RESOLUTION - ACTION REQUESTED 2013-358

MEETING: August 20, 2013

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Request to Set a Public Hearing for a Proposed Increase in Water and Sewer Rates for Yosemite West

RECOMMENDATION AND JUSTIFICATION:

Request to Set a Public Hearing for a Proposed Increase in Water and Sewer Rates for Yosemite West Maintenance District on October 1, 2013 at 2:00 P.M.

1. Make a finding that the action is statutorily exempt from further CEQA review per Public Resource Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines;

2. Make a finding that the proposed increase in the monthly water and sewer service charges meets the requirements of law including but not limited to Article XIIID, Section 6 of the California Constitution and California Health and Safety Code Sections 5470 et. seq.;

3. Set a Majority Protest Public Hearing for Tuesday October 1, 2013, at 2:00 p.m. in the Mariposa County Board of Supervisors Chambers;

4. Direct Public Works to prepare and file all necessary reports;

5. Direct Public Works to mail Notice of the Public Hearing as prescribed by law;

6. Direct Public Works to publish the Notice of the Public Hearing as prescribed by law;

7. Direct Public Works to prepare an Ordinance for final adoption at the conclusion of the public hearing;

8. Adopt the Resolution setting a Public Hearing on the proposed rate increase.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

At the July 16, 2013 Board meeting Public Works Department staff presented a variety of Yosemite West Maintenance District issues which have financial needs in order to meet requirements mandated by the Regional Water Quality Control Board. During these discussions it was mentioned that the Yosemite West Capital budget has been depleted and is no longer able
to pay for the cost of necessary expenses for the state mandated design and construction improvements to the Wastewater Treatment Facility.

In addition, the Capital fund is regularly used to pay for unexpected breakdowns or unanticipated costs to either the water or sewer systems throughout the fiscal year. Without a balance in the Capital fund staff would have no way to pay for any of these unanticipated costs.

The water and sewer rates for condominiums in the Yosemite West Maintenance District were last approved by the Board on April 24, 2007, Resolution No. 07-155.

The water and sewer rates for residences other than condominiums in the Yosemite West Maintenance District were last approved by the Board on December 13, 2005, Resolution No. 05-597.

Sewer fees and hookup fees for all users in the Yosemite West Maintenance District were previously approved by the Board on March 23, 2004, Resolution No. 04-019.

Water fees for all users in the Yosemite West Maintenance District were previously approved by the Board on July 18, 2000, Resolution No. 00-267.

In researching this item Public Works staff found that there was a proposal in 2009/10 which would have increased sewer rates. That proposal was never brought to the Board.

LEGAL REQUIREMENTS:

This proposal is subject to the "majority protest" provisions of Article XIIID, Section 6 of the California Constitution and California Health and Safety Code Sections 5470 et seq. As a result, a noticed Public Hearing must be held in order to provide those affected with the opportunity to address the Board and file written protests in opposition to the proposal. The notice must include specific information about the proposal, and it must be provided to each property owner (as determined by the last tax roll) affected by the proposed increase. In addition, the actual adoption of the rate increase must be accomplished through an Ordinance approved by a two-thirds vote of the Board.

The Resolution and Notice of Hearing have been reviewed by County Counsel.

The Public Works Department has considered the environmental impact of this action and concluded that this action will not have a significant effect on the environment pursuant to the provisions of Section 15273 of the California Environmental Quality Act (CEQA) of 1970 Guidelines.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board could choose not to set a Public Hearing to discuss raising water and sewer rates in Yosemite West Maintenance District. Doing so would leave the water and sewer rates as they currently are and would not provide adequate revenue to meet state-mandated capital
improvements and ongoing operations and maintenance costs of operating the Yosemite West Sewage Treatment Plant and Water Treatment Plant.

ATTACHMENTS:
Resolution to Increase Fees in Yosemite West (PDF)
Yosemite West Public Hearing Notice (PDF)
List of Known Infrastructure Improvements for the Yosemite West Water Treatment and Wastewater Treatment Systems (PDF)
Emails from John Mock Regarding Yosemite West Proposed Rate Increase (PDF)

CAO RECOMMENDATION
Requested Action Recommended

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier