RESOLUTION - ACTION REQUESTED 2014-131

MEETING: March 25, 2014

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: CSA3 Resolution of Intention

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution of Intention to Adopt a Fire Suppression Assessment Within County Service Area (CSA) #3 and Approve the Engineers Report; Schedule a Hearing on This Matter for May 13, 2014, at 2 P.M.

In June 2008 owners of property with structures, approved an assessment in the amount of $80 per year for a period of 15 years in order to fund fire engines and improvements to fire stations. Recently the validity of the assessment has been legally challenged. In order to address certain issues raised by the challenge, your Board directed that a new engineer’s report be prepared and be made available so that property owners have the opportunity obtain additional information and reconsider this matter.

If approved by your Board, property owners will be sent a copy of the report and a ballot whereby they will have the opportunity to indicate if they approve of a new assessment to replace the assessment levied in 2008.

The proposed assessment is in the same amount, $80 per year per parcel with structures outside the boundaries of the Mariposa Public Utility District. The new assessment will replace the current assessment and only be collected through tax year 2022-23.

The new assessment will finance the lease purchase agreement for 11 fire engines and four water tenders as well as provide funding for capital improvements to fire stations and/or construction of new fire stations.

As required by Proposition 218 each affected property owner will be mailed a ballot which must be signed and returned by the hearing on May 13, 2014, in order to be counted. If a majority of the returned ballots are in favor of the assessment, the new assessment will be established while the prior assessment will be simultaneously repealed.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On January 14, 2014, your Board approved implementing the process to affirm the
assessment previously approved in June 2008.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If your Board does not approve the engineer's report and adopt the resolution of intention property owners will not have the opportunity to reconsider the assessment adopted in 2008.

FINANCIAL IMPACT:
None.

ATTACHMENTS:
Engineer’s Report Fire Suppression Assessment ver4 (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Rick Benson, County Administrator

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lee Stetson, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
RESOLUTION NO. 10-131

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA STATING ITS INTENTION TO ADOPT A FIRE SUPPRESSION ASSESSMENT, APPROVING THE ENGINEER’S REPORT AND DIRECTING STAFF TO GIVE NOTICE OF A PROTEST HEARING PURSUANT TO PROPOSITION 218

WHEREAS, by Resolution No. 08-340, adopted on July 25, 2008, the Board of Supervisors (“Board”) established County Service Area No. 3 (“CSA No. 3”) and confirmed the levy of an assessment within CSA No. 3 of $80 per developed parcel per year (“Current Assessment”) for structural fire protection; and

WHEREAS, the levy of the Current Assessment was enacted by Ordinance No. 1046, adopted by the Board on August 5, 2008; and

WHEREAS, the Current Assessment has been collected since fiscal year 2008-2009 and is required to be collected through fiscal year 2022-2023; and

WHEREAS, the proceeds of the Current Assessment have funded annual lease payments (“Lease Payments”) for eleven Type 1 Fire Engines and four Water Tenders, which the County acquired to replace its aging fleet in order to increase the reliability and availability of fire suppression apparatus to respond to structural fires within the County. Current Assessment proceeds have also been used to fund capital improvements to the County’s fire stations; and

WHEREAS, the validity of the Current Assessment is under dispute; and

WHEREAS, the Board desires to resolve that dispute by adopting a new assessment (“New Assessment”) for CSA No. 3 to fund the Lease Payments, capital improvements, and other allowable costs through fiscal year 2022-2023; and

WHEREAS, Article 3.6 of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code (section 50078 et seq.) (“Fire Suppression Assessment Act”) authorizes local agencies to levy and collect an assessment for purposes of (i) obtaining, furnishing, operating and maintaining fire suppression services and apparatus, and (ii) paying the salaries and benefits of firefighting personnel; and

WHEREAS, Harris & Associates has prepared an engineer’s report (“Report”) supporting the New Assessment with respect to fiscal year 2014-2015, which the Board has reviewed. A copy of the Report is on file in the office of the Clerk of the Board and available for public inspection; and

WHEREAS, the Board is satisfied that the Report complies with both the Fire Suppression Assessment Act and subdivision (b) of section 4 of article XIII D of the California Constitution; and
WHEREAS, the Board desires to approve the Report and adopt the rates proposed by the Report following the procedures required by Proposition 218, article XIII D, section 4 of the California Constitution.

WHEREAS, in the event that the Board adopts the rates proposed by the Report the Board intends to repeal the Current Assessment.

NOW, THEREFORE, the Board of Supervisors of the County of Mariposa does hereby resolve as follows:

1. The foregoing recitals are true and correct; and,

2. The Board hereby initiates proceedings to levy the New Assessment pursuant to the Fire Suppression Assessment Act; and

3. The Report, which is incorporated by reference, is hereby approved in the form on file with the Clerk of the Board and available for public inspection; and

4. The Board hereby fixes the 13 day of May 2014 at 2 pm at the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion Street, Mariposa, California, as the time and place for a public hearing (“Public Hearing”) on the proposed New Assessment.

5. The Clerk of the Board is hereby instructed to provide notice of the proposed New Assessment and assessment ballot materials in conformity with Resolution No. 14-111, which establishes guidelines for the submission and tabulation of assessment ballots.

6. At the Public Hearing, the Board of Supervisors shall consider all objections or protests, if any, to the proposed New Assessment, and any person shall be permitted to present written or oral testimony. Although oral comments at the Public Hearing will not qualify as an assessment ballot vote, the Board welcomes community input during the public hearing on the proposed New Assessment.

7. At the conclusion of the Public Hearing, all assessment ballots submitted will be tabulated in conformity with Resolution No. 14-111.

8. A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed New Assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

9. If there is a majority protest against the imposition of the New Assessment, the Board shall not adopt the New Assessment.
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Mariposa on the 25th day of March, 2014 by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Kevin Cann, Chair of the Board

ATTEST:                               APPROVED AS TO FORM:

Rene LaRoche, Clerk of the Board      Steven W. Dahlem, County Counsel