

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN BENITO APPROVING A POLICY RELATED TO SERVICES
IN COUNTY SERVICE AREAS**

WHEREAS, the County provides residential services to multiple County Service Areas (CSAs) throughout the County; and,

WHEREAS, such services can be for a variety of functions, including but not limited to road maintenance, water and wastewater, street sweeping, street lighting, and storm drainage; and

WHEREAS, due to periodic staff changes, it is advisable to memorialize the County's policy regarding the provision of services within the various County Service Areas.

WHEREAS, it is necessary to clarify when road maintenance and other services can be provided within private County Service Areas;

WHEREAS, the County's policy over the last several years has been to provide only "essential services" (normally Storm Drainage) for those County Service Areas without an approved annual fee.

NOW THEREFORE BE IT RESOLVED that the Board adopts the following policy related to the provision of services within County Service Areas:

1. All services must have an approved source of funding, which may be either:
 - A) An approved fee which covers the cost of such service; or
 - B) If no approved CSA fee exists, the Board may authorize services to be provided on a case by case basis from any remaining CSA fund balance.
2. Subject to paragraph 1, road maintenance services may be provided as set forth below:
 - A) In all County Service Areas where the road is open to public use.
 - B) If the road is closed for public use, such as a gated road, services may only be provided pursuant to the provisions of California Streets & Highways Code Section 969.5. The text Section 969.5 is set forth as Exhibit "A".
 - C) When the road has been accepted into the County maintained road system, it will be maintained with County road funds. However, a higher level of service may be provided by CSA funds.

A flow chart relating when road maintenance services may be provided is set forth as Attachment "B".

3. All other authorized CSA services may be provided, subject paragraph 1 above, within all existing County Service Areas.

PASSED AND ADOPTED at a regular meeting of the San Benito County Board of Supervisors this 2nd day of April, 2019, by the following vote:

AYES: Supervisor(s)
NOES: Supervisor(s)
ABSENT: Supervisor(s)
ABSTAIN: Supervisor(s)

By: _____
Mark Medina, Chair

ATTEST:
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM
Barbara Thompson, County Counsel

By: _____

By: _____

Date: _____

Date: _____

ATTACHMENT A

§ 969.5. Improvement, etc., of private roads; Rental of equipment

Such boards may, after they have determined by a resolution adopted by a four-fifths vote of their membership that general county interest demands the improvement or repair of a privately owned road, improve or repair such road in consideration of the grant or lease of a right of way to the county for its own use or the use of the State, any political subdivision or other appropriate public agency for the public purposes specified in the resolution.

Such improvements or repairs shall be made and paid for in like manner as improvements or repairs of county highways.

By the same authorization the board may rent to the owner of land over which such a road has been open to the public for more than five years the machinery and equipment necessary to repair such road and the approaches thereto and any protecting embankments there may be, charging therefor by way of rental the cost of labor and other necessary expenses in addition to a reasonable allowance for depreciation of machinery.

Proceedings under this section shall not cause the road to become a county highway.

ATTACHMENT "B"