DEPARTMENT: Public Works
BY: Jim Petropulos
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Approve conformed copies of resolutions relative to the Proposition 218 process and the Yosemite West Wastewater Facilities Project for Resolution Nos. 04-88/Proposition 218 process; No. 04-89/intent to form Assessment District 01-1 – Yosemite West Wastewater Facilities Project; and No. 04-90/preliminarily approving the Engineers’ report, to incorporate final changes in the documents.

Subsequent to the Board’s actions on March 9, 2004, it was brought to our attention that there were minor changes that needed to be incorporated in the final version of the resolutions that amend the Proposition 218 process and for the Yosemite West Wastewater Facilities Project. These changes are non-substantive and were intended for inclusion in the March 9th package.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has taken a number of actions regarding the Yosemite West Wastewater Facilities Project.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes (X) No  Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $

List Attachments, number pages consecutively
Conformed copy - Res. 04-88/Proposition 218 process
Conformed copy Res. 04-89/Intent to Form Assessment District 01-1
Conformed copy Res. 04-90/preliminarily approving Engineers’ report

CLERK’S USE ONLY:
Res. No. 04-136, 04-145
Vote – Ayes: 5  Noes: 
Absent: __

Approved ( ) 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

Revised Dec. 2002

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Opinion
Comments:

________________________

CAO: ___________
MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 04-145

A RESOLUTION PRELIMINARILY APPROVING ENGINEER’S REPORT AND DIRECTING RELATED ACTIONS

Assessment District No. 01-1
(Yosemite West Wastewater Facilities Project)

RESOLVED, by the Board of Supervisors (the “Board”) of the County of Mariposa (the “County”), State of California, as follows:

1. Resolution of Intention. On March 9, 2004, this Board adopted its Resolution of Intention to Make Acquisitions and Improvements, (the “Resolution of Intention”) under the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California, (the “Act”) to initiate proceedings under the Act in and for the County’s Assessment District No. 01-1 (Yosemite West Wastewater Facilities Project) (the “Assessment District”).

2. Engineer’s Report. The Resolution of Intention referred the acquisitions and improvements described therein to the person designated therein as the “Engineer of Work” and directed the Engineer of Work to prepare and file with the Clerk of the Board a report (the “Engineer’s Report”) pursuant to the Act and containing information set forth in the Resolution of Intention, to which reference is hereby made for further particulars.

3. Engineer’s Report Preliminarily Approved. The Engineer of Work has prepared and filed the Engineer’s Report with the Clerk of the Board, and this Board with the aid of County staff has reviewed the Engineer’s Report, and hereby finds it to be sufficient for, and that it shall stand for purposes of subsequent proceedings for the Assessment District and the Engineer’s Report is hereby preliminarily approved.

4. Public Hearing. Pursuant to the Act, this Board hereby orders that a public hearing shall be held before this Board, in the regular meeting place thereof, County of Mariposa, Administrative Center, 5100 Bullion Street, Mariposa, California on April 27, 2004, at the hour of 2:00 o’clock p.m. for the purposes of this Board’s determination whether the public interest, convenience and necessity require the acquisitions and improvements, whether the properties in the Assessment District are specially benefited by the acquisitions and improvements. The tabulation of special assessment ballots (unless otherwise directed by this Board) shall occur on April 28, 2004. The final determination of the existence of any majority protest and this Board’s final action upon the Engineer’s Report and the assessments therein is scheduled for May 4, 2004. The public hearing may be continued from time to time as determined by the Board and such continuation shall affect the dates for the tabulation and final determination as set forth above.

5. Notice. The Clerk of the Board is hereby authorized and directed to cause notice of the hearing ordered under Section 4 hereof to be given by mailing, postage prepaid, in the United States mail, and such notice shall be deemed to have been given when so deposited in such mail. The notice shall be substantially in the form of Exhibit A hereto. The envelope or cover of the mailing shall include the name of the County and the return address of the Clerk of the Board as the sender. The mailed notice shall be given to all owners of property proposed to be assessed within the Assessment District as shown in the Engineer’s Report by such mailing by name to those persons whose names and addresses appear on the last equalized
assessment roll of the County of Mariposa or the State Board of Equalization assessment roll, as the case may be. The amount of the proposed assessment for each parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire Assessment District, the amount chargeable to the owner’s particular parcel, the anticipated duration of payments for the assessment if bonded, the reason for such assessment and the basis upon which the amount of the proposed assessment was calculated. Each such mailed notice to owners shall contain a ballot which includes the property owner’s name, identification of the parcel and support or opposition to the proposed assessment. Each notice shall include, in a conspicuous place, a summary of the procedures applicable to the completion, return and tabulation of ballots, including a disclosure that the existence of a majority protest (whereby ballots submitted in opposition exceed those submitted in favor of the assessment, with ballots weighed according to proportional financial obligation of the affected property) will result in the assessment not being imposed. The notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing ordered under Section 4 hereof. Each mailed ballot shall include a sealable return envelope with the County’s address for receipt of completed ballots.

6. **Ballots.** The assessment ballots shall be substantially in the form of Exhibit A hereto. The Clerk of the Board, with the assistance of the Engineer of Work for the Assessment District, shall cause the Ballots to be mailed as part of the notice prescribed in Section 5 above. The ballots shall be received up to the time of the closing of the public hearing. Ballots shall remain sealed until the close of the public hearing and the beginning of the tabulation, provided that ballots may be submitted, or changed, or withdrawn by the person submitting the ballot prior to the conclusion of the public hearing. The Clerk of the Board, with the assistance of the Engineer of Work for the Assessment District, is hereby designated as the impartial person responsible for the tabulation of the ballots. The Clerk of the Board shall maintain a separate and secure file for the safekeeping of the assessment ballots as they are received and pending tabulation. During and after tabulation, the ballots shall be disclosable public records under Section 6252 of the California Government Code.

7. **Boundary Map.** The proposed boundaries of the proposed Assessment District are hereby described as shown on a map thereof on file in the office of the Clerk of the Board (the “Boundary Map”), which indicates by a boundary line the extent of the territory to be included in the proposed Assessment District and which Boundary Map shall govern for all details for further purposes of the proceedings for the Assessment District and to which reference is hereby made for further particulars. The Clerk of the Board is hereby authorized and directed to endorse upon the original and at least one copy of the Boundary Map the date of the filing thereof and date and adoption of this resolution and to cause a copy of the Boundary Map to be filed with the County Recorder of the County within fifteen (15) days of the adoption of this resolution, but in no event later than fifteen (15) days before the date of the public hearing ordered under Section 4 hereof. The County Recorder shall endorse upon the Boundary Map the time and date of filing and shall fasten the same securely in a book of maps of assessment and community facilities districts which the County Recorder shall keep in his or her office. The County Recorder shall index the Boundary Map by the name of the County and by the distinctive designation of the proposed Assessment District.

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PASSED AND ADOPTED this 6th day of April, 2004 by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

COUNTY OF MARIPOSA

GARRY R. PARKER, Chairman

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

THOMAS P. GUARINO, County Counsel
EXHIBIT A
FORM OF NOTICE AND BALLOT

NOTICE OF
PROPOSED NEW ASSESSMENTS
and
ASSESSMENT BALLOT
for the
COUNTY OF MARIPOSA
Assessment District No. 01-1
(Yosemite West Wastewater Facilities Project)

ASSESSMENT BALLOT:
The Property Owner shown opposite selects one
of the following:

☐ IN FAVOR OF ASSESSMENT
☐ OPPOSE ASSESSMENT

Signature of Property Owner

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THE COUNTY OF MARIPOSA GIVES NOTICE that:

1. Purpose of Assessments. The County is proposing to levy new assessments in the above Assessment District that includes your property. The purpose of the assessments is to fund the estimated costs of and related administrative and incidental costs, including the costs of forming the Assessment District and issuing bonds.

2. The Assessments. There are two parts to the proposed assessment. They are:

   a. The Fixed Lien Assessment. This is to help pay for building the wastewater project. This part may be paid off anytime after assessments are confirmed, or at the option of the property owner, allowed to be bonded for up to 40 years. If confirmed, the Fixed Lien Assessment cannot be increased without further assessment ballot approval. The proposed Fixed Lien Assessment for the whole Assessment District is $3,512,000.00 and the amount for your property is shown above.

   b. The Administration Assessment. This is to pay for the annual costs of administering the Assessment District and creating reserves required for the financing. This part of the assessment, if approved, would be in the amount of $30.00 per year plus 10% of the parcel's annual Fixed Lien Assessment payment of principal and interest on the bonds. The $30.00 part of the assessment continues for so long as the Assessment District bonds are unpaid and the 10% addition will continue for the first ten years of assessment installments, but may decrease as reserves are built up. For fiscal year 2004-2005, the proposed Administration Assessment for the whole Assessment District is $29,314.74 and the amount for your property is shown above.

A summary of the method of the levy of the assessments is attached to this Notice. A full discussion is found in the Engineer’s Report on file with the County. The County has applied to the United
States Department of Agriculture for a loan, with interest at 4.5% for 40 years and no prepayment penalty. Under this financing, the annual payment would be about $55.00 per $1,000 of Fixed Lien Assessment.

3. **Public Hearing.** Before taking final action on the proposed Assessment District and the assessments, the County Board of Supervisors will hold a Public Hearing at County of Mariposa, Government Center, Board Chambers, 5100 Bullion Street, Mariposa, California on April 27, 2004, at 2:00 p. m. to take final public testimony, hear protests and to receive the Assessment Ballots.

4. **Assessment Ballot.** Anytime before the end of the Public Hearing, any property owner in the Assessment District may submit the Assessment Ballot, which is the upper part of this Notice, to the Clerk of the Board of Supervisors. To do so, the owner must: cut off the Ballot portion above; mark the Ballot either “In Favor of Assessment” or “Oppose Assessment;” sign the Assessment Ballot and place it in the return envelope provided with this Notice. Seal the envelope and return it and the Ballot by mail (affix postage, please) or by hand delivery to the County at the address on the envelope. Any Assessment Ballot returned unmarked, unsigned or not enclosed in the return envelope will be rejected and not counted. The law requires that the Assessment Ballots remain sealed until the Public Hearing is officially closed and tabulation begins. The Assessment Ballot may be submitted, changed or withdrawn at any time before the end of the Public Hearing. If you need a replacement Assessment Ballot, contact the person shown in Section 5 below.

The Board has designated the Clerk of the Board of Supervisors as the impartial person to conduct the tabulation of the ballots. The tabulation will take place in the Board Chambers of the Mariposa County Government Center beginning at 10:00 a.m. on April 28, 2004. The tabulation will be open to the public. Once opened, the Assessment Ballots are available for public inspection. Unless the Public Hearing is continued, the County expects that the ballots will be tabulated and the results reported to the Board at its meeting of May 4, 2004 for final action.

The assessment shall not be imposed if the Assessment Ballots submitted in opposition to the assessment exceed the Assessment Ballots submitted in favor of the assessments, with Ballots weighted according to the proportional financial obligation of the affected property. If there is majority approval and the Board votes to proceed, there will be a cash payment period for the confirmed assessments, after which bonds will be issued for any unpaid assessments.

5. **More Information.** If you have questions about your Assessment or need more information contact: Jim Petropulos, Public Works Director, Public Works Department, County of Mariposa, 4639 Ben Hur Road, Mariposa, California, 95338, Telephone: (209) 966-5356. The Engineer’s Report and other written material about the Assessment District may be seen at the Bassett Memorial Library at Wawona, 7971 Chilnualna Falls Road, Wawona, California, 95389, open on Wednesdays from 12:00 pm through 5:00 pm, on Thursdays from 12:00 pm through 5:00 pm and on Saturdays from 10:00 am through 3:00 pm, and at the Department of Public Works during regular business hours.

Dated as of March 10, 2004

Clerk of the Board of Supervisors