RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a Resolution of Intention to form Assessment District No. 05-1 for the Wastewater Facilities Project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1.

The action being requested today will formally begin the process of forming an assessment district in order to secure the financing for construction of the new wastewater treatment plant in Lake Don Pedro. The resolution conforms to requirements of the Municipal Improvement Act of 1913 and Proposition 218, and was prepared by our bond counsel firm for this project, Jones Hall. The resolution is the next step necessary to move forward on the wastewater treatment plant, officially declaring our intention to form the assessment district.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has taken numerous actions in the past on the Don Pedro Wastewater Treatment Plant including the acquisition of two 40-acre parcels of land, approving a contract with Kennedy/Jenks to design the new plant, approving a contract with Fred Solomon for consulting services, approving a contract with Wilson & Associates for assessment engineering, and approving a contract with Jones Hall for bond counsel.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt the Resolution of Intention, which would prevent us from moving forward on forming an assessment district. There is no alternative source of financing we currently know of that is available to fund this project other than an assessment.

Financial Impact? ( ) Yes (X) No Current FY Cost: $  
Budgeted In Current FY? ( ) 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 of Intention

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended  
No Opinion
Comments:

CLERK’S USE ONLY:
Res. No. 575  Ord. No. _____  
Vote - Ayes: 5 Noes: _____  
Absent: _____  
Approved  
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: 
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California
By: 
Deputy

CAO: 

Revised Dec. 2002
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
LEE STETSON, VICE CHAIR
LYLE TURPIN
JANET BIBBY
DIANNE FRITZ

DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DANA HERTFELDER, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: RESOLUTION OF INTENTION TO FORM ASSESSMENT DISTRICT NO. 05-1 FOR THE WASTEWATER FACILITIES PROJECT FOR LAKE DON PEDRO COUNTY SERVICE AREA 1-M, SEWER ZONE NO. 1
RESOLUTION 05-575

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on

ACTION AND VOTE: December 6, 2005

2:54 p.m. LAKE DON PEDRO COUNTY SERVICE AREA 1-M
Dana Hertfelder, Public Works Director;
Adopt a Resolution of Intention to Form Assessment District No. 05-1 for the Wastewater Facilities Project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the formation of Assessment District No. 05-1. Carl Casey/PWD-Fiscal Officer, responded to questions relative to the estimated costs and debt service. Chairman Pickard called for input from the public and none was received. (M)Turpin, (S)Fritz, Res. 05-575 was adopted – intention to form Assessment District No. 05-1 for the wastewater facilities project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1/Ayes: Unanimous.

Cc: Tom Guarino, County Counsel
    Marjorie Wass, County Clerk
    Debra Isaacs, Assistant Auditor
    Ed Wilson
    File
MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 55-55

A RESOLUTION OF INTENTION
TO MAKE ACQUISITIONS AND IMPROVEMENTS

COUNTY OF MARIPOSA
ASSESSMENT DISTRICT NO. 05-1
(Wastewater Facilities Project for
Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1)

RESOLVED by the Board of Supervisors (the "Board") of the County of Mariposa (the "County"), State of California, as follows:

1. Intention. The public interest, convenience and necessity require, and the Board intends to order the making of, the acquisitions and improvements (the "Improvements") described in Exhibit "A" attached hereto and made a part hereof in and for the County's proposed Assessment District No. 05-1 (Wastewater Facilities Project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1) (the "Assessment District").

2. Law Applicable. Except as herein otherwise provided for the issuance of bonds, all of the work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Act").

3. Nature and Location of and Grades for Improvements. All of Improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided. There is to be excepted from the work above described any of such work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work is shown on the plans to be done therein. The streets and highways are or will be more particularly shown in the records in the office of the County Recorder of the County and shall be shown upon the plans.

4. Change of Grade. Notice is hereby given of the fact that in many cases the Improvements will bring the finished work to a grade different from that formerly existing, and that to the extent the grades are hereby changed and that the work will be done to the changed grades.

5. Work on Private Property. In cases where there is any disparity in level or size between the Improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on the private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do such work on private property to eliminate such disparity. In such cases, the work on private property shall, with the written consent of the owner of the property, be done.
and the actual cost thereof may be added to the proposed assessment of the lot on which the work is to be done.

6. **Official Grades.** This Board does hereby adopt and establish as the official grades for the work the grades and elevations to be shown upon the plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of this County.

7. **Descriptions - General.** The descriptions of the Improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the Improvements and maps and descriptions as contained in the Engineer’s Report, hereinafter directed to be made and filed, shall be controlling as to the correct and detailed description thereof.

8. **Special Benefit and Boundary Map.** The contemplated Improvements, in the opinion of this Board, are of more than general or ordinary public benefit, and the costs and expenses thereof are made chargeable upon the Assessment District, the exterior boundaries of which are shown on a map thereof on file in the office of the Clerk of the Board, to which reference is hereby made for further particulars. The map indicates by a boundary line the extent of the territory proposed to be included in the Assessment District and shall govern for all details as to the extent of the Assessment District.

9. **Public Property.** This Board declares that all public streets, highways, lanes and alleys, and properties owned by any public agency or department of the United States of America, the State of California, the County, any city or special district, within the Assessment District and in use in the performance of a public function shall be omitted from the assessment hereafter to be made; provided, however that to the extent found to be specially benefited, such lands shall be subject to assessment.

10. **Engineer’s Report.** The Improvements are hereby referred to the Public Works Director of the County as the Engineer of Work (the “Engineer of Work”), and to Wilson & Associates, being a competent firm employed for the purpose hereof as the assessment engineer for the Assessment District (the “Assessment Engineer”), and the Engineer of Work, with the assistance of the Assessment Engineer is hereby directed to make and file with the Clerk of the Board a report in writing (the “Engineer’s Report”), presenting the following:

   (a) Maps and descriptions of the lands and easements to be acquired, if any.

   (b) Plans and specifications of the proposed Improvements if the Improvements are not already installed. The plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location, and extent of the Improvements. If the Assessment District is divided into zones, the plans and specifications shall indicate the class and the type of the Improvements to be provided for each zone. The plans or specifications may be prepared as separate documents, and either or both may be incorporated in the Engineer’s Report as a combined document.

   (c) A general description of Improvements already installed and any other property necessary or convenient for the operation of the Improvements, if the works, appliances, or property are to be acquired as part of the Improvements.
(d) An estimate of the cost of the Improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the Improvements, including any cost of issuing and registering bonds.

(e) A diagram showing, as they existed at the time of the passage of this Resolution, all of the following:

1. The exterior boundaries of the Assessment District.
2. The boundaries of any zones within the Assessment District.
3. The lines and dimensions of each parcel of land within the Assessment District.

Each subdivision shall be given a separate number upon the diagram. The diagram may refer to the County assessor’s maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

(f) A proposed assessment of the total amount of the cost and expenses of the proposed Improvements upon the several sub-divisions of land in the Assessment District in proportion to the estimated benefits to be received by each subdivision, respectively, from the Improvements. The assessment shall refer to the sub-divisions by their respective numbers as assigned pursuant to subdivision (e).

(g) A proposed maximum annual assessment upon each of the several subdivisions of land in the Assessment District to pay cost incurred by the County and not otherwise reimbursed resulting from the administration and collection of assessments or from administration or registration of any associated bonds and reserve or other related funds.

When any portion or percentage of the costs and expenses of the Improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the Improvements, and the assessment shall include only the remainder of the estimated cost and expenses.

11. **Use of Surplus.** If any excess is realized from the assessment, it shall be used, in such amounts as this Board may determine, in accordance with the provisions of the Act, for one or more of the following purposes:

   (a) Transfer to the general fund of this County, provided that the amount of any such transfer may not exceed the lesser of $1,000 or 5% of the total amount expended from the improvement fund to be established by the County in connection with the assessment;

   (b) As a credit upon the assessment and any supplemental assessment or for the redemption of bonds, or both; or

   (c) For the maintenance of the Improvements.

12. **Contact Person.** Dana S. Hertfelder, the County Director of Public Works, is hereby designated as the person to answer inquiries regarding any protest proceedings to be
had herein, and may be contacted during regular office hours at the County of Mariposa, Department of Public Works, 4639 Ben Hur Road, Mariposa, California 95338, or by calling telephone number (209) 966-5356.

13. **Contracts with Others.** To the extent that any of the work, rights, improvements and acquisitions indicated in the Engineer’s Report, to be made as provided herein, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this County, or of any public utility, it is the intention of this Board to enter into an agreement with such public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of the Act, which agreement may provide for, among other matters, the ownership, operation and maintenance by such agency or utility of the works, rights, improvements and acquisitions, and may provide for the installation of all or a portion of such improvements by the agency or utility and for the providing of service to the properties in the area benefiting from the work, rights, improvements and acquisitions by such agency or utility in accordance with its rates, rules and regulations, and that such agreement shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of any such agreement.

14. **Improvement Bonds.** Notice is hereby given that improvement bonds (the “Bonds”) to represent unpaid assessments, and bear interest at a rate not to exceed such rate of interest as may be authorized by applicable law at the time of sale of such bonds, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, Division 10 of the California Streets and Highways Code (the “Bond Law”), the last installment of which bonds shall mature not to exceed 39 years from the second day of September next succeeding the date the Bonds are issued. The Bonds shall be issued as serial or term bonds, or both, in such series and maturing in such principal amounts at such times as may be determined by this Board at the time of the issuance of the Bonds. The provisions of Part 11.1 of the Bond Law, providing an alternative procedure for the advance payment and calling of bonds, shall apply to the Bonds issued in these proceedings. It is the intention of this Board to create a special reserve fund pursuant to and as authorized by Part 16 of the Bond Law. It is now the intention of the County that the County will not obligate itself to advance available funds from the treasury of the County to cure any deficiency in the redemption fund to be created with respect to the Bonds; provided, however, that any final determination not to obligate itself will not prevent the County from, in its sole discretion, so advancing funds.

15. **Refunding of Bonds.** The bonds may be refunded under Division 11.5 of the California Streets and Highways Code upon the determination of the Board that the public interest or necessity requires such refunding. Such refunding may be undertaken by the Board when, in its opinion, lower prevailing interest rates may allow reduction in the amount of the installments of principal and interest upon the assessments given to owners of property assessed for the Improvements. The resolution of the Board expressing its intention to issue the refunding bonds shall state the maximum rate of interest that the refunding bonds shall bear, and shall also set forth the maximum term of years of the refunding bonds. The refunding shall be accomplished pursuant to Division 11.5 (commencing with Section 9500) of the California Streets and Highways Code, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Board finds that each of the conditions specified in the resolution of intention to issue the refunding bonds is satisfied and that adjustments to the assessments are on a pro-rata basis, the Board may approve and confirm the report and may, without further proceedings, authorize, issue and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the California Streets and Highways Code.
16. **Division 4.** It is the intention of this Board to comply with Division 4 of the Streets and Highways Code of California by proceeding under Part 7.5 thereof. To that end, the Engineer of Work is hereby directed to include in the Engineer's Report all of the material specified by such Part 7.5 and for which the total true value shall be estimated as the full cash value of the parcels of land in the Assessment District as shown on the last equalized assessment roll of the County.

17. **No Private Contract.** Notice is hereby given that, in the opinion of this Board, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and therefore that, pursuant to Section 20487 of the California Public Contract Code, no notice of award of contract shall be published.

18. **Effective.** This resolution shall be effective upon its adoption.

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PASSED AND ADOPTED this 6th day of December, 2005 by the following vote:

**AYES:**
STETSON, TURPIN, BIBBY, FRITZ, PICKARD

**NOES:**
NONE

**ABSENT:**
NONE

**ABSTAINED:**
NONE

COUNTY OF MARIPOSA

[Signature]
ROBERT PICKARD, Chairman

ATTEST:

[Signature]
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
THOMAS P. GUARINO, County Counsel
EXHIBIT A

COUNTY OF MARIPOSA
ASSESSMENT DISTRICT NO. 05-1
(Wastewater Facilities Project for
Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1)

DESCRIPTION OF IMPROVEMENTS

Within the Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1, ("Sewer Zone 1"), in the County of Mariposa (the "County"), State of California, the construction and acquisition of wastewater system facilities and related improvements (the "Improvements"), including the acquisition of all lands, easements, rights-of-way, licenses, franchises, and permits in accordance with plans and specifications to be approved by the County. The Improvements are described in detail in the Engineer’s Report prepared under Section 10 of the within Resolution of Intention for Assessment District No. 05-1 and reference is hereby made to that report for details. Capitalized terms shall have the meanings defined in that report. The Improvements are generally described as follows:

1. Construction of new wastewater treatment and disposal system improvements to replace existing facilities that are operating under Special Order No. 97-01 adopted January 24, 1997, by the Central Valley Regional Water Quality Control Board, requiring full compliance to correct deficiencies of effluent biochemical oxygen demand ("BOD") and coliform, as well as overflow from the existing effluent disposal pond. The new wastewater facilities are generally described as the construction of an extended aeration process wastewater treatment plant ("WWTP"), including a treated wastewater recycling system with land application to pastureland, where said new Improvements are more particularly described as construction of the following:

A. Upgraded influent pump stations and new force main to pump sewage westward from the Sewer Zone 1 residential area to the new WWTP site;

B. New headworks facilities with magnetic flow meter and new automated fine screen and washer/compactor for removal of debris prior to aeration and bypass bar rack;

C. New extended aeration secondary treatment unit with aeration basin and integral clarifier, said aeration to be accomplished by fine bubble diffusion, with said treatment unit to include waste activated sludge removal equipment;

D. New chlorine contact chamber, complete with hypochlorite storage tank, hypochlorite feed system and controls;

E. New effluent storage pond, irrigation pump station and spray irrigation system to apply disinfected secondary effluent to pasture lands owned by County Sewer Zone 1 at agronomic rates;

F. New sludge drying beds to dry the waste activated sludge to 50% dry solids prior to landfill disposal;

G. New emergency generator equipment and controls to provide stand-by power to the influent pumps and the WWTP.
2. All other incidental work that is necessary and/or convenient to accomplish the above Improvements, including the reimbursement of all or a portion of the costs of works already installed, to the extent permitted by applicable law.