

DEPARTMENT: Public Works/County Service Areas

BY: Dana Hertfelder

PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Public Hearing concerning the adoption of a resolution reaffirming the current fee structure for County Service Area No. 1 Road Maintenance Zones of Benefit and County Service Area 1-M Lake Don Pedro assessment for structural fire protection service and authorizing those fees to be placed on the property tax roll for fiscal year 2008-09.

California Government Code Section 25210.77a requires that once a year for County Service Areas whose fees are placed on the property tax roll that a report be prepared detailing those fees and that the Board confirm those fees for the upcoming fiscal year. This applies to fees charged for Road Maintenance Zones of Benefit and the assessment passed last year for structural fire protection service in the Lake Don Pedro area.

The report of fees is included with the Resolution as Exhibit "A".

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board approved a similar report last year on August 7, 2007 Res. No. 07-387.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the requested action; we would be unable to charge the fees previously determined as reasonable to provide the services requested.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Resolution
Source:		2. Public Hearing Notice
Internal Transfer _____		
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No. 08-384 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

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: 

MARIPOSA COUNTY

RESOLUTION NO. 364

RESOLUTION REAFFIRMING THE CURRENT FEE STRUCTURE FOR MARIPOSA COUNTY SERVICE AREA NO. 1 AND COUNTY SERVICE AREA NO. 1-M

SECTION 1. WHEREAS,

(a) This Board has enacted ordinances relative to certain County Service Areas declaring that service charges shall be collected on the tax roll in the same manner and at the same time as the County's general ad valorem property taxes are collected as provided by Government Code Section 25210.77a; and

(b) This Board desires to proceed in accordance with the provisions of Government Code Section 54985 and 54986 and Articles XIIC and XIID of the California Constitution in order to carry said ordinances into effect; and

(c) This Board ordered the preparation of a written report containing a description of each parcel of real property receiving services and the amount of the charge for each parcel for the fiscal year 2008-2009, and further requiring the Clerk of the Board to select a date and time for a hearing on said report, and to cause a notice of hearing thereon to be published in a newspaper of general circulation in the County pursuant to the provisions of Section 6061 of the Government Code; and

(d) The Public Works Department has investigated possible environmental impacts of the proposed assessments and found this action to be categorically 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; and

(e) The Director of Public Works having duly prepared said written report and filed the same with the Clerk of the Board, whereupon said Clerk duly selected the date and time for hearing on said report, caused a notice of the filing of said report and the time and place of hearing thereon to be published pursuant to the provisions of Section 6066 of the Government Code, and caused said report to be available for public inspection for a period of not less than ten (10) days prior to the date of said hearing; and

(f) In accordance therewith, a public hearing has been held before this Board today at which time the Board considered said report and heard and considered all objections and protests to said report; and

SECTION 2. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, State of California, as follows:

1. This Board finds and determines that each of the facts recited hereinabove is true, and that this Board has jurisdiction to proceed and make the determination set forth below.

2. This Board further finds that because the proposed action is for the reaffirming of rates and charges necessary to meet operating expenses, for the purchase or lease of supplies, equipment and materials, to meet financial reserve needs and requirements and to obtain funds for capital projects necessary to maintain service within existing County Service Areas it is, therefore, categorically exempt from the provisions of the California Environmental Quality Act (CEQA) of 1970 pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines.

3. The Clerk of the Board will file with the County Clerk a Notice of Exemption, pursuant to CEQA and said Guidelines, if requested.

4. The public hearing upon the levying of assessments and fees within each County Service Area is hereby concluded and closed.

5. This Board does hereby confirm that these assessments and fees comply with the applicable provisions of Article XIID of the California Constitution and that no balloting will be required except to increase the assessments or fees beyond the approved level.

6. This Board hereby approves all assessments and fees described in Exhibit "A" which have remained unchanged since the last fiscal year and adopts this resolution recommended by the Public Works Department prepared for consideration of this Board setting County Service Area fees that are to be placed on the tax roll for fiscal year 2008-2009.

7. The Clerk of the Board shall send a certified copy of this resolution to each of the following:

Public Works Department
County Counsel
County Auditor
County Administrative Officer

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 5th day of August, 2008, by the following vote:

AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD

NOES: NONE

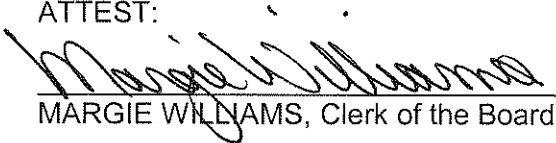
ABSENT: NONE

ABSTAINED: NONE



LYLE TURPIN, Chair
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM



THOMAS P. GUARINO, County Counsel

EXHIBIT "A"

**COUNTY SERVICE AREA FEES
TO BE PLACED ON TAX ROLL FISCAL YEAR 2008-09**

CSA NAME	ADDRESS*	SERVICE	08-09 FEE
County Service Area No.1			
Zones of Benefit:			
Black Oak Ridge	All	Road Maintenance	\$100.00
Lakeside Drive	5641		\$100.00
Sherlock Road	5843		\$100.00
Whitlock Road	5830		\$100.00
Broncho Hollow:		Road Maintenance	
Broncho Hollow Lane	4029, 4089		\$61.24
Broncho Hollow Lane	4004		\$122.50
Broncho Hollow Lane	3786 to 3984		\$141.70
Hidden Valley	All		\$61.24
Indian Peak	3950		\$61.24
Rocky Hollow	All		\$61.24
Wildcat Springs	3347, 3360		\$185.48
Windy Hollow	All		\$185.48
Coyote Court	4153, 4195	Road Maintenance	\$243.40
El Toro Road	All	Road Maintenance	\$170.20
Hornitos Road	5425		\$170.20
Greeley Hill Estates		Road Maint & Water Tank	
Dogtown Road	All except 6363		\$12.00
Dogtown Road	6363		\$36.00
Ponderosa	All		\$36.00
Quail Mine	All		\$72.00
Texas Hill	All		\$12.00
Jordan View	All	Road Maintenance	\$10.00
Leichtlin Lane	All	Road Maintenance	\$100.00
Little Bear Road	All	Road Maintenance	\$346.50
Totokon	4338		\$346.50
Miami Mountain		Snow Removal	
Apple Seed	1841		\$25.00
Highway 49 South	1777		\$25.00
Miami Meadow	2019		\$25.00
Nutter Ranch	All		\$25.00
Stage Coach	1740		\$25.00
Millbrow Estates		Road Maintenance	
Millbrow	All		\$110.00
Holtzel	10224, 10258		\$110.00
Montana de Paz	All	Road Maintenance	\$251.80
Pagala Springs	All	Road Maintenance	\$355.44
Sierra Vista Estates		Road Maintenance	
Indian Peak	4138		\$250.00
Mountain Way	All		\$250.00
Sierra Vista	All		\$250.00
St. Andrews Road	5072, 5075	Road Maintenance	\$795.00

*Note: For Zones of Benefit "All" means all addresses on that road within the zone

EXHIBIT "A"

**COUNTY SERVICE AREA FEES
TO BE PLACED ON TAX ROLL FISCAL YEAR 2008-09**

CSA NAME	ADDRESS*	SERVICE	08-09 FEE
County Service Area No.1			
Zones of Benefit:			
Terrace View	All	Road Maintenance	\$109.50
Usona Ridge Road	3189 to 3230	Road Maintenance	\$100.00
Black Bear Mtn	1812 to 1818		\$100.00
Yosemite View Estates		Road Maintenance	
Carson Creek View	4214, 4225		\$420.32
Wilbur's Way	All		\$420.32
County Service Area 1-M			
Lake Don Pedro		Structural Fire Protection	
Developed Lots			\$80.00
Undeveloped Lots			\$16.00

*Note: For Zones of Benefit "All" means all addresses on that road within the zone

PUBLIC HEARING NOTICE

On Tuesday, August 5, 2008 at 10:00 a.m. the Mariposa County Board of Supervisors will conduct a public hearing in the Board Chambers of the Government Center at 5100 Bullion Street, Mariposa, California, concerning fees charged in certain County Service Areas, specifically Road Maintenance Zones of Benefit and County Service Area 1-M for off-season fire protection services in the Lake Don Pedro area. These fees are to be placed on the property tax roll for Fiscal Year 2008-09. No changes to existing fees are being recommended at this time.

Any interested member of the public may appear at the hearing and be heard or provide written input.

Information on the fees is available from the Clerk of the Board, 5100 Bullion Street, P.O. Box 784, Mariposa, California or the Public Works Department at 4639 Ben Hur Road, Mariposa, California.

Dana S. Hertfelder
Public Works Director

Publication dates: 7/24/08 and 7/31/08

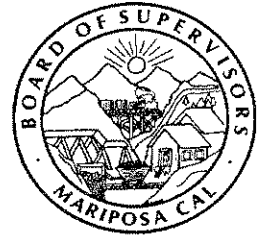


COUNTY of MARIPOSA

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: DANA HERTFELDER, Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Waive Second Reading and Adopt an Ordinance Enacting Assessments for the Area within County Service Area No. 3 for Fire Equipment and Improvements to Existing County Fire Stations

RESOLUTION 08-364

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 5, 2008

ACTION AND VOTE:

Waive Second Reading and Adopt an Ordinance Enacting Assessments for the Area within County Service Area No. 3 for Fire Equipment and Improvements to Existing County Fire Stations (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. Supervisor Bibby asked that there be sample review of the ballots to check for the signatures; and she asked for clarification of the definition of a "developed" parcel. County Counsel stated that if someone were to challenge the definition of "developed" parcel, the legislative history of this matter would be reviewed and the record is clear.

Input from the public was provided by the following:

Ruth Catalan stated it is her understanding that parcels with structures assessed at \$10,000 or more would be included in the assessment. She noted that the assessed value of her place is about \$11,000 and \$5,000 of that is for the septic system. She stated that if the Ordinance does not specify structures with a value of \$10,000 or more, she does not feel it will be legal and that it could be challenged. She asked if the signatures on the ballots were verified against the tax rolls. She stated she does not feel that there is any immediate benefit and she feels the Ordinance is unlawful. She asked that her previous questions be answered.

Rick Benson referred to Ruth Catalan's specific parcel and pursuant to his understanding of the facts, he advised that she will not be assessed. Chair Turpin clarified that mobile homes that are registered with DMV do not count toward the assessed value of \$10,000 or more for improved parcels with a structure.

Ruth Catalan asked why she was given a ballot and asked how many others received ballots that shouldn't have.

Paul Chapman commented on the process and read a letter from his mother into the record challenging the assessment on her property.

Rick Benson provided input on the hearing process and the ballot tabulation process. Discussion was held. (M)Pickard, (S)Fritz, the second reading was waived and Ordinance No. 1046 was adopted enacting assessments for the area within County Service Area No. 3 for fire equipment and improvements to existing County fire stations. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Cc: Chris Ebie, Auditor
Thomas P. Guarino, County Counsel
Richard J. Benson, CAO
File

NOTICE OF EXEMPTION

To: County Clerk
P. O. Box 247
Mariposa, CA 95338

From: Mariposa County Dept. Public Works
4639 Ben Hur Road
Mariposa, CA 95338

County of Mariposa



FILED

NOV 21 2008
KEITH M. WILLIAMS
MARIPOSA COUNTY CLERK

Karen M. Herman
KAREN M. HERMAN
Deputy County Clerk

Project Title: County Service Area No 1 and 1-M Authorized Fees

Project Location-Specific: Mariposa County and Lake Don Pedro

Project Location-City: Mariposa Project Location-County: Mariposa

Description of Project: Re-authorizing fees.

Name of Public Agency Approving Project: COUNTY OF MARIPOSA

Name of Person or Agency Carrying Out Project: Mariposa Co. Dept. of Public Works

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15301
- Statutory Exemptions. State code number:

Reasons why project is exempt: Operation of existing facilities.

Lead Agency

Contact Person: Dana Hertfelder Area Code/Telephone/Extension: (209) 966-5356

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project: Yes No

Signed by Lead Agency:

Signature: Dana S. Hertfelder Title: Director of Public Works Date: 11-20-08
Dana S. Hertfelder P.E.

Signed by Applicant: Dana S. Hertfelder

Date received for filing at OPR: _____

When recorded return to:

Mariposa County
Department of Public Works
4639 Ben Hur Road
Mariposa, CA 95338

CONFORMED COPY
ORIGINAL RECORDED
Date 4/2/08 Time 11:06 AM
Document Number 208144
Mariposa County Recorder

COPY

NOTICE OF COMPLETION

Notice is hereby given that I, the undersigned, Dana S. Hertfelder, serving as agent for the holder of the certain parcel of land situated in the County of Mariposa, State of California, and described by the following:

A portion of the North 1/2 of Section 31 Township 3 South, Range 15 East, M.D.B. & M. Rancho Las Mariposas. Known as the Lake Don Pedro Wastewater Treatment Facility in the County of Mariposa, State of California

That Mariposa County, as holder of the said parcel, did, on the 20th day of September, 2006, enter into a contract with Dick Anderson Construction, Inc. for the construction of the Lake Don Pedro Wastewater Treatment Facility, Project No. PW 91-05, upon the parcel of land described above, which contract was filed in the office of the Department of Public Works, County of Mariposa, State of California, on the 20th day of September, 2006.

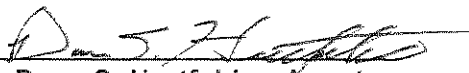
That on the 22nd day of January, 2008, the contract as a whole, was actually completed by said Dick Anderson Construction, Inc.

That the name and address of the holder of said parcel is as follows:

**County of Mariposa
P. O. Box 784
Mariposa, CA 95338**

and the nature of the holder's interest to said parcel varies, either fee, easement, or ZOB maintenance responsibilities.


COUNTY OF MARIPOSA
holder of fee or easement
State of California
County of Mariposa ss

By 
Dana S. Hertfelder, Agent

VERIFICATION

Being duly sworn, Dana S. Hertfelder says: I am the agent of the holder of the parcel described in the foregoing notice. I have read the foregoing notice and know the contents thereof, and the same is true of my own knowledge. I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated: 4/02/08 at Mariposa, California


Dana S. Hertfelder