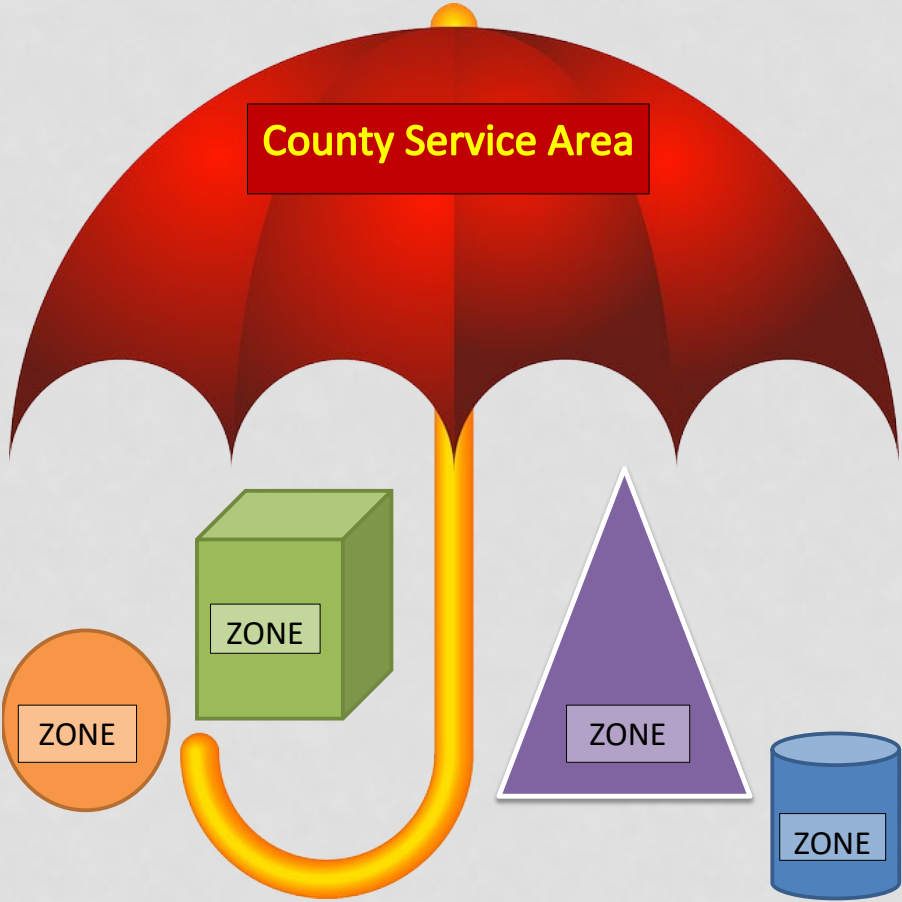
Other Departments' Zones

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

COUNTY SERVICE AREAS SUMMARY BY SERVICE

- **CSA #2** – 1963 - Road and Drainage Improvements and Maintenance, (2 Zones)
- **CSA #3** – 1963 - “Control or destruction of injurious insects,” Ambulance Services, Drainage, & Snow Removal, (6 Zones)
- **CSA #5** - 1970 - Drainage & Erosion Control, Single CSA
- **CSA #7** - 1976 - Ambulance Services, Single CSA
- **CSA #9** - 1983 - Roads, Drainage, Cemetery, Landscaping, Street Lighting & Wetland Related Services, (95 zones)
- **CSA #10** - 1988 - Waste Management, Library, (10 Zones)

COUNTY SERVICE AREAS ZONES OF BENEFIT



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

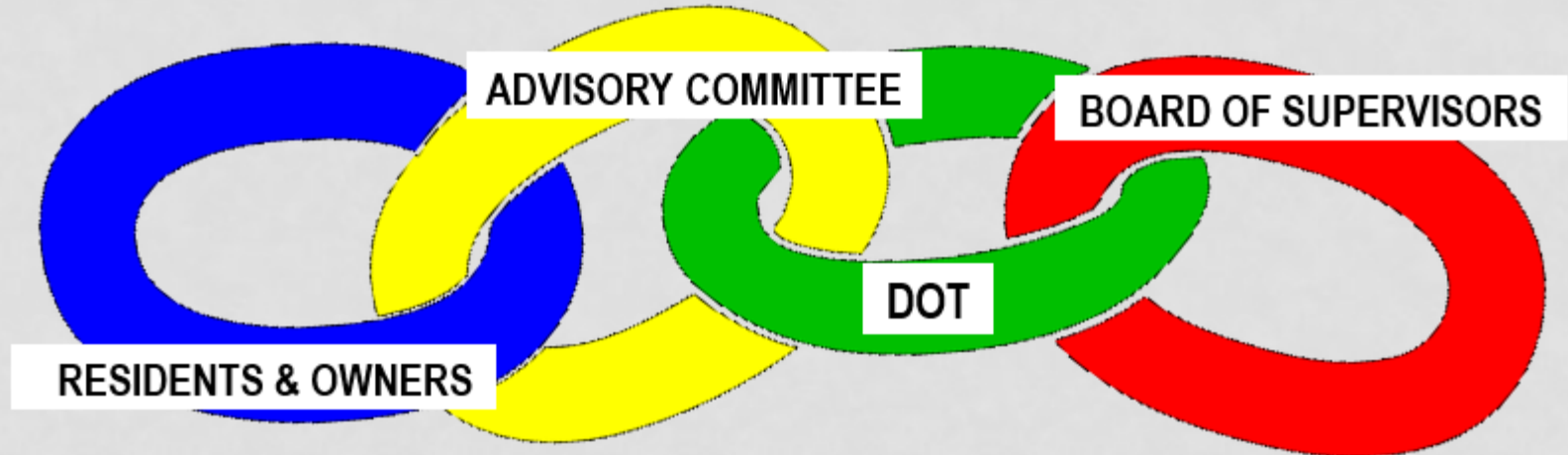
- **Road Maintenance Zones**
 - 2 in CSA 2 (circa 1979)
 - 42 in CSA 9 (circa 1980's - early 2000's)
 - Roads are NOT County Maintained
 - Public Roads Privately Maintained
 - *NOT Private Roads*

ZONE ADVISORY COMMITTEES

- Overview
- Responsibilities
- Meetings and 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 at its discretion.
 - At request of property owners/residents.
- Committee Members serve at the pleasure of the Board.
 - On recommendation of residents through Committee.
- Department of Transportation facilitates communication.
 - Many levels, many subjects, different 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 – 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.

• 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 and support you.

BROWN ACT

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

BROWN ACT REQUIREMENTS

- What is Brown Act?
 - The Ralph M. Brown Act, California's Open Meeting Law:
“Open decisions, openly arrived.”
- The Ralph M. Brown Act is a California law that guarantees the public's right to attend and participate in meetings of local legislative bodies.
 - Gov. Code, § 54950 et seq.

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. <https://www.edcgov.us/Government/hhsa/Pages/EDCCOVID-19.aspx>

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
- Minutes – also public record
 - Objectively document action taken
 - Provide to the County – even if not adopted yet

BROWN ACT REQUIREMENTS: NOTICING

- Provide Agenda to County for review before posting
 - Make it legible, keep it simple
 - Include ADA statement with telephone contact
 - Use template in the Manual, on website
- 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.

BROWN ACT REQUIREMENTS: NOTICING

- Set regular dates, time and place
- Publish schedule annually
 - Zone Website
 - Local Paper
 - 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.

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 – 07/05/2021
- Includes Conflict of Interest, “perks” rules and Brown Act.
- Certificate is required for reimbursement of eligible expenses.
- Available online at: <https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

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.

VOLUNTEER WORK PROGRAM

- Volunteer work allowed by Guidelines:
 - 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.

ZONE FUNDING REQUIREMENTS

- On June 8th, 2021, the Board of Supervisors approved Agenda Item 21-0781 directing the Community Development Services Finance and Administration to fully recover all administrative and indirect costs associated with the Zone of Benefit Program.
 - Zone balances cannot fall below a minimal sustainable amount to cover fixed insurance and County administrative costs.

ELECTIONS

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

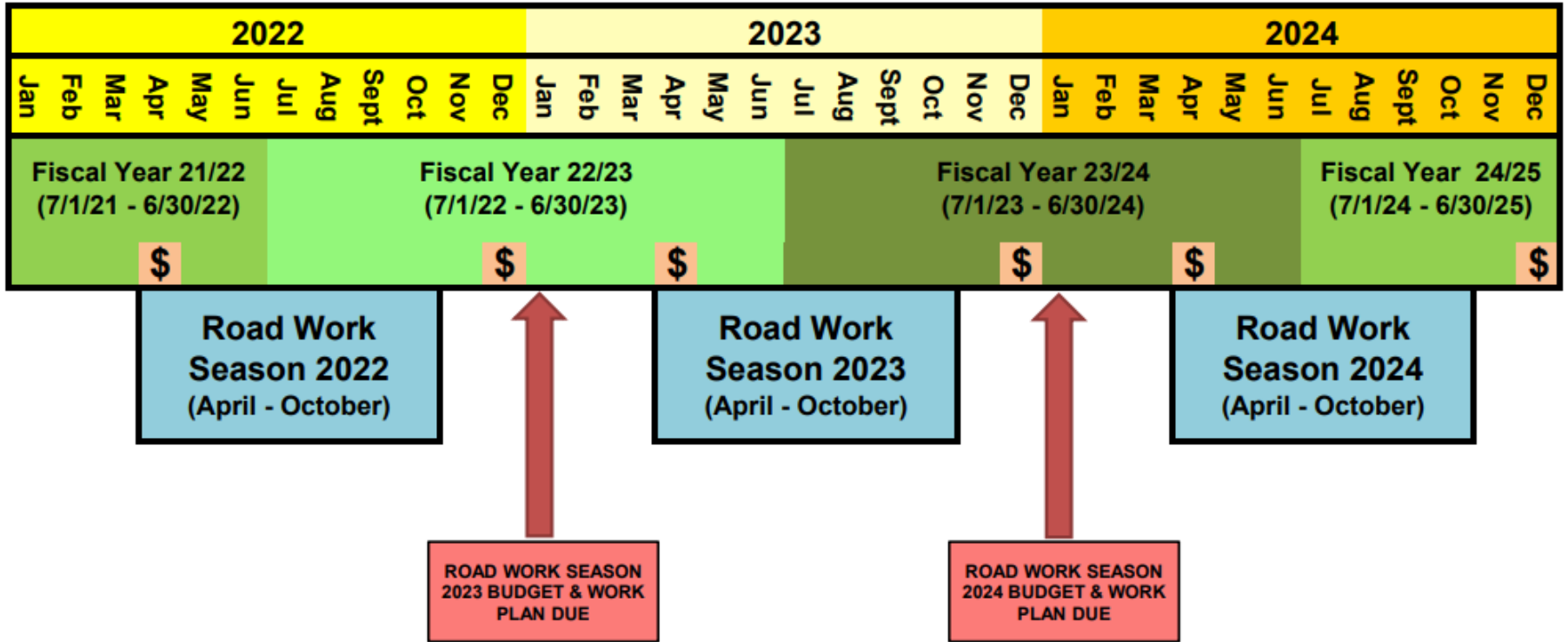
ELECTIONS: CHAIN OF EVENTS

- 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

- ✓ **May 2, 2022** – Firm deadline to submit Meeting Minutes & recommendation to DOT for June 28, 2022 Board date
- ✓ **June 28, 2022** – Resolution to Board setting measure for election
- ✓ **July 22, 2022** – Arguments for and against measure close
- ✓ **August 1, 2022** – Last day to file rebuttal arguments
- ✓ **October 10, 2022** – Ballots Mailed
- ✓ **November 8, 2022** – Election Day

ZONE CALENDAR



Legend:

-  Income Received
-  Important Item Due to County

IMPORTANT UPCOMING DATES

- **November 10th, 2022** – Budget & Contracting Workshop
- **January 9th, 2023** – Deadline to submit:
 - Updated Member Contact Information Sheets
 - Budget Workbook with Work Plan for 2023 Season
- **July 2023** - Any new committee appointees must submit the Ethics Training Certificate within 6 months.

RESOURCES

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

- zoneofbenefit@edcgov.us
- 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