

DEPARTMENT: Public Works

BY: Dana Hertfelder

PHONE: 966-5356

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

Presentation and discussion of the assessment method for the Yosemite West Wastewater Treatment Facility Improvements project by Public Works staff and Ed Wilson of Wilson and Associates and discussion and possible action on the status of the County financial advances to Yosemite West Wastewater Treatment Facility Improvements project. Staff is requesting direction on the status of the funds advanced to the project.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On December 18, 2002 the 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 to the Board 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 by the County and the total amount of the proposed assessment cost excluding County advances loaned to the Project to date.

The County has advanced the Yosemite West Wastewater Treatment Facility Improvements project \$1,080,830 to date. The County has expended \$985,000 through fiscal year 2001/2002. Of this amount, \$583,100.54 has been spent on emergency repairs and staff time for improvements to the existing facilities including construction of the second treatment pond, spray irrigation, rehabilitation of the lower treatment pond and sewer line replacement for infiltration and inflow mitigation. This work was performed to prevent the discharge of treated effluent to the environment. The remaining \$401,899 expended to date has been used to cover incidental cost associated with the planning design and environmental services associate with the proposed Yosemite West Wastewater Treatment Facility Upgrades.

The Board of Supervisors has had some preliminary discussion on the merits of not charging the Yosemite West Maintenance District for the financial advances to the project. The purpose of not charging the Yosemite West Maintenance District for the financial advances to the project would be to encourage the passage of the Proposition 218 Assessment.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Do not charge the Yosemite West Maintenance District for the financial advances to the project. This action may provide enough incentive for the passage of the assessment vote.
- 2) Do not charge the County financial advances to the project. This action will result in a higher assessment cost.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

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

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.: 02-128 Ord. No. _____
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 Mariposa, 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: 



COUNTY OF MARIPOSA

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: Engineering Assessment Method for Yosemite West Wastewater Treatment Facility
Resolution No. 02-128

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 23, 2002

ACTION AND VOTE:

2:00 p.m. Jim Petropulos, Public Works Director;
Presentation of the Engineering Assessment Method for the Yosemite West Wastewater Treatment Facility Improvements Project by Public Works Staff and Ed Wilson of Wilson and Associates; Discussion and Action Regarding the Status of the County Financial Advances to the Yosemite West Wastewater Treatment Facility Improvements Project

BOARD ACTION: Ed Wilson, Wilson and Associates, reviewed the assessment-spread summary. Discussion was held relative to the cost estimates that were previously provided and the changes to date. He also reviewed the recommended methodology of using equivalent dwelling unit (EDU). Discussion was held with Jeff Green, County Counsel, relative to the County's financial advances to the project and the changes it would make in the assessment rates if these advances are not charged to the project. Discussion was held relative to the status of conducting on-site investigations. Jeff Green advised that, upon further review, it was determined that the County does not have statutory authority to conduct on-site inspections unless voluntary access is granted or legal action is taken to gain access. He stated he agrees with the need to make a commitment with this process that all violations will be vigorously pursued. Ed Wilson advised that the assessments are based on lawfully permitted improvements.

Input from the public was provided by the following:

- Pete Ulyatt stated he serves on the Yosemite West Planning Advisory and Maintenance Committees, but he is speaking as an individual. He stated he feels this is a very complex issue, and there is no way to be absolutely fair and make everyone happy. He stated he feels the EDU methodology is about as fair as you can get. He stated he was a strong advocate of on-site inspections. He stated he feels a number of the County's records were incorrect and some situations have been corrected on the Assessor's rolls. So he feels a fair amount of the permitted uses have been corrected, but there are still some unpermitted uses. He stated he is not as comfortable that the County will enforce the non-permitted uses.

He urged the Board to not charge the District for the financial advances, and he feels that this will be a big issue when the vote is taken.

- Don Pitts, Yosemite West resident, stated he is a member of the Yosemite West Planning Advisory Board. He strongly suggested that the Board carefully consider going forward and that it makes sure the "i's" are dotted and the "t's" are crossed. He stated if a "no" vote occurs, we will be here next year going through the same things. He stated he feels the Assessor's records are not accurate. He stated he disagrees with using the EDU methodology. He also stated that he feels that the people that are fairly assessed will be paying more than those that are not. He stated he feels a surcharge does not mean anything to the lodging operators. He stated he endorsed Mr. Ulyatt's remarks about enforcement in the County, he feels it is a joke in Yosemite West. He referred to a proposal from Debbie Hagen suggesting that everyone sign a certificate under penalty of perjury as to the number of fixtures they have. He stated he would like to see the sewer project move forward so that people with vacant lots can build. He stated that if this moves forward as proposed and there are unfair assessments, he feels there could be liability and suits. He noted that Jarvis-Gann monitors these processes and has been known to sue.

- Helen Yates stated she is a member of the Yosemite West Maintenance District Advisory Committee and is President of the Homeowners Association. She stated she would like to see the physical count of EDU's done if there is a legal or non-accusatory way to do so. She also stated the Homeowners Association would like to see the certificate signed under penalty of perjury as to number of fixtures for each lot as a part of the ballot.

(M)Parker, (S)Reilly, Res. 02-128 was adopted accepting the EDU methodology presented to the Board by Mr. Wilson; with direction given to Mr. Wilson and Public Works to not include the financial advances provided by the County to the District in the assessments; further directing staff to come back to the Board with a method to resolve the funding issue of the financial advances; and directing that staff and Mr. Wilson move forward with this process for the Proposition 218 vote as quickly as possible. Discussion was held relative to the amount of the financial advances, what has been expended and is expected to be expended through this process. Supervisor Reilly requested that all appropriate action be taken to verify that the data is correct for this process. Ayes: Unanimous.

3:36 p.m. Recess

3:49 p.m. (M)Parker, (S)Reilly, direction was given to staff to come back to the Board with a method and process as to how we might be successful in identifying the appropriate number of EDUs that exist in Yosemite West, and to include in that report the resources necessary to ensure this success. Discussion was held, and it was noted that this action is to make every effort possible to ensure that everyone pays their fair share. It was also clarified that the resources in the report includes financial and/or manpower and/or alternatives. Ayes: Unanimous.

- Helen Yates responded to a question from the Board relative to the Homeowners Association's suggestion that a certificate be placed on the ballots for signature under penalty of perjury that the assessment contains the correct information. Supervisor Parker encouraged the Homeowners Association to work with the County to be successful in this process. Supervisor Stewart requested that information come back with the report on whether the certificate could be placed on the ballot.

Supervisor Reilly commended the advisory committees and homeowners association for their efforts on this project.

cc: Jeff Green, County Counsel
Ken Hawkins, Auditor
Mary Hodson, Staff Analyst
File