



## Legislation Details (With Text)

**File #:** 2021-0604  
**Type:** Consent Calendar Item      **Status:** Agenda Ready  
**File created:** 5/27/2021      **In control:** Transportation and Public Works  
**On agenda:** 7/13/2021      **Final action:**  
**Title:** Initiation of Proceedings to Form an Assessment District to Fund a Portion of the Cost of a Permanent Bridge at the Washington School Road Crossing of the Russian River Near the Community of Asti.  
**Sponsors:** Transportation and Public Works  
**Indexes:**  
**Attachments:** 1. Summary Report, 2. Resolution, 3. Budget Resolution, 4. Attachment A - Feasibility Study.pdf

Date	Ver.	Action By	Action	Result
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**To:** Board of Supervisors  
**Department or Agency Name(s):** Transportation and Public Works  
**Staff Name and Phone Number:** Johannes J. Hoevertsz 707-565-2231  
**Vote Requirement:** 4/5th  
**Supervisory District(s):** Fourth

**Title:**  
Initiation of Proceedings to Form an Assessment District to Fund a Portion of the Cost of a Permanent Bridge at the Washington School Road Crossing of the Russian River Near the Community of Asti.

### Recommended Action:

- A) Adopt a Resolution Initiating Proceedings to Form an Assessment District to Finance a Portion of the Cost of a Permanent Bridge at the Washington School Road Crossing of the Russian River near the Community of Asti and Directing the Preparation of an Engineer's Report estimated to cost \$55,000.00.
- B) Authorize County Counsel to execute a legal services agreement with the law firm of Richards, Watson & Gershon in an amount not to exceed \$25,000 to provide municipal finance counsel in connection with the project.
- C) Adopt a Resolution approving a budget adjustment to the Department of Transportation and Public Works fiscal year 2021-2022 Final Budget in the amount of \$30,000 from available District Formation Funds for contract costs associated with an engineer's report and legal services.

(4/5 Vote Required)(Fourth District)

### Executive Summary:

The Department of Transportation and Public Works (TPW) is responsible for installing, maintaining, and removing three seasonal crossings on the Russian River annually. One crossing is located near the Community of Asti, just south of Cloverdale (the "Asti Crossing"), and the other two are located near Guerneville.

The Asti Crossing, which consists of bridge decks that are placed on permanent concrete piers, is typically installed by TPW around Memorial Day and removed in the fall before the first major rain event. The cost of the annual installation and removal of the Asti Crossing increased after the flood event of 2019 realigned the

river.

A permanent bridge would eliminate the average annual cost of \$266,000 (based on five years of actual costs) for installation and removal of the Asti Crossing and would provide reliable, year-round emergency egress and a reliable, year-round access point to cross the river for daily use.

TPW recommends that the Board initiate proceedings to form an assessment district in accordance with the Municipal Improvement Act of 1913 to fund a portion of the cost of the permanent bridge at Washington School Road and direct TPW to prepare and Engineer's Report in compliance with state statute for presentation to the Board. The Engineer's Report is estimated to cost \$55,000.00. TPW and County Counsel also recommend that the Board authorize County Counsel to execute a legal services agreement with the law firm of Richards, Watson & Gershon for an amount not to exceed \$25,000, to assist with district formation and bridge financing issues. TPW is also requesting Board approval for a budget adjustment totaling \$30,000 from available District Formation funds necessary to cover these costs.

### **Discussion:**

#### Background:

The Asti Crossing is typically installed prior to Memorial Day Weekend to provide additional access to properties east of the Russian River. The crossing consists of bridge decks that are placed on permanent concrete piers with a large crane stationed on the river bank. Gravel roads are then built from the end of the bridge to the opposite shore using bulldozers and other large equipment. The crossing has vehicular weight restrictions and is not intended to carry heavy trucks.

In addition to offering access to local residents, the crossing offers the benefit of being an evacuation route to nearby residents as demonstrated during both the 2017 Sonoma County Complex Fires and the 2019 Kincadee Fire.

Historically, summer crossing expenditures have been funded through the General Fund Road Maintenance contribution. Installation costs for the Asti crossing increased after the flood event of 2019 realigned the river's low flow channel towards the center of the embankments.

The cost to install and remove the Asti crossing in fiscal year 2019-20 was \$454,770. In comparison, FY-2018-19 costs were \$280,658. The realignment of the channel required that TPW add a second temporary bridge in order to span the river. The new configuration increases permitting, installation, and removal costs. Until the river changes alignment again or the flow decreases significantly it is expected that it will continue to cost over \$450,000 each year to install and remove the Asti Crossing.

On December 10, 2019, TPW updated your Board on the installation cost of the three seasonal crossings and requested authorization to work with community groups to evaluate short and long term plans for the installation and permanent replacement of the crossings if feasible to reduce costs.

#### Assessment District Formation:

TPW has worked with the community and a feasibility study for financing the bridge (Attachment A) was completed February 2021. The Department is requesting that your Board initiate district formation proceedings in accordance with the Municipal Improvement Act of 1913 (Cal. Sts. & High. Code §§ 10000, *et*

seq.) (the “1913 Act”) to fund a portion of the cost of a permanent bridge, and authorize the Director of TPW to prepare, or direct preparation of, an Engineer’s Report in compliance with the 1913 Act. The Engineer’s Report will include general plans and specifications for the bridge, estimated cost, a plan for financing the project, whether through bonds or other means, a diagram showing the proposed boundaries of the assessment district, the amount of the proposed assessment, and the proposed County contribution.

Special benefit assessments are charges levied to pay for public improvements that are imposed upon properties within established boundaries according to the benefit received from public improvements. Formation of an assessment district is a mechanism for equitably distributing the costs of public improvements to the specially benefitted parcels of real property and providing owners of benefitted properties with the means for paying, over time, their share of the costs of financing public improvements.

Formation of an assessment district under the 1913 Act will require multiple future Board actions, including a regular calendar item to review the draft Engineer’s Report and consider adopting a resolution declaring your intention to form the assessment district, followed by a public hearing to consider whether to adopt a resolution to form the assessment district. Proposition 218 also imposes specific notice, majority protest and public hearing requirements.

TPW will also continue to explore other funding options for a permanent bridge.

District Formation Fund

Costs associated with the proposed agreement, will be paid from District Formation Funds. This fund was established for costs associated with the formation of special districts, and is sourced from Transient Occupancy Taxes (TOT). On April 16, 2019, the Board approved a four-year TOT funding allocation plan that included an annual contribution of \$175,000 to the District Formation Fund. This allocation was decreased by 30%, or \$52,500, in FY 2020-21 and FY 2021-22 based on an anticipated reduction in revenue resulting from COVID-19 impacts to local tourism.

The FY 2021-22 adopted budget for District Formation includes anticipated revenues of \$122,500, and expenditures estimated at \$50,000. In order to complete the work outlined in the proposed agreements, an additional \$30,000 is being in expenditure appropriations sourced from fund balance, to cover total anticipated contract costs of \$80,000. Remaining District Formation fund balance at the end of FY 2021-22, is estimated at \$610,772.

**Prior Board Actions:**

12-10-2019 Authorization to work with community groups on long term options for the seasonal crossings and funding a feasibility study for the assessment district.

04-16-2019 Approve the Community Investment Fund Program Policy and four year funding allocations for Transient Occupancy Tax.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses	\$50,000		
Additional Appropriation Requested	\$30,000		

<b>Total Expenditures</b>	<b>\$80,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$50,000		
Use of Fund Balance	\$30,000		
Contingencies			
<b>Total Sources</b>	<b>\$80,000</b>		

**Narrative Explanation of Fiscal Impacts:**

Anticipated costs are \$55,000 to complete the required engineer’s report for an assessment district, and \$25,000 for outside counsel, for a total of \$80,000 in FY 2021-22. These costs will be paid from the County’s District Formation Fund (10055-34020200). The FY 2021-22 District Formation adopted budget includes expenditure appropriations for \$50,000 therefore, a budget resolution is being requested to move additional \$30,000 from fund balance for budget appropriations to cover engineering and legal services costs under the proposed agreements.

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

- Resolution
- Budget Resolution
- Attachment A- Feasibility Study

**Related Items “On File” with the Clerk of the Board:**

Services Agreement for Outside Counsel