DEPARTMENT: Public Works  
BY: James J. Petropulos  
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X__)

Adopt Resolution Directing Corrections to Proposed Assessments, Assessment District No. 01-1 Yosemite West Wastewater Facilities Project.

The Proposed Assessments for developed lots for the Yosemite West Wastewater Facilities Project were based on data obtained from existing building permits on file with the building department. Several residents of Yosemite West have contacted the County requesting that their assessments be revised to reflect the appropriate number of plumbing fixture units. Currently, the County has received approximately an equal number of requests for increasing assessments and decreasing assessments. If there is an overall increase in assessments, the additional capacity would come from the general benefit portion of the assessment and the general benefit portion of the assessment would be reduced accordingly.

Under Proposition 218 and its implementing legislation, the County preliminarily approved the Engineer’s Report which shows the proposed assessments on each of the properties in the assessment district. Notices and Ballots based on the proposed assessments were sent to each property owner. According to the attached letter from the County’s Bond Counsel, changing the proposed amounts at this point in the Proposition 218 process will disrupt the proceedings and require the County to start the process over again. Therefore, the County’s Bond Counsel is recommending that the Board adopt the attached resolution which guaranties that assessments of affected property owners will be corrected if the Proposition 218 Assessment passes.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 9, 2004, the Board adopted a resolution amending Resolutions Nos. 00-332 and 01-225; adopted a Resolution of Intention to form Assessment District No. 01-1 Yosemite West Wastewater Facilities Project; and adopted a Resolution preliminarily approving engineer’s report.

On December 18, 2001, Public Works staff and Ed Wilson of Wilson and Associates provided the Board with the preliminary assessment method for the Yosemite West Wastewater Treatment Facility Improvements project. During this presentation, the Board requested staff to return at a later date to discuss the assessment method further and look at the difference of the total assessment cost including the total amount of funds advanced by the County to the Yosemite West Wastewater Treatment Facility Improvement project and the total amount of the proposed assessment cost excluding County advances loaned to the project to date.

On March 23, 2002, Public Works staff and Ed Wilson of Wilson and Associates presented an update of the Yosemite West Wastewater Treatment Facility Improvements project and discussed the disposition of the County advances to the project. During this meeting, the Board of Supervisors directed Public Works to not include $1,080,830 advanced to the project in the assessment. The Public Works Department also discussed the proposed assessment allocation.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1) Not adopting this resolution will not allow corrections to be made to the proposed assessments.
2)
COSTS:  (X) Not Applicable
A. Budgeted current FY  
B. Total anticipated costs  
C. Required additional funding  
D. Internal transfers  

SOURCE:  ( ) 4/5ths Vote Required  
A. Unanticipated revenues  
B. Reserve for contingencies  
C. Source description: Donation  
Balance in Reserve for Contingencies, if approved:  

CLERK’S USE ONLY:
RECOMMENDATION:
Res. No.  
Ord. No.  
Vote - Ayes:  
Noes:  
Absent:  
Approved  ( ) Denied  
( ) 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  

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:  

Proposed Resolution  
Letter from Steve Casaleglio (Bond Counsel)  

COUNTY ADMINISTRATIVE OFFICER’S
This item on agenda as:  
✓ Recommended  
( ) Not Recommended  
( ) For Policy Determination  
( ) Submitted with Comment  
( ) Returned for Further Action  

Comment:  

C.A.O. initials:  

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 04-177

A RESOLUTION DIRECTING CORRECTIONS TO PROPOSED ASSESSMENTS

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 to the 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’s Report, containing the proposed assessments for the Assessment District was prepared using data currently available to the Engineer of Work, was filed with the Clerk of the Board and was preliminarily approved by this Board.

4. Public Hearing and Assessment Ballots. Pursuant to the Act, this Board ordered that a public hearing be held before this Board on April 27, 2004, at the hour of 2:00 o’clock p.m. and that assessment ballot tabulation be completed on April 27, 2004 and further ordered that notices and assessment ballots, as required by the Act be provided to the owners of each of the properties to be assessed in the Assessment District, be mailed to such owners, using the amounts of assessments as shown in the Engineer’s Report and as preliminarily approved by this Board.

5. Corrections Requested. Subsequent to the mailing of the notices and ballots, the Engineer of Work has received communications from various owners of properties in the Assessment District indicating that certain of the proposed assessments were incorrectly computed because the data available to the Engineer of Work varied from the actual conditions of the affected properties, and, depending on the circumstances, should be either increased or reduced.

6. Time for Correction. This Board, to preserve its ability to obtain favorable federal funding for the Assessment District, hereby determines to continue the proceedings for the Assessment District, as presently scheduled, through and including public hearing and tabulation of the assessment ballots and further determines that any corrections to assessments may be made, if appropriate, after such hearing and tabulation is completed.

7. Corrections Directed. If after the public hearing and the tabulation of the assessment ballots, this Board is authorized by law to and determines to continue the
proceedings for the Assessment District, the Engineer of Work and other responsible County staff are authorized and directed to immediately communicate with interested property owners and to correct individual assessments in a manner consistent with method of assessment in the Engineer’s Report as finally approved and upon the written requests of such interested property owners, as verified by the Engineer of Work.

PASSED AND ADOPTED this 27th 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

MARGIE WILLIAMS, Clerk of the Board

THOMAS P. GUARINO, County Counsel

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: RESOLUTION DIRECTING CORRECTIONS TO PROPOSED ASSESSMENTS, ASSESSMENT DISTRICT NO. 01-1 YOSEMITE WEST WASTEWATER FACILITIES PROJECT
Resolution No. 04-177

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 27, 2004

ACTION AND VOTE:

Jim Petropulos, Public Works Director;
   A) Adopt a Resolution Directing Corrections to Proposed Assessments, Assessment District No. 01-1 Yosemite West Wastewater Facilities Project

BOARD ACTION: Jim Petropulos introduced Steve Casaleggio, Bond Counsel with Jones Hall; and he advised that Ed Wilson of Wilson and Associates, and Dana Hertfelder, Assistant Public Works Director, were present to respond to questions. Jim advised of typographical errors in the formal resolution that need to be corrected. Steve Casaleggio responded to questions relative to this process. (M)Stetson, (S)Balmain, Res. 04-177 was adopted/Ayes: Unanimous.

cc: Ken Hawkins, Auditor
    Tom Guarino, County Counsel
    Marjorie Wass, Treasurer/Tax Collector
    Bob Lowrimore, Assessor
    File