MEETING: May 13, 2014

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: CSA3 Public Hearing

RECOMMENDATION AND JUSTIFICATION: PUBLIC HEARING: Conduct a Hearing Regarding a Fire Suppression Assessment Within County Service Area #3 (CSA#3); Direct Tabulation of Ballots; and Adopt a Resolution Determining that No Majority Protest Exists with Respect to the County Service Area No. 3 Fire Suppression Assessment, Imposing and Levying the Assessment and Confirming the Rate of the Assessment for Fiscal Year 2014-15.

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 the acquisition of fire engines and improvements to fire stations. Recently, the validity of the assessment was legally challenged. On January 14, 2014 your Board approved implementing the process to affirm the previously approved assessment. On March 25, 2014 your Board adopted a resolution of intention to adopt a fire suppression assessment within County Service Area #3, replacing the assessment approved in 2008.

In accordance with applicable law and the California Constitution, an engineer’s report was produced and has been made available to affected property owners. A ballot was also provided to each property owner whereby they were able to indicate if they approve of the $80 annual assessment for the nine remaining years the original assessment was scheduled to be in place.

In order to finalize the process, a public hearing is required and has been noticed and scheduled for this date and time. At the hearing your Board will be able to hear comments in favor and opposed to the proposed assessment. At the conclusion of the public portion of the hearing, it will be appropriate for your board to adjourn to allow for the tabulation of the ballots under the direction of the Clerk of the Board. If a majority of the returned ballots are in favor of the proposal your Board then will be authorized to approve and place the assessment on property tax bills.

Therefore it is recommended that your Board take the following actions:

1. Conduct a public hearing to receive public comment regarding the proposal to assess developed parcels in the amount of $80 per year for a period of no more than 9 years.
2. At the conclusion of the public portion of the hearing, direct the Clerk of the
Board to tabulate the ballots.

3. Continue the hearing to later in the evening for the announcement of the final vote.

4. Close the hearing after the vote is announced.

IF A MAJORITY OF THE PROPERTY OWNERS VOTE AGAINST THE PROPOSED ASSESSMENT TAKE NO FURTHER ACTION.

IF A MAJORITY OF THE PROPERTY OWNERS VOTE IN FAVOR OF THE PROPOSED ASSESSMENT:

5. Adopt the resolution determining That No Majority Protest Exists With Respect To The County Service Area No. 3 Fire Suppression Assessment, Imposing And Levying The Assessment And Confirming The Rate Of The Assessment For Fiscal Year 2014-15.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On July 25, 2008, the original CSA #3 assessment was approved by your Board following a positive vote by a majority of the affected property owners.

On January 14, 2014, your Board approved implementing the process to affirm the assessment previously approved in June 2008.

On March 25, 2014, your Board adopted a Resolution of Intention to Adopt a Fire Suppression Assessment Within County Service Area (CSA) #3 and approved the engineer’s report.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Without a hearing and tabulation of the vote the new assessment cannot be implemented. Additionally, if the vote is in the positive and your Board does not adopt the resolution the new assessment will not be collected.

ATTACHMENTS:
Fire Assessment Reso Levying Final  (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED [UNANIMOUS]
MOVER: John Carrier, District V Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
RESOLUTION NO. 14-211

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA DETERMINING THAT NO MAJORITY PROTEST EXISTS WITH RESPECT TO THE COUNTY SERVICE AREA NO. 3 FIRE SUPPRESSION ASSESSMENT, IMPOSING AND LEVYING THE ASSESSMENT AND CONFIRMING THE RATE OF THE ASSESSMENT FOR FISCAL YEAR 2014-15

WHEREAS, by prior resolutions, the Board of Supervisors has (i) initiated proceedings to levy the County Service Area No. 3 Fire Suppression Assessment (the “Assessment”) pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 3.6 of the California Government Code (Section 50078 et seq.); (ii) ordered that an assessment ballot proceeding be conducted pursuant to Article XIII D of the California Constitution with respect to the Assessment; and (iii) set the time and date for a public hearing on the Assessment; and

WHEREAS, on May 13, 2014, the Board of Supervisors held a public hearing on the Assessment and the Fiscal Year 2014-15 levy of the Assessment, which hearing was noticed according to all applicable provisions of law. At the hearing, the Board of Supervisors considered oral and written testimony regarding the Assessment from all interested persons; and

WHEREAS, following the close of the public input portion of the May 13, 2014 hearing, the protest ballots returned by landowners of record within County Service Area No. 3 were opened and tabulated, and ___% of the ballots returned, as weighted by the proportionate financial obligation of the parcel for which the ballot was returned, indicated support for the Assessment; and

WHEREAS, the Board of Supervisors desires to impose the Assessment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA THAT:

Section 1. The foregoing recitals are all true and correct.

Section 2. The Board of Supervisors finds and determines that:

(a) No majority protest exists with respect to the Assessment; and

(b) The purpose of the Assessment is to obtain, furnish, operate and maintain fire suppression services and apparatus; and

(c) The special benefits conferred by funded services include, but are not limited to, protection of improvements upon assessed parcels from the hazard of fire; reduction of expected property loss from fires that do occur; and reduction of fire-related

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injuries and personal property damage for which the owners of assessed parcels would otherwise be liable; and

(d) Only the special benefits conferred by funded services has been assessed, and the general benefits derived from those services have not been assessed; and

(e) The Assessment is not imposed upon any parcel in an amount that exceeds the reasonable cost of the proportional special benefit conferred on that parcel; and

(f) The Assessment is supported by the detailed engineer’s report prepared by Harris & Associates entitled “Engineer’s Report, Fire Suppression Assessment, Fiscal Year 2014-15”, dated March 10, 2014, (the “Report”) which is on file in the Office of the Clerk of the Board and is incorporated herein by reference; and

(g) The County has complied with all requirements of Article XIII D, Section 4 of the California Constitution with respect to the Assessment, and has given all notice and conducted all assessment ballot proceedings that are required by such Article and by other applicable law; and

(h) Having completed such assessment ballot proceeding, the Board of Supervisors may now levy this annual assessment for each Fiscal Year through and including Fiscal Year 2022-23, without conducting further proceedings pursuant to Article XIII D, Section 4 of the California Constitution.

Section 3. The Board of Supervisors imposes and levies the Assessment as described in the Report.

Section 4. The Assessment is levied for Fiscal Year 2014-15 at the rate set forth in the Report, which rate is hereby confirmed. The Board of Supervisors instructs staff to take all actions necessary to cause the Assessment for Fiscal Year 2014-15 to be collected by the County along with the ad valorem property taxes for Fiscal Year 2014-15.

Section 5. By this Resolution, the Board of Supervisors has approved and established the Assessment and the methodology for the Assessment, for each Fiscal Year through Fiscal Year 2022-23. Aside from confirming of the rate of the Assessment, no further action is required of this Board with respect to any Fiscal Year (through Fiscal Year 2022-23) subsequent to Fiscal Year 2014-15.

Section 6. This Resolution shall take effect immediately upon adoption.
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of Mariposa County held on the 13th day of May 2014, by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

[Signature]
Kevin Cann, Chair of the Board

ATTEST:

[Signature]
Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM:

[Signature]
Steven W. Dahlem, County Counsel