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Mariposa County

Recording Requested By:

When Recorded Mail To:

MARIPOSA COUNTY

DOC#: **2074951**



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MARIPOSA COUNTY RESOLUTION NO 07-363

RECORDING REQUESTED BY:

Richard J. Benson
County Administrative officer

2074951

WHEN RECORDED RETURN TO:

MARIPOSA COUNTY RESOLUTION NO. 07- 363

Margie Williams
Clerk of the Board

**CONFIRMING THE COUNTY ADMINISTRATIVE OFFICER'S REPORT TO
ESTABLISH ASSESSMENT; DETERMINING TO ADOPT AND ACCEPT
AN ORDINANCE ENACTING AN ASSESSMENT WITHIN COUNTY SERVICE
AREA NO. 1M, LAKE DON PEDRO AREA**

WHEREAS, County Service Area No. 1M, in the Lake Don Pedro Area, was established to provide miscellaneous extended services including protection against structural fire; and

WHEREAS, in order to provide protection against structural fire, it will be necessary to establish an assessment for each parcel within County Service Area No. 1M in the Lake Don Pedro Area; and

WHEREAS, this Board intends to adopt an Ordinance establishing a procedure for enacting service charges in County Service Area No. 1M; and

WHEREAS, the aforesaid ordinance provides for the collection of such service charges on the tax roll in the same manner and at the same time as the County's general ad valorem property taxes as provided by Government Code Section 25210.77(a); and

WHEREAS, the County Administrative Officer has caused notice to be mailed to each property owner in accordance with law and with said notice each property owner was sent the amount of the proposed assessment, the total amount chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the increased assessment and the basis upon which the amount of the proposed assessment was calculated; and

WHEREAS, by resolution adopted on the 22nd day of May 2007, this Board ordered the preparation of a written report containing a description of each parcel of real property receiving benefit and the amount of the charge for each parcel for Fiscal Year 2007-2008, 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 as well as written personal notice by mail as provided in Section 54986(a) of the Government Code; and

WHEREAS, this Board desires to proceed with establishing an assessment within County Service Area No. 1M for structural fire protection in accordance with the provisions of Article XIID of the California Constitution and the provision of Government Code Section 25210.77(a) as well as the requirements of Government Code Sections 54985 and 54986 in order to carry said ordinance into effect; and

WHEREAS, the Planning Department has investigated possible environmental impacts to the proposed increased assessments and found this action to be statutorily exempt from the requirements for preparation of environmental documents pursuant to Public Resource Code Section 21080(b)(8) and Section 15273 of the State California Environmental Quality Act of 1970 (CEQA) Guidelines; and

WHEREAS, the County Administrative Officer, having duly prepared said written report and filed the same with the Clerk of the Board, whereupon said Clerk duly selected date and time for hearing on said report, caused a notice of filing of said report and the time and place of hearing thereon to be published pursuant to the provisions of Section 6061 of the Government Code, caused personal notice of the time and date of said hearing to be served on all persons requesting such notice, as provided in Section 54986(a) 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

WHEREAS, in accordance therewith, a public hearing has been held before this Board today at which time this Board considered said report and heard and considered all objections and protests to said report; and

WHEREAS, at said hearing all ballots received in favor of and opposed to the assessment were tabulated; a majority of ballots received for County Service Area No. 1M were cast in favor of establishing the assessment.

NOW THEREFORE BE IT RESOLVED, the Mariposa County Board of Supervisors finds and determines that each of the facts recited hereinabove is true, and that this Board has the jurisdiction to proceed and make the determination set forth below.

BE IT FURTHER RESOLVED, this Board finds that because the proposed action is for the increasing 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, statutorily exempt from the provisions of the California Environmental Quality Act of 1970 (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines.

BE IT FURTHER RESOLVED, the Clerk of the Board has filed with the County Clerk a Notice of Exemption, pursuant to CEQA and said Guidelines.

BE IT FURTHER RESOLVED, the public hearing upon the proposed establishment of assessment within County Service Area No. 1M to provide structural fire protection services is hereby concluded and closed.

BE IT FURTHER RESOLVED, this Board does hereby find that a majority of the ballots received in said matter were cast in favor of establishing the assessment and finds that the tabulated balloting at today's hearing gives this Board authority to establish a maximum annual assessment not to exceed \$125.00 per developed parcel or \$25.00 per undeveloped parcel; and this Board further confirms that this assessment complies with the applicable provisions of Article XIID of the California Constitution.

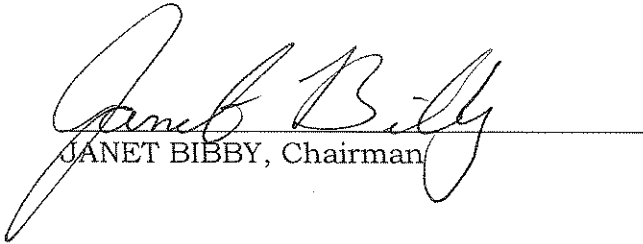
BE IT FURTHER RESOLVED, this Board does hereby confirm the written engineer's report filed by the Director of Public Works (attached as Exhibit 'A') and the

proposal described in the report to establish a maximum annual assessment within County Service Area No. 1M for structural fire protection, is hereby approved; and this Board hereby determines to adopt and accept an Ordinance enacting such assessment levy.

BE IT FURTHER RESOLVED, this Board directs the Clerk of the Board to forward one (1) certified copy of this resolution to the County Recorder for recordation.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors, a political subdivision of the State of California this 24th day of July 2007, by the following vote:

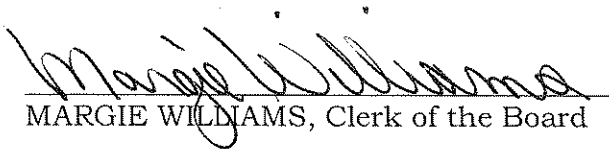
Ayes: ABORN, TURPIN, BIBBY, FRITZ, PICKARD
Noes: NONE
Abstain: NONE
Excused: NONE



JANET BIBBY, Chairman

ATTEST:

APPROVED AS TO FORM:



MARGIE WILLIAMS, Clerk of the Board



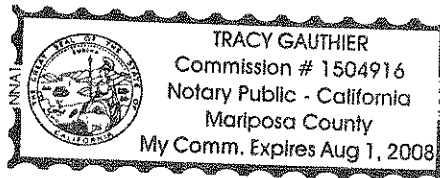
THOMAS P. GUARINO, County Counsel

State of California
County of Mariposa

On July 25, 2007 before me, Tracy Gauthier, personally appeared Janet Bibby, personally known to me and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Tracy Gauthier
Tracy Gauthier Notary Public



Title of Document: Mariposa County Board of Supervisors Resolution No. 07-363
Date of Document: July 24, 2007
Other signatures not acknowledged: Thomas P. Guarino, Margie Williams
No. of Pages: 3



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JANET BIBBY, CHAIR
LYLE TURPIN, VICE CHAIR
BRAD ABORN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO

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

SUBJECT: PUBLIC HEARING to Tabulate Ballots Received from Property Owners within the County Service Area 1-M, Lake Don Pedro Area; If the Majority of the Votes are in Favor of the Assessment Adopt a Resolution Confirming the County Administrative Officer's Report to Establish Assessment; and Waive First Reading and Introduce an Ordinance Enacting an Assessment with County Service Area 1-M, Lake Don Pedro

RESOLUTION 07-363

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 24, 2007

ACTION AND VOTE:

Richard J. Benson, County Administrative Officer;
PUBLIC HEARING to Tabulate Ballots Received from Property Owners within the County Service Area 1-M, Lake Don Pedro Area; If the Majority of the Votes are in Favor of the Assessment Adopt a Resolution Confirming the County Administrative Officer's Report to Establish Assessment; and Waive First Reading and Introduce an Ordinance Enacting an Assessment with County Service Area 1-M, Lake Don Pedro
BOARD ACTION: Chair Bibby advised of a request that was received from the public to continue the hearing; and she advised that the Board would recess until 6:30 p.m.

6:38 p.m. Chair Bibby advised that the Board would continue in recess until 6:50 p.m.

7:00 p.m. The Board reconvened. Rick Benson presented the staff report and responded to questions from the Board.

The public portion of the hearing was opened and input was provided by the following:

Alice Riess provided input and asked questions. Rick Benson and Board members responded to the questions.

The public portion of the hearing was closed. Rick Benson explained the tabulation process. Chair Bibby called for any additional ballots to be submitted or for changes. One ballot was submitted. Rick Benson provided the ballot tabulation results – the majority of the ballots submitted were in favor of the assessment. (M)Turpin, (S)Aborn, Res. 07-363 was adopted confirming the County Administrative Officer's report to establish assessment; finding the project is exempt from the provisions of CEQA; confirming the Engineer's report; and approving an annual per parcel assessment of not more than \$125.00 for developed parcels and \$25.00 for undeveloped parcels within County Service Area 1-M for enhanced fire protection and EMT services/Ayes: Unanimous. (M)Turpin, (S)Aborn, the first reading was waived

and an Ordinance introduced establishing an assessment of \$80.00 for developed and \$16.00 for undeveloped parcels. Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard.

Cc: Chris Ebie, Auditor
Becky Crafts, Assessor
Keith Williams, County Clerk
Thomas P. Guarino, County Counsel
File

**ENGINEER'S REPORT - SUMMARY ESTIMATE
COUNTY SERVICE AREA NO. 1-M
FISCAL YEAR 2007-2008**

GENERAL BOUNDARIES: Lake Don Pedro Area within Mariposa County.

SERVICE PROVIDED: Extended Structural Fire Protection

COST CALCULATIONS: Parcels within this county service area receive 100% of the benefit from these extended services. Each unimproved parcel receives 1/5 the benefit of improved parcels.

ESTIMATED ANNUAL EXPENSES

CalFire Contract	\$65,000
County Administration	\$500
Contingencies	\$6,000
Formation Costs	\$2,500
Total Annual Expenses	\$77,000

ESTIMATED ANNUAL REVENUES

Property Owner Contribution	
793 Improved Parcels @ \$80.00	\$63,440
1,168 Unimproved Parcels @ \$16.00	\$18,688
Total Revenues	\$82,128



ESTIMATED FUND BALANCE INCREASE 6/30/08 \$5,128

The estimated assessment for fiscal year 2007-2008 is \$80.00 per parcel per year for developed parcels and \$16.00 per year for undeveloped parcels. If necessary, the balance of the expenses will be paid from reserves.

PLEASE NOTE: You are being asked to approve an assessment higher than what is needed to provide this service during the upcoming fiscal year. By approving this higher rate, if a modest increase in the assessment becomes necessary in the future, Mariposa County will be able to reduce the expenses associated with property owner balloting. The law provides that under no circumstances will your rate be allowed to exceed the amount indicated below without property owner approval in the form of another ballot.

The MAXIMUM annual assessment requested is 793 developed parcels at \$125.00 per parcel, and 1,168 undeveloped parcels at \$25.00 per parcel for a total of \$128,325.00. Any surplus collected will be placed in reserves in order to minimize future rate increases.

WITH THE ENCLOSED BALLOT, YOU ARE BEING ASKED TO APPROVE A TOTAL ASSESSMENT NOT TO EXCEED \$125.00 PER DEVELOPED PARCEL AND \$25.00 PER UNDEVELOPED PARCEL PER YEAR FOR EXTENDED STRUCTURAL FIRE PROTECTION SERVICES.

PLEASE READ THE INFORMATION ON THE REVERSE OF THIS REPORT

DEPARTMENT: Administration

BY: Rick Benson
PHONE: 966-3222

07-363

RECOMMENDED ACTION AND JUSTIFICATION:

Public Hearing to tabulate ballots received from property owners within the County Service Area 1-M, Lake Don Pedro Area; If the majority of the votes are in favor of the assessment adopt a Resolution Confirming the County Administrative Officer's Report to Establish Assessment; () Waive first reading and introduce Ordinance () Waive second reading and adopt Ordinance enacting an assessment within County Service Area 1-M, Lake Don Pedro Area.

County Service Area 1-M was established by the Board to provide miscellaneous extended services including protection against structural fire. Initial funding was provided Boise Cascade which allowed the County to contract for services California Department of Forestry and Fire Protection (CDF) to provide continuous fire protection services. Those funds are now exhausted. If property owners in the County Service Area wish to continue to have the same level of service provided, it will be necessary for those property owners to approve a service charge. The proposed service charge is \$80 annually for developed parcels and \$16 annually for undeveloped parcels. If the charge is not approved, the contract with CDF, now known as CalFire, will not be renewed.

In compliance with Article XIII-D of the California Constitution, ballots were mailed to all affected property owners along with an engineer's report describing the proposed assessment. A public meeting was held on June 9, 2007, to allow property owners to receive further information regarding the proposed assessment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 22, 2007, the Board adopted a Resolution No. 07-227 setting the Public Hearing to consider establishing assessments within County Service Area 1-M, Lake Don Pedro Area, (S.D. #2).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Regardless of the tabulation, do not adopt the Resolution and do not waive first reading and introduce the ordinance. The contract with CalFire will be cancelled.

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: \$		Resolution
Source:		Ordinance
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:

7/24 Res. No.: ~~07-353~~ 7/24 Ord. No. 1037 Agenda: 5

Vote - Ayes: _____ Noes: _____

Absent: _____

() Approved

7/24 (x) 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

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended

No Opinion

Comments: 2074951

CAO: 

MARIPOSA COUNTY ORDINANCE NO. 1037

AN ORDINANCE ENACTING
CHARGES FOR FISCAL YEAR 2007-2008 FOR
COUNTY SERVICE AREA NO. 1M, DON PEDRO AREA
(Not Codified)

WHEREAS, the Board of Supervisors desires to adopt an Ordinance establishing a procedure for enacting service charges in County Service Area No. 1M; and

WHEREAS, it is necessary to establish an assessment for each parcel within County Service Area No. 1M in the Lake Don Pedro area in order to provide protection against structural fire; and

WHEREAS, On July 24, 2007, the Board of Supervisors of the County of Mariposa, acting pursuant to these sections, conducted a duly noticed public hearing and adopted Resolution No. 07-363, entitled "Confirming the County Administrative Officer's Report to Establish Assessment; Determining to Adopt and Accept an Ordinance Enacting an Assessment Within County Service Area No 1M." This Ordinance establishes these charges for Fiscal Year 2007-2008,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Prior to the expiration of fifteen (15) days from the passage of this ordinance, it shall be published once in the *Mariposa Gazette*, a newspaper of general circulation, published and printed in the County of Mariposa, State of California, together with the names of the members of the Board of Supervisors for and against same.

SECTION II: Statement of Intent:

Section 25210.77a of the Government Code permits a county Board of Supervisors to set the annual charges for established services available in County Service Areas and to adjust these charges on an annual basis. Section 54986(b) requires that any adjustment of charges provided by a County Service Area be adopted by ordinance.

SECTION III: Establishment of County Service Area No. 1M fees, Charges:

The fee to be charged against each parcel located within the boundaries of the County Service Area No. 1M, for Fiscal Year 2007-2008 shall be:

- County Service Area No. 1M Developed Parcels \$80.00 Extended Fire Protection
- County Service Area No. 1M Undeveloped Parcels \$16.00 Extended Fire Protection

SECTION IV: Enforcement of Ordinance:

The Auditor-Controller of the County of Mariposa is hereby directed to enter the County Service Area fee adopted by this Ordinance as proper charges against the individual parcels located within County Service Area No. 1M on the current tax assessment roll. These charges are

to be billed against the parcels and collected in conjunction with the ad valorem property tax bill and collections for Fiscal Year 2007-2008.

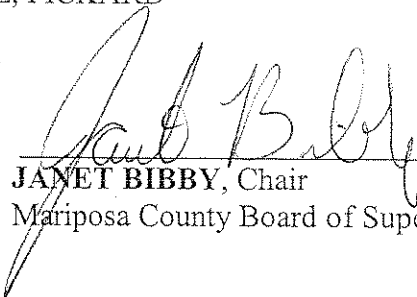
SECTION V: Severability:

If any section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases might be declared unconstitutional or invalid.

SECTION VI: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.


PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 7th day of August 2007 by the following vote:

AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE




JANET BIBBY, Chair
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

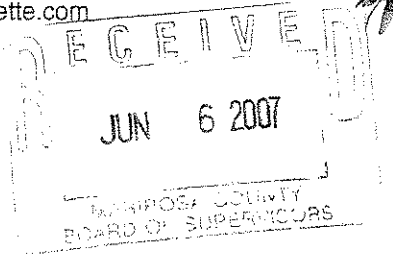
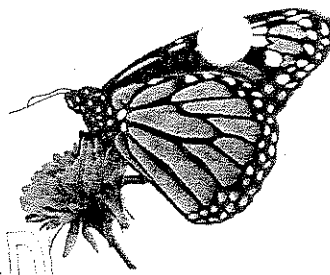
APPROVED AS TO FORM:



THOMAS P. GUARINO
County Counsel

Mariposa Gazette

MOUNTAIN LIFE
 P.O. Box 38
 MARIPOSA, CA 95338
 www.mariposagazette.com



BILL TO:

Mariposa Cnty Board of Supes
 P.O. Box 784
 Mariposa, CA 95338

INVOICE # 00006220
 DATE 6/2/07
 PAGE 1

Please return this portion with your payment. Thank you.

DATE	DESCRIPTION	AMOUNT
5/31/07	Publication of Notice of Hearing	\$161.00
<p><i>315-0904-854 -0429-161.00</i></p> <p><i>(Don Pedro Fire Protection Ballot)</i></p>		

Invoice Only--No Statement Will Follow--We Appreciate Your Business!

Subscriptions	\$0.00
Local Advertising	\$161.00
Amusement/Articles	\$0.00
Est. Article Files	\$161.00

TERMS: Net 10

Certificate of Publication

C.C.P. 2015.5

This space is for filing stamp

Attach copy of notice

STATE OF CALIFORNIA)

) ss.

COUNTY OF MARIPOSA)

I, the undersigned, state:

I am the publisher and principal clerk of the Gazette and Miner, an established weekly newspaper of general circulation, within the Town and County of Mariposa, California, within the provision of Chapter 1 Division 1 of the California Government Code, and which newspaper has been printed and published weekly in the Town and County of Mariposa, State of California, continuous from the year 1854; that I am a citizen of the United States, of the age of 18 years, and a resident of the County aforesaid; that the annexed notice, of which the annexed is a printed copy, has been published in each regular issue of said newspaper and supplement thereof on the following dates, to wit:

5/31/07

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher)

Date 6/2 2007

**NOTICE OF HEARING
COUNTY SERVICE AREA 1-M,
LAKE DON PEDRO AREA
FOR STRUCTURAL FIRE PROTECTION**

NOTICE IS HEREBY GIVEN that the Board of Supervisors will conduct a public hearing on the proposal to establish service charges for parcels within County Service Area 1-M located in the Lake Don Pedro area, on Tuesday, July 24, 2007, at the hour of 6:00 p.m., in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion St, Mariposa, California and at said time shall hear and consider all objections and protests, if any, to said service charge increases.

The Mariposa County Planning Department has considered the environmental impacts of this project and concluded that this project will not have a significant effect on the environment pursuant to the provisions of Section 21080(b)(8) of the Public Resources Code and Section 15061 (b) (3) of the State CEQA Guidelines.

Copies of the aforementioned documents will be on file at least five (5) days before the hearing in the office of the Clerk of the Board of Supervisors, Mariposa County Administrative Center, 5100 Bullion St, Mariposa, California where they may be examined by any interested person during regular business hours. Persons seeking copies of said documents or additional information regarding this matter should inquire at the Clerk of the Board of Supervisors, by calling 209-966-3222.

Anyone wishing to present evidence or be heard in this matter may present or speak at said hearing or any continuation thereof. If you challenge the adoption of the proposed ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

Prior to the hearing, a public informational meeting on the proposed increased assessments will be held by the County Administrative Office, as follows:

The 9th day of June, 2007, at the hour of 6:00 p.m. at the Lake Don Pedro Owners Association Building, 5182 Fuentes de Flores, LaGrange, California.

The proposed charges are as follows:
Developed Parcels - not to exceed \$125
Undeveloped Parcels - not to exceed \$25

5/31/07:1C

Certificate of Publication

C.C.P. 2015.5

This space is for filing stamp

Attach copy of notice

STATE OF CALIFORNIA)

) ss.

COUNTY OF MARIPOSA)

NOTICE OF HEARING
COUNTY SERVICE AREA 1-M, LAKE DON PEDRO
AREA FOR STRUCTURAL FIRE PROTECTION

I, the undersigned, state:

I am the publisher and principal clerk of the *Gazette and Miner*, an established weekly newspaper of general circulation, within the Town and County of Mariposa, California, within the provision of Chapter 1 of the California Government Code, and which has been printed and published weekly in the Town and County of Mariposa, State of California, continuously since the year 1854; that I am a citizen of the United States for 18 years, and a resident of the County of Mariposa, State of California, at the time of the publication of this notice, of which the annexed is a printed copy of the newspaper published in each regular issue of said newspaper and supplement thereof on the following dates, to

NOTICE IS HEREBY GIVEN that the Board of Supervisors will conduct a public hearing on the proposal to establish service charges for parcels within County Service Area 1-M located in the Lake Don Pedro area, on Tuesday, July 24, 2007, at the hour of 6:00 p.m., in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion St, Mariposa, California and at said time shall hear and consider all objections and protests, if any, to said service charge increases.

The Mariposa County Planning Department has considered the environmental impacts of this project and concluded that this project will not have a significant effect on the environment pursuant to the provisions of Section 21080(b)(8) of the Public Resources Code and Section 15061 (b) (3) of the State CEQA Guidelines.

Copies of the aforementioned documents will be on file at least five (5) days before the hearing in the office of the Clerk of the Board of Supervisors, Mariposa County Administrative Center, 5100 Bullion St, Mariposa, California where they may be examined by any interested person during regular business hours. Persons seeking copies of said documents or additional information regarding this matter should inquire at the Clerk of the Board of Supervisors, by calling 209-966-3222.

Anyone wishing to present evidence or be heard in this matter may present or speak at said hearing or any continuation thereof. If you challenge the adoption of the proposed ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at or prior to, the public hearing.

The proposed charges are as follows:

- Developed Parcels - not to exceed \$125
- Undeveloped Parcels - not to exceed \$25

6/28/07:1C

6/28/07

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher)

Date

7/1

2007

County Service Area 1-M/Don Pedro Fire

Per Rick Benson, CAO, this County Service Area 1-M map is what was used for the Don Pedro Prop 218 fire assessment