RESOLUTION - ACTION REQUESTED 2017-813

MEETING: December 5, 2017

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Adopt a Resolution of Intention to Form Zone of Benefit for Yosemite West

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution of Intention to Form a Zone of Benefit for Yosemite West Within County Service Area No. 1 and Setting a Public Hearing Date for February 6, 2017.

It is recommended that the Board of Supervisors form the Yosemite West Zone of Benefit within the County Service Area No. 1 for the purposes of providing water and sewer service and increase current water and wastewater rates. The Yosemite West Zone of Benefit will provide community water and sanitary services, including but not limited to the operation and maintenance of water and sewer systems.

Yosemite West faces operations and maintenance deficits and aging infrastructure, and current water and wastewater rates do not generate sufficient revenue to fund cost of the service. The Board's last action to address water and wastewater rates has left rates unchanged since 2006 and 2004 respectively. Thus, even though it is standard practice for public utilities to update water and wastewater rates every five years, it has been over twelve and eleven years since these rates have been addressed.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Yosemite West faces operations and maintenance deficits and aging infrastructure, and current water and wastewater rates do not generate sufficient revenue to fund cost of service.

In order to increase current water and wastewater rates, staff have completed an "Engineer's Report" in accordance with Proposition 218, including submitting a separate request to the Board of Supervisors to adopt a Resolution of Intention to increase rates.

In order to increase rates for Yosemite West it has been determined by staff that a Zone of Benefit needs to be formed to provide the appropriate authority for Mariposa County Board of Supervisors.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Board may decline to form a Zone of Benefit for Yosemite West. In that event, this utility will continue to operate at a deficit and may eventually be unable to generate
sufficient revenue to comply with California water and wastewater regulations and continue to supply healthy, clean and safe water and wastewater service delivery. It is unclear what the consequences of such a failure might be, but presumably and outside agency would take over the service territory.

FINANCIAL IMPACT:
Unless adopted water and wastewater rates cannot be examined, the rates will remain unchanged and the funds collected for these services will not meet the cost of service.

ATTACHMENTS:
Resolution of Intention to Form Zone of Benefit - REVLEG4 (DOCX)
Final ExhA legal description_ (PDF)
FinalExhBPlat (PDF)
FinalPlatreduced11x17ExB pdf (PDF)
Yosemite West Zone of Benefit Notice (DOCX)

RESULT: ADOPTED [4 TO 1]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Merlin Jones, Marshall Long, Kevin Cann, Miles Menetrey
NAYS: Rosemarie Smallcombe
RESOLUTION NO. 17-813

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA STATING ITS INTENTION TO FORM A ZONE OF BENEFIT FOR YOSEMITE WEST WITHIN COUNTY SERVICE AREA NO. 1 AND SETTING A PUBLIC HEARING DATE FOR FEBRUARY 6, 2018.

WHEREAS, the Board of Supervisors of the County of Mariposa ("Board") desires to form the Yosemite West Zone of Benefit within County Service Area No. 1 for purposes of providing water and sewer service; and

WHEREAS, the territory comprising the Yosemite West Zone of Benefit shall be as described and depicted on the legal description attached hereto as Exhibit A and the map attached hereto as Exhibit B, both of which are incorporated by reference; and

WHEREAS, if approved, the Yosemite West Zone of Benefit will provide community water and sanitary sewer services, including but not limited to the operation and maintenance of water and sewer systems; and

WHEREAS, the services to be provided within the Yosemite West Zone of Benefit will be financed and paid for by water and sewer rates charged customers and property owners situated within Tracks A and B as described in Exhibit A, and by such other mechanisms as may be lawfully provided for; and

WHEREAS, the formation proceedings for the Yosemite West Zone of Benefit are to be conducted pursuant to Article 8 of Chapter 2.5 of Part 2 of Division 2 of Title 3 of the Government Code (Government Code section 25217 et seq.).

NOW, THEREFORE, the Board does hereby resolve as follows:

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

2. The Board hereby initiates proceedings to form the Yosemite West Zone of Benefit within Countywide Service Area No. 1; and

3. The Board hereby fixes the 6th day of February, 2018 at 2 pm at the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion Street, Mariposa, California, as the date, time and place for a public hearing ("Public Hearing") on the formation of the Yosemite West Zone of Benefit; and

4. The Board hereby directs staff to publish, mail, and post notice of the Public Hearing pursuant to Government Code section 25217.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Mariposa on the 5th day of December, 2017 by the following vote:

Ayes: JONES, LONG, CANN, MENETREY
Noes: SMALLCOME
Abstain: NONE

[Signature]
Marshall Long, Chair of the Board

ATTEST:

[Signature]
Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM:

[Signature]
Steven W. Dahlem, County Counsel