NOTE TO FILE:

Resolution Nos. 04-88, 04-89, and 04-90/Yosemite West

The above-referenced resolutions for the Yosemite West Wastewater Facilities project were adopted on March 9, 2004 by the Board.

Subsequent to adoption, it was brought to our attention that there were minor changes that needed to be incorporated in the final version of these resolutions. Thus, the “conformed” copies of the resolutions were placed on the agenda for April 6th for approval. Resolution Nos. 04-136, 04-144, and 04-145 were assigned and they were distributed following adoption.

The March 9th resolutions are attached as they were presented in the Board packages.

Margie Williams
Clerk of the Board
The following actions are requested:

1. Adopt Resolution Amending Resolutions Nos. 00-332 and 01-225.

2. Adopt Resolution of Intention to form Assessment District No. 01-1 Yosemite West Wastewater Facilities Project.


Bond Counsel recommends that the resolution amending Resolution No. 00-332, adopting Proposition 218 procedures; and Resolution No. 10-225 amending Resolution No. 00-332 will help make the Proposition 218 process proceed more smoothly. This resolution should be adopted prior to adopting the Resolution of Intention to form Assessment District No. 01-1.

The Resolution of Intention to form Assessment District No. 01-1, Yosemite West Wastewater Facilities Project, formally begins the process under the Municipal Improvement Act of 1913 and complies with the requirements for starting the Proposition 218 assessment process. Section 18 is required to permit reimbursement of advances from bond proceeds.

The resolution preliminarily approving the engineer’s report gives tentative approval to the engineer’s assessment report and sets the required public hearing for April 27, 2004, which allows for the Proposition 218 prescribed 45-day mailing of notices. It also directs the giving of notice and ballot, and the recording of the assessment district boundary map.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has taken a number of actions regarding the Yosemite West Wastewater Facilities Project including a discussion with staff and the assessment engineer on December 18, 2002, concerning the preliminary assessment method for the project and the total cost of the project including the amount of funds that the County had advanced towards the project.

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’s financial contributions to the project. During this meeting, the Board of Supervisors directed Public Works to not include in the assessment the $1,080,830 advanced to the project. The Public Works Department also discussed the proposed assessment allocation.

On July 1, 2003, the Board received another update regarding the assessment method for the Yosemite West Wastewater Treatment Facility project and provided direction to continue the Proposition 218 process after the bidding process was completed. In addition, staff was directed to obtain funding, most likely a United States Department of Agriculture loan, for the reserve capacity portion of the project.

On Sept 23, 2003, the Board authorized Public Works to advertise the project. Bids were opened on January 16, 2004 with the low bid of $2,296,088 by Mauldin-Dorfmeier.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative action will delay the Proposition 218 process and subsequent construction of the project. Time is of the essence as the Yosemite West Wastewater Treatment Facility is operating under a Cease and Desist order from the California Regional Water Quality Control. Also, the construction season at Yosemite West is very short and any delay at this time will reduce the time available this summer for completion of the project.
COSTS:
A. Budgeted current year $_____
B. Total anticipated costs $_____
C. Required additional funding $_____
D. Internal transfers $_____

SOURCE:
A. Unanticipated revenues $_____
B. Reserve for contingencies $_____
C. Other (specify) $_____
D. Balance in Reserve for Contingencies, if any $_____

SPECIAL INSTRUCTIONS:
List the attachment number and the pages consecutively:
1. Resolution amending Res. # 00-332 & Res. #01-225
2. Resolution of Intent
3. Resolution preliminary approving engineer's report
   & directing related actions
4. Draft engineer's report
5. Petropoulos/Board of Supervisor memo date 2/27/04

CLERK'S USE ONLY:
RECOMMENDATION:
Res. No. 84-90
Vote - Ayes: 
Noes: 
Absent: 
Abstained: 
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 Madera, State of California
By: Deputy

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

MINUTE ORDER

TO: JIM PETROPULOS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: AMENDMENT TO RESOLUTION NUMBERS 00-332 AND 01-225, RESOLUTION OF INTENTION TO FORM YOSEMITE WEST WASTEWATER FACILITIES PROJECT, AND RESOLUTION APPROVING ENGINEERS REPORT
Resolution Nos. 04-88, 04-89, and 04-90

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on March 9, 2004

ACTION AND VOTE:

11:18 a.m. Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;
A) Adopt a Resolution Amending Resolution Numbers 00-332 and 01-225; Adopt a Resolution of Intention to Form Assessment District Number 01-1, Yosemite West Wastewater Facilities Project and Adopt a Resolution Preliminarily Approving Engineers Report

BOARD ACTION: Chairman Parker asked if there was anyone that wished to provide input, and there was no response. (M)Stetson, (S)Pickard, the following resolutions were adopted:
- Res. 04-88 amending Resolution Nos. 00-332 and 01-225 relative to the Proposition 218 procedures;
- Res. 04-89 of intent to form Assessment District 01-1, Yosemite West Wastewater Facilities Project; and
- Res. 04-90 preliminarily approving the Engineers’ report.
Discussion was held. Ayes: Unanimous.

cc: Ken Hawkins, Auditor
Bob Lowrimore, Assessor
Marjorie Wass, Treasurer/Tax Collector
Mary Hodson, Administrative Analyst
File
MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 04-88

Resolution Amending Resolutions Nos. 00-332
Adopting Proposition 218 Procedures and Resolution No. 01-225 Amending
Resolution No. 00-332

WHEREAS, this Board of Supervisors has heretofore adopted Resolution No. 00-332, a
Resolution Adopting Proposition 218 Procedures which was subsequently amended by
Resolution No. 01-255, which Resolutions are called the "218 Resolutions"; and

WHEREAS, in order to more efficiently and responsively comply with the requirements of
Proposition 218, this Board wishes to make certain amendments to the 218 Resolutions;

NOW, THEREFORE, the Board of Supervisors of Mariposa County does hereby resolve as
follows:

SECTION 1. Sections D 2 of the 218 Resolutions are hereby amended to read as
follows: "The form of notice shall be as attached hereto as Exhibit "A" or as otherwise
prescribed by the Board of Supervisors."

SECTION 2. Sections E 2 of the 218 Resolutions are hereby amended to read as
follows: "The form of ballot shall be as attached hereto as Exhibit "B" or as otherwise prescribed
by the Board of Supervisors."

SECTION 3. Sections E 4 of the 218 Resolutions are hereby amended to delete "under
penalty of perjury" and substitute "by the record owner of the property."

SECTION 4. Sections F of the 218 Resolutions are amended to add as a new
subsection 2.: "The Board of Supervisors shall designate an impartial person to mail and/or
tabulate the ballots, which person may, but need not be the County Clerk and may be the
engineer of work for the assessments. Any references in this resolution to the County Clerk
with respect to the mailing of ballots and/or to the ballot tabulation shall be deemed to refer to
such other person designated by the Board of Supervisors."

SECTION 5. This resolution shall take effect upon its adoption.

***************
PASSED AND ADOPTED this _____ day of ______________, 2004 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

COUNTY OF MARIPOSA

______________________________
GARRY R. PARKER, Chairman

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

______________________________
MARGIE WILLIAMS, Clerk of the Board

THOMAS P. GUARINO, County Counsel
MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 04-89

A RESOLUTION OF INTENTION
TO MAKE ACQUISITIONS AND IMPROVEMENTS

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. Intention. The public interest, convenience and necessity require, and that it intends to order the making of the acquisitions and improvements (the "Improvements") described in Exhibit "A" attached hereto and made a part hereof in and for the County's proposed Assessment District No. 01-1 (Yosemite West Wastewater Facilities Project) (the "Assessment District").

2. Law Applicable. Except as herein otherwise provided for the issuance of bonds, all of the work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Act").

3. Nature and Location of and Grades for Improvements. All of Improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided. There is to be excepted from the work above described any of such work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work is shown on the plans to be done therein. The streets and highways are or will be more particularly shown in the records in the office of the County Recorder of the County and shall be shown upon the plans.

4. Change of Grade. Notice is hereby given of the fact that in many cases the Improvements will bring the finished work to a grade different from that formerly existing, and that to the extent the grades are hereby changed and that the work will be done to the changed grades.

5. Work on Private Property. In cases where there is any disparity in level or size between the Improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on the private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do such work on private property to eliminate such disparity. In such cases, the work on private property shall, with the written consent of the owner of the property, be done and the actual cost thereof may be added to the proposed assessment of the lot on which the work is to be done.
6. **Official Grades.** This Board does hereby adopt and establish as the official grades for the work the grades and elevations to be shown upon the plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of this County.

7. **Descriptions - General.** The descriptions of the Improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the Improvements and maps and descriptions as contained in the Engineer's Report, hereinafter directed to be made and filed, shall be controlling as to the correct and detailed description thereof.

8. **Special Benefit and Boundary Map.** The contemplated Improvements, in the opinion of this Board, are of more than general or ordinary public benefit, and the costs and expenses thereof are made chargeable upon the Assessment District, the exterior boundaries of which are shown on a map thereof on file in the office of the Clerk of the Board, to which reference is hereby made for further particulars. The map indicates by a boundary line the extent of the territory proposed to be included in Assessment District and shall govern for all details as to the extent of the Assessment District.

9. **Public Property.** This Board declares that all public streets, highways, lanes and alleys, and properties owned by any public agency or department of the United States of America, the State of California, the County, any city or special district, within the Assessment District and in use in the performance of a public function shall be omitted from the assessment hereafter to be made; provided, however that to the extent found to be specially benefited, such lands shall be subject to assessment.

10. **Engineer's Report.** The Improvements are hereby referred to Wilson & Associates being a competent firm employed for the purpose hereof as Engineer of Work for the Assessment District (the "Engineer of Work"), and the Engineer of Work is hereby directed to make and file with the County Clerk a report in writing (the "Engineer's Report"), presenting the following:

(a) Maps and descriptions of the lands and easements to be acquired, if any;

(b) Plans and specifications of the proposed Improvements if the Improvements are not already installed. The plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location, and extent of the Improvements. If the Assessment District is divided into zones, the plans and specifications shall indicate the class and the type of the Improvements to be provided for each zone. The plans or specifications may be prepared as separate documents, or either or both may be incorporated in the Engineer's Report as a combined document.

(c) A general description of Improvements already installed and any other property necessary or convenient for the operation of the Improvements, if the works, appliances, or property are to be acquired as part of the Improvements.

(d) An estimate of the cost of the Improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the Improvements, including any cost of issuing and registering bonds.
(e) A diagram showing, as they existed at the time of the passage of this Resolution, all of the following:

(1) The exterior boundaries of the Assessment District.

(2) The boundaries of any zones within the Assessment District.

(3) The lines and dimensions of each parcel of land within the Assessment District.

Each subdivision, shall be given a separate number upon the diagram. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

(f) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the Assessment District in proportion to the estimated benefits to be received by each subdivision, respectively, from the improvement. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (e).

(g) A proposed maximum annual assessment upon each of the several subdivisions of land in the Assessment District to pay cost incurred by the County and not otherwise reimbursed resulting from the administration and collection of assessments or from administration or registration of any associated bonds and reserve or other related funds.

When any portion or percentage of the costs and expenses of the acquisitions and improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the acquisitions and improvements, and the assessment shall include only the remainder of the estimated cost and expenses.

11. **Use of Surplus.** If any excess shall be realized from the assessment it shall be used, in such amounts as this Board may determine, in accordance with the provisions of the Act, for one or more of the following purposes:

(a) Transfer to the general fund of this County, provided that the amount of any such transfer shall not exceed the lesser of $1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment or for the redemption of bonds, or both; or

(c) For the maintenance of the improvements.

12. **Contact Person.** Jim Petropulos, Public Works Director of the County, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at County of Mariposa, Public Works Department, 4639 Ben Hur Road, Mariposa, California 95338, or by calling telephone number (209) 966-5356.
13. **Contracts with Others.** To the extent that any of the work, rights, improvements and acquisitions indicated in the Engineer's Report, to be made as provided herein, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this County, or of any public utility, it is the intention of this Board to enter into an agreement with such public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of the Act, which agreement may provide for, among other matters, the ownership, operation and maintenance by such agency or utility of the works, rights, improvements and acquisitions, and may provide for the installation of all or a portion of such improvements by the agency or utility and for the providing of service to the properties in the area benefiting from the work, rights, improvements and acquisitions by such agency or utility in accordance with its rates, rules and regulations, and that such agreement shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of any such agreement.

14. **Improvement Bonds.** Notice is hereby given that serial and/or term improvement bonds (the "Bonds") to represent unpaid assessments, and bear interest at the rate of not to exceed such rate of interest as may be authorized by applicable law a the time of sale of such bonds, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, Division 10 of the California Streets and Highways Code (the "Bond Law"), the last installment of which bonds shall mature not to exceed thirty-nine (39) years from the second day of September next succeeding their date. The bonds shall be issued in such series and shall mature in such principal amounts at such times as shall be determined by this Board at the time of the issuance of such bonds. The provisions of Part 11.1 of the Bond Law, providing an alternative procedure for the advance payment and calling of bonds, shall apply to the bonds issued in these proceedings. It is the intention of this Board to create a special reserve fund pursuant to and as authorized by Part 16 of the Bond Law. It is now the intention of the County that the County will not obligate itself to advance available funds from the treasury of the County to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that any final determination not to obligate itself shall not prevent the County from, in its sole discretion, so advancing funds.

15. **Refunding of Bonds.** The bonds may be refunded pursuant to the provisions of Division 11.5 of the California Streets and Highways Code upon the determination of the Board of the County that the public interest or necessity requires such refunding. Such refunding may be undertaken by the Board when, in its opinion, lower prevailing interest rates may allow reduction in the amount of the installments of principal and interest upon the assessments given to owners of property assessed for the works herein described. The refunding bonds shall bear interest at a rate not to exceed that which is stated in the resolution of the Board expressing its intention to issue the refunding bonds, which resolution of intention shall also set forth the maximum term of years of the refunding bonds. The refunding shall be accomplished pursuant to Division 11.5 (commencing with Section 9500) of the California Streets and Highways Code, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Board finds that each of the conditions specified in the resolution of intention to issue the refunding bonds is satisfied and that adjustments to the assessments are on a pro-rata basis, the Board may approve and confirm the report and may, without further proceedings, authorize, issue and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the California Streets and Highways Code.

16. **Division 4.** Reference is hereby made to proceedings had pursuant to Division 4 of the Streets and Highways Code of California which are on file in the office of the County Clerk and which are part of the Engineer's Report. It is the intention of this Board to comply with
Division 4 of the Streets and Highways Code of California by proceeding under Part 7.5 thereof. To that end, the Engineer of Work is hereby directed to include in the Engineer's Report all of the material specified by such Part 7.5 and for which the total true value shall be estimated as the full cash value of the parcels of land in the Assessment District as shown on the last equalized assessment roll of the County.

17. **No Private Contract.** Notice is hereby given that, in the opinion of this Board, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and therefore that, pursuant to Section 20487 of the California Public Contract Code, no notice of award of contract shall be published.

18. **Maintenance Assessments.** This Board hereby declares its intention to levy an assessment for maintenance, repair or improvement, including all expenses required to keep the acquisitions and improvements in fit operating condition which are ordinarily incurred no more frequently than every five years, of the acquisitions and improvements for the Assessment District. The Engineer's Report herein ordered shall contain an estimate of the amount of this assessment for each of the first five years during which the assessment would be levied.

19. **Reimbursement Declaration.** The Town intends to issue the Bonds, which are "Obligations" under United States Income Tax Regulations section 1.150-2 (the "Regulations"), to finance all or a portion of the costs of the Improvements. The Council hereby declares that the Town reasonably expects to use a portion of the proceeds of the Bonds for reimbursement of expenditures for the Improvements that are paid before the date of issuance of the Bonds. This section of this resolution shall be solely for the purpose of complying with the provisions of the Regulations and shall not be deemed an approval of all or any part of the Assessment District or a commitment on the part of this Council to issue any or all of the Bonds or otherwise provide for financing.

20. **Effective.** This resolution shall be effective upon its adoption.

**************
PASSED AND ADOPTED this ____ day of ______________, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF MARIPOSA

__________________________
GARRY R. PARKER, Chairman

ATTEST:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

__________________________
MARGIE WILLIAMS, Clerk of the Board

__________________________
THOMAS P. GUARINO, County Counsel
EXHIBIT A

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

DESCRIPTION OF IMPROVEMENTS

Within the County of Mariposa (the "County"), State of California, the construction and acquisition of the public sewer system and related improvements (the "Improvements"), including the acquisition of all lands, easements, rights-of-way, licenses, franchises, and permits in accordance with plans and specifications to be approved by the County. The Improvements are described in detail in the Engineer's Report prepared by Wilson & Associates under Section 10 of the within Resolution of Intention and reference is hereby made to that report for details. Capitalized terms shall have the meanings defined in that report. The Improvements are generally described as follows:

1. Wastewater treatment and disposal system improvements, including conversion of aerated lagoons to extended aeration process treatment units and the conversion of the existing effluent disposal system from winter leach field/summer spray irrigation system to a year-round subsurface drip irrigation system, to be constructed within the existing Y-West Wastewater Facilities site and including the installation of a new headworks and a comminutor.

2. Collection system piping rehabilitation improvements, including repairs and replacements recommended by the Psomas Report to reduce infiltration and inflow to the system.

3. All other incidental work that is necessary and/or convenient to accomplish the above Improvements, including the reimbursement of all or a portion of the costs of works already installed, to the extent permitted by applicable law.
MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 04-90

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 County Clerk 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 County Clerk, 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 and the determination of the existence of any majority protest and this Board’s final action upon the Engineer’s Report and the assessments therein. The public hearing may be continued from time to time as determined by the Board.

5. Notice. The County Clerk 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 County Clerk 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 County Clerk (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 County Clerk 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.

***************
PASSED AND ADOPTED this _____ day of _____________, 2004 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

COUNTY OF MARIPOSA

__________________________
GARRY R. PARKER, Chairman

__________________________
MARGIE WILLIAMS, Clerk of the Board

__________________________
THOMAS P. GUARINO, County Counsel

-3-
EXHIBIT A

FORM OF NOTICE AND BALLOT

Clerk of the Board of Supervisors
County of Mariposa
P.O. Box 784
Mariposa, CA 95338

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

Property Owner Name
Street (P.O. Box) Address
County & Zip
Assessor Parcel No.
Proposed Assessments for this Parcel are:
$_________ Fixed Lien
$_________ Administration for 2004-2005

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 $___________ and the amount for your property is shown above.

   b. 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 subject to automatic increase each year at not to exceed __%. This part of the assessment continues for so long as the Assessment District bonds are unpaid, but may decrease as reserves are built up. For fiscal year 2004-2005, the proposed Administration Assessment for the whole Assessment District is $__________ and the amount for your property is shown above.

The method of the levy of the assessments is summarized on the back of 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 of $_________, with interest at 4.5% for 40 years and no
prepayment penalty. Under this financing, the annual payment would be about $____ 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, Administrative Center, 5100 Bullion Street, Mariposa, California on April 27, 2004, at 2:00 p.m. to take final public testimony, hear protests, tabulate the Assessment Ballots and the take final action on the levy the assessments.

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 County Secretary. 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 Room _____ of the Mariposa County Government Center beginning at _____ 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.** To get additional information about the assessments or the Assessment District, 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 reviewed at (name and address of place in the AD) and at the above address during regular business hours.

Dated as of March 10, 2004

Clerk of the Board of Supervisors
TO: Board of Supervisors
FROM: James J. Petropulos, Public Works Director
SUBJECT: Yosemite West Wastewater Facility (YWWTF) Board Item March 9, 2004

As you are aware, the YWWTF project is very complex due to the required engineering and the Proposition 218 process. The actions requested on the March 9, 2004 Board agenda will set in motion the final stages of the project that if successful, will allow for the construction of a wastewater facility to enable full build out of the subdivision.

Between March 9 and when the ballots are due on April 27, 2004, staff, working with the assessment, will provide information to the Yosemite West property owners concerning the assessment vote. We intend to provide the information by convening a project meeting, issuing a newsletter, and as needed, meetings with individual property owners to answer questions as they arise.

Staff will also return to the Board in the latter part of March for direction and action including:

Rate increase hearing for Yosemite West sewer fees. The rates need to be increased in order to meet the letter of conditions issued by the United States Department of Agriculture for the loan that will fund the project as a result of increased cost to operate the new facility. This requirement is very similar to that required by the USDA for the Compost Project.

Policy to manage the excess capacity (EDU Bank). The amount of wastewater capacity allocated to the new treatment facility is 90,000 gallons per day. This will handle all of the existing dwellings at the subdivision and allow all of the remaining vacant lots to build three-bedroom, two-bath houses. In the event that a property owner desires more capacity, i.e. more bathrooms etc., the County may provide, at cost to the property owner, additional capacity from the "bank." As this EDU bank is limited and the fact that the County will be borrowing funds to construct the bank, a policy to manage the excess capacity and recoup the cost is needed.

If you have any questions or comments relative to this matter, please do not hesitate to contact me.

dp

Attachment
PROPOSED SCHEDULE

✈ **Board Action:** Adopt resolutions per Board Agenda Item 3/9/04

✈ Mail Notice of Assessment (Wilson prepares notice for mailing, County pays all printing and postage costs and mails) 3/11/04

✈ Record AD 01-1 Boundary Map (Public Works) 3/11/04

✈ Y-West Project Information Meeting (proposed date) 3/20/04

✈ **Board Action:** Rate Increase Hearing for Y-West (Public Works) 3/23/04

✈ **Board Action:** Hearing on Assessments and Ballot Submittal Deadline 4/27/04

✈ Count Ballots (Board Clerk, P. Wks., Wilson) 4/28/04

✈ **Board Action:** Ballot Results; Approve Resolution Confirming Assessment or Abandon Proceedings 5/4/04

✈ **Record Diagram and Assessment Notice (Public Works/Wilson)** 5/5/04

✈ **Mail Notice for Cash Payment of Assessments (Public Works/Wilson)** 5/7/04

✈ **End Cash Payment (County Treasurer receives payments)** 6/7/04

✈ **Board Action:** Bond Issuance Resolution and List Unpaid Assessments; Award Construction Contract 6/15/04

✈ **Submit Assessment Installments to County Auditor for 2004 (Need County Auditor’s acceptance of schedule to place on 2004 tax bill)** 7/30/04