DEPARTMENT: Board of Supervisors
BY: Supervisor Fritz
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: Adopt resolution regarding establishment of French Camp Road Zone of Benefit within Countywide County Service Area No. 1 and initiating proceedings for fees.

BACKGROUND AND HISTORY OF BOARD ACTIONS: Periodically the Board has approved zones of benefits for road maintenance. Property owners on French Camp Road have requested that a Zone of Benefit be established to provide for road improvements and ongoing maintenance. The Public Works Department estimated the cost of the project and provided that information to the property owners. Subsequently, owners of half of the affected parcels have signed a petition indicating that they are willing to pay the proposed charge.

In order to begin the process to form the Zone of Benefit it will be necessary for the Board to adopt the attached resolution. It will also be necessary to conduct a property owner Proposition 218 election. If a majority of the property owners returning ballots, based on their proportionate share of the cost, approve of the assessment the Board will be able to move forward with the formation and assess the parcels.

If approved, the Board will be asked to approve a loan to the Zone to Benefit in the amount of approximately $80,000 to be repaid, with interest, over the next 10 years. This loan will be paid with proceeds from the charges placed on the property tax bills of properties within the zone. This will allow for the construction of the improvements.

It is recommended that the Board adopt the attached resolution initiating the process.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Road improvements will not be constructed. No formalized road maintenance program for French Camp Road.

Financial Impact? (x) Yes ( ) No Current FY Cost: $
Budgeted In Current FY? (x) Yes ( ) No ( ) Partially Funded

Amount in Budget: $
Additional Funding Needed: $

Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

List Attachments, number pages consecutively
1. Resolution
2. Engineers Report

CLERK'S USE ONLY:
Res. No.: 04-43
Ord. No.
Vote – Ayes: 4 Noes: 0
Absent: 0

( ) Approved
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

Revised Dec. 2002
MARIPOSA COUNTY RESOLUTION NUMBER 08-437

RESOLUTION OF
MARIPOSA COUNTY BOARD OF SUPERVISORS
REGARDING ESTABLISHMENT OF FRENCH
CAMP ROAD ZONE OF BENEFIT WITHIN
COUNTYWIDE COUNTY SERVICE AREA NO. 1
AND INITIATING PROCEEDINGS FOR FEES

WHEREAS, a written request has been submitted by property owners for the establishment of a Zone of Benefit within Countywide County Service Area #1, for the purpose of providing road maintenance;

WHEREAS, the exterior boundaries of the territory proposed for establishment, all within the County of Mariposa, State of California, are generally described as the French Camp Road Area.

The complete legal description of the boundaries of said territory as described on Exhibit A, and a map delineating same as described on Exhibit B, are on file with the Clerk of the Board and included herein; and

WHEREAS, the territory proposed for formation is inhabited; and

WHEREAS, Countywide County Service Area No. 1, French Camp Road Zone of Benefit shall maintain French Camp Road.; and

WHEREAS, a service charge sufficient to pay for such services which are proposed to be furnished within the subject territory will be annually established via an ordinance and placed upon all parcels within said Zone of Benefit. Article XIIIID of the California Constitution, requires that the proposed assessments be approved by affected property owners and establishes procedures and requirements for assessments. By ballot the property owners will be requested to approve an annual assessment up to a maximum as described on Exhibit C; and

WHEREAS, the Public Works Department has evaluated the possible environmental impacts of this action and concluded that it can be seen with certainty there is no possibility the proposed action may have a significant effect on the environment pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act (CEQA) of 1970 Guidelines and the possible environmental impacts of the proposed assessments are recommended to be found statutorily exempt from the requirements for preparation of environmental documents pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines. Pursuant to the provisions of the State CEQA Guidelines, a Notice of Exemption will be prepared and filed at the time of the approval of this Resolution and finding the project to be exempt.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mariposa, State of California, as follows:

1. This Board hereby fixes the 30th day of September, 2008, at the hour of 6:30 p.m. at the Mariposa County Administrative Center, 5100 Bullion Street, Mariposa, California as the time and place for a public informational meeting on the proposed fee assessments for the proposed establishment of the Zone of Benefit.

2. This Board hereby fixes the 28th day of October, 2008, at the hour of 10:00 a.m. at the Chambers of the Board, 5100 Bullion Street, Mariposa, California as the time and place for a public hearing on the proposed establishment and proposed fee assessments for said Zone of Benefit.

3. This Board finds and determines that the action being taken is exempt from the requirements of the California Environmental Quality Act (CEQA) of 1970, pursuant to Section 15061(b)(3) and the assessments are statutorily exempt pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, for which reason no environmental evaluations or documents will be required.

4. Any interested person desiring to make written protest against said Zone of Benefit establishment shall do so by written communication filed with the Clerk of the Board no later than the time set for hearing.
5. Pursuant to Sections 57025, 56153 and 56154 of the Government Code, the Clerk of the Board shall cause notice of hearing to be published as provided in Government Code Section 6061 in the Mariposa Gazette, a newspaper of general circulation within the affected territory.

6. The Clerk shall provide written personal notice of the time and date of said hearing to all persons requesting such notice as provided in Government Code Section 54986(a).

7. Pursuant to Sections 57025, 56158 and 56159 of the Government Code, the Clerk of the Board shall cause a copy of said notice to be posted near the door of the Chambers of the Board commencing at least 21 days prior and continuing to the time fixed for hearing.

8. Pursuant to Sections 53750(i) and 53753 of the Government Code, the Director of the Public Works Department shall cause to be mailed to each property owner within the proposed Zone of Benefit an engineer’s report, ballot and a notice of the date, time and place of said public meeting and the hearing. The Director of the Public Works Department shall cause to be sent a notice in at least 10-point type to each property owner as they appear on the last equalized secured county property tax assessment roll. The notice shall include the estimated amount of the assessments, a general description of the purpose or improvement that the assessments will fund, the address to which property owners may mail a protest against the assessments and the phone number and address of the Public Works Department that interested persons may contact to receive additional information about the assessments. With the notice each property owner will be sent a ballot along with information about the amount of the proposed assessments, the total amount chargeable to the entire district, the amount chargeable to the owner’s particular parcel, the duration of the payments, the reason for the assessments and the basis upon which the amount of the proposed assessments were calculated. Each notice shall contain a summary of the procedures applicable to the completion, return, and tabulation of the ballots, including a disclosure statement that the assessments shall not be imposed if the ballots submitted in opposition to the assessments exceed the ballots submitted in favor of the assessments, with ballots weighted according to the proportional financial obligation of the affected property.

9. At said hearing all protests to the proposed fee assessments will be considered and all ballots in favor of or opposed to said fee assessments will be tabulated.

10. If at the conclusion of the hearing a majority protest exists this will result in the fee assessments not being imposed.

11. If at the conclusion of the hearing a majority of the returned ballots are in favor of the fee assessments the Board will be requested to approve the fee assessments as authorized by the balloting.

12. A Notice of Exemption, pursuant to CEQA and said guidelines, is to be filed with the Clerk of the Board.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 9th day of September, 2008, by the following vote:

AYES: ABORN, TURPIN, FRITZ, PICKARD

NOES: BIBBY

ABSENT: NONE

ABSTAINED: NONE

LYLE TURPIN, Chair
Board of Supervisors

APPROVED AS TO FORM:

THOMAS P. GUARINO, County Counsel

MARGIE WILLIAMS, Clerk of the Board
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COUNTY of MARIPosa
P.O. Box 784, Mariposa, CA  95338 (209) 966-3222

LYLE TURPIN, CHAIR
DIANNE A. FRITZ, VICE CHAIR
BRAD ABORN
JANET BIBBY
BOB PICKARD

DISTRICT II
DISTRICT IV
DISTRICT I
DISTRICT III
DISTRICT V

MARIPosa COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO:                SUPERVISOR FRITZ
FROM:             MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Adopt a Resolution Regarding Establishment of French Camp Road Zone of Benefit within Countywide County Service Area No. 1 and Initiating Proceedings for Fees and set Public Hearing for Tuesday, October 28, 2008 at 10:00 a.m.

RESOLUTION 08-437

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on September 9, 2008

ACTION AND VOTE:

11:40 a.m. Supervisor Fritz;
Adopt a Resolution Regarding Establishment of French Camp Road Zone of Benefit within Countywide County Service Area No. 1 and Initiating Proceedings for Fees and set Public Hearing for Tuesday, October 28, 2008 at 10:00 a.m.

BOARD ACTION: Supervisor Fritz presented the request and discussion was held relative to the formation costs. Dana Hertfelder responded to questions relative to maintenance for the Zones of Benefit. Supervisor Bibby asked that this be considered after the Final Budget Hearing because of the subsequent request to approve a loan if the Zone of Benefit is approved.

Input from the public was provided by the following:

Mike McCreary referred to an article in the Gazette relative to overspending and discussion that occurred earlier this morning relative to fiscal issues and concerns about the budget. He stated he feels there should be a public policy focus to make sure that we do not have a cash flow problem and he feels that the potential budget deficit situation should be addressed. He stated he would like to see more discussion on the impacts of these decisions and he feels that the Board should be saving wherever it can.

Ruth Catalan stated she feels that we are spending money before we have it and if more Zones of Benefits are approved it could have a one million dollar impact. She does not feel that the County should be in the banking business, and she feels that there should be additional charges to cover the administrative fee. She feels the Board needs to stop spending money.

Paul Chapman agreed with the input that has been provided, and he does not feel that the County can afford to loan money. He stated he feels that Supervisor Fritz’s daughter and son-in-law live on the road and would benefit and that she should recuse herself from voting on this matter.

Ron Kennedy stated he is part of the Zone of Benefit proposal and he appreciates the work done by the Public Works Director and the County Administrative Officer; and he commented on the request. He stated he feels that the County should address how to handle requests for Zones of Benefit.
Discussion was held. Rick Benson responded to the input and advised that the overhead includes administrative costs in the budget and he advised of the Code allowance for charging interest. Supervisor Pickard asked that information be provided on the amount that has been repaid on Zones of Benefit loans to the General Fund. Further discussion was continued for a recess for Supervisor Fritz to discuss with the property owners that were attendance whether they were agreeable with continuing this matter until after the Final Budget Hearing.

12:30 p.m. Recess

12:38 p.m. Supervisor Fritz stated she would like for the Board to take action to approve starting the formation process for the Zone of Benefit and hopefully when it comes time to make the decision on the request for the $80,000 loan, we will have a State budget and things will be better. She advised that her daughter and son are renting and they do not get a vote. (M)Fritz, (S)Aborn, Res. 08-437 was adopted initiating proceedings to establishment the French Camp Road Zone of Benefit within Countywide County Service Area No. 1 with fees and setting Public Hearing for Tuesday, October 28, 2008 at 10:00 a.m./Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Cc: Dana Hertfelder, Public Works Director
    File
NOTICE OF HEARING
COUNTYWIDE SERVICE AREA #1,
FRENCH CAMP ROAD ZONE OF BENEFIT
FOR ROAD IMPROVEMENTS & MAINTENANCE

NOTICE IS HEREBY GIVEN that the Board of Supervisors will conduct a public hearing on the proposal to establish assessments for parcels within the proposed French Camp Road Zone of Benefit within Countywide County Service Area 1 located in the French Camp Road area, on Tuesday, October 28, 2008, at the hour of 10:00 a.m., in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion St, Mariposa, California and at said time shall hear and consider all objections and protests, if any, to said assessments.

The Mariposa County Public Works Department has considered the environmental impacts of this project and concluded that this project will not have a significant effect on the environment pursuant to the provisions of Section 21080(b)(8) of the Public Resources Code and Section 15061(b)(3) of the State CEQA Guidelines.

Anyone wishing to present evidence or be heard in this matter may present or speak at said hearing or any continuation thereof. If you challenge the adoption of the proposed ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

Prior to the hearing, a public informational meeting on the proposed assessments will be held by the Public Works Department, as follows:

The 30th day of September, 2008, at the hour of 6:30 p.m. in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion St, Mariposa, California.

The total amount of the proposed assessment chargeable to the entire district is $19,126 annually. Amount chargeable to each record owner's parcel are described on Exhibit A
Duration of the payments: Indefinite
If approved, the revenues from the proposed assessment will be used to improve and maintain French Camp Road

Each parcel's assessment was calculated as a fraction of the total initial road improvement and maintenance costs using it distance from the intersection of State Highway 49N and French Camp road. The initial road improvement cost will be repaid over the first ten years. After the first ten years only road maintenance cost will be assessed.

The assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.

If a parcel is owned by multiple parties, only one owner is required to sign the ballot.

Ballots must be returned to the Mariposa County Government Center, 5100 Bullion Street, Mariposa, California no later than 10:00 a.m. October 28, 2008 for tabulation at the hearing.

PLEASE REVIEW THE INFORMATION ON THE REVERSE
General Boundaries: French Camp Road area within Mariposa County

Services Provided: Initial road improvements including chip seal, shoulder backing, signing and delineation, embankment repair at post mile 10.305, and shoulder repair and culvert extension at post mile 10.231 Annual road maintenance including weed abatement, road patching, drainage repair, and reshaping shoulders and ditches. Roadside brushing every three years. Ten year chip seal.

Cost Calculation: The parcels within the Zone of Benefit receive 100% of the benefit. Each parcels assessment was calculated as a fraction of the total initial road improvement and maintenance costs using its distance from the intersection of State Highway 49N and French Camp road. The initial road improvement cost will be repaid over the first ten years. After the first ten years only road maintenance cost will be assessed. The assessment rate for each parcel for the 2008/2009-tax year is as shown in Exhibit A.

### Estimated Annual Expenses

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### Estimated Annual Revenues

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<td><strong>Total Revenues</strong></td>
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PLEASE NOTE:

WITHIN THE ENCLOSED BALLOT, YOU ARE BEING ASKED TO APPROVE AN ASSESSMENT AS SHOWN IN EXHIBIT A.

PLEASE READ THE INFORMATION ON THE REVERSE SIDE OF THIS REPORT

ATTACHMENT #2