

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

1. Conduct Public Fee Hearings on Proposed Revised Assessment Fees and Scopes of Work, in Mariposa Countywide County Service No. 1, Zones of Benefit;
2. Adopt the attached Resolution Revising Scopes of Work in Mariposa Countywide County Service No. 1, Zones of Benefit;
3. Adopt the attached Resolution Revising Assessment Fees in Mariposa Countywide County Service No. 1, Zones of Benefit;

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This is the first time the Board has considered revising fees in Mariposa Countywide County Service No. 1 Zones of Benefit (except for a recent Zone reorganization). For details, see attached Staff Report dated August 25, 1994.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Do not adopt this resolution; and maintain current fee authorizations. Could delay necessary work; which could result in increased County liability.
2. Continue Public Hearing. Direct staff to prepare modifications to the proposed fee schedules. Minor delay in adoption of revised schedule.

COSTS: (X) Not Applicable

A. Budgeted current FY> \$ _____ *

B. Total anticipated Costs> \$ _____

C. Required additional funding> \$ _____

D. Internal transfers> \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues> \$ _____

B. Reserve for contingencies> \$ _____

C. Source description: > *Costs paid by ZOB owners.

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Staff Report with Attachments 1-8 (1-28)
2. Resolution revising Zone Scopes of Work, with Exhibits "A" - "R" (29-54)
3. Resolution revising Zone of Benefit Fees, with Exhibit "E9" (55-58)
4. _____
5. _____
6. _____
7. _____

CLERK'S USE ONLY

Res. No.: 94-393 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

By: _____

Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

_____ Recommended

_____ Not Recommended

_____ For Policy Determination

_____ Submitted for Comment

_____ Returned for Further Action

Comment: _____

A.O. Initials: _____

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PUBLIC HEARING
Re Consideration of Fees for Zones of Benefit
Resolution Number 94-393

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on September 13, 1994

ACTION AND VOTE:

4:42 p.m. PUBLIC HEARING to Consider Fees for Zones of Benefit BOARD ACTION: Fees for the following zones of benefit were considered and staff reports were presented by Mike Edwards/Public Works Director, and Bruce Atkinson/PWD-Special Projects Coordinator.

Grape Patch Estates - Input from the public was provided by: Steve Allison/property owner in the subdivision, who stated they would like to eliminate the zone and handle the maintenance themselves through a property owners association and expressed concern with the prevailing wage system. Staff and County Counsel responded to questions from the Board concerning the dissolving of the zone, and whether the map included the zone conditions. Emily Young/resident in the subdivision, provided input relative to dissolving the zone and stated they pay full property taxes versus the Prop 13 rates; questioned why the roads within the zone of benefit are required to be maintained at higher standards than Leonard Road which accesses the zone; and advised that nothing they received when they purchased their property contained information about the requirement for the zone of benefit. Ron Wice requested additional time be given for the property owners to meet and review the matter. Written letters received on the zone were entered into the record. Board concurred with continuing this matter for ninety days to allow the homeowners the option of coming back with formation of a private maintenance association.

MINUTE ORDER
September 13, 1994
Page Two

Supervisor Erickson requested clarification of encroachment permits from County Counsel.

Millbrow Estates - Bruce Atkinson advised of comments received from the Ladds who were not able to attend today's hearing - they are concerned about being included in the zone when their mailing address is on Holtzel Road (outside of the zone), and his response that they access Millbrow. The written letter received on the zone was entered into the record. Input from the public was provided by: John Sears/resident within the zone, who stated he does not feel there should be an increase in the assessment as he feels the road is in good condition; expressed concern with the work previously done; and the impact of outside traffic that uses the road and questioned whether the road could be gated; asked about responsibility for any injury that might occur; and advised that the Ladds have two parcels and one is within the zone. Chairman referred the issue of gating the road to staff. Board concurred with \$110.00 assessment.

Supervisor Parker requested that staff review the policy that set the hearing schedule for zones with regards to the taxing schedule.

Little Bear Road - Bruce Atkinson advised of the contents of the letter received from Mr. Reins, and the letter was entered into the record. Staff responded to questions from the Board concerning the proposed assessment increase. There was no public input. Board concurred with staff's recommendation for assessment.

Terrace View Lane - Staff responded to questions from the Board relative to implementing fees after the zone is formed. There was no public input. Board concurred with staff's recommendation for assessment.

Matter regarding scope of work for each zone of benefit was continued to October 11, 1994, along with direction for staff to review all of the zone of benefit issues and present recommendations at that time.

(M)Balmain, (S)Erickson, Res. 94-393 adopted revising assessment fees for the zones as concurred to at this hearing/Ayes: Unanimous. Hearing was closed.

cc: Jeffrey G. Green, County Counsel
Ed Johnson, Planning & Building Director
File

MARIPOSA COUNTY RESOLUTION No. 94-393

**A RESOLUTION REVISING ASSESSMENT FEES IN
MARIPOSA COUNTYWIDE COUNTY SERVICE AREA NO. 1
ZONES OF BENEFIT**

WHEREAS, Zones of Benefit existing prior to January 1, 1995 are to be assessed fees during the calendar year of 1995, for the services included in said Zones of Benefit; and

WHEREAS, on September 13, 1994, the Board of Supervisors held a duly noticed public hearing on the matter of Revised Zones of Benefit - Fee Schedules and Scopes of Work; and

WHEREAS, the Board of Supervisors, considered public input at the public hearing; and

WHEREAS, the fees were established through public hearing process;

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby adopts Zones of Benefit Fees as follows:

SECTION I: Exhibit "E9" of Appendix I of the Mariposa County Code shall be added as shown on Exhibit "E9" attached hereto, and by reference incorporated herein.

SECTION II: Said Fees have been apportioned according to the rates or formulas adopted by the Mariposa County Board of Supervisors, at the times of formation. Said Fees shall be collected through the tax role and billed to each owner within said Zones. Said Fees shall be adjusted, according to said rates or formulas, whenever a change in the number of properties existing within the boundaries of said Zones, necessitates such adjustment. Said Fees shall be reviewed annually, and adjusted by the Board of Supervisors, accordingly.

SECTION III: This Resolution shall become effective thirty days from the date of final passage pursuant to California Government Code Section 25123.

MARIPOSA COUNTY RESOLUTION ..O. 94-393

**A RESOLUTION REVISING ASSESSMENT FEES IN
MARIPOSA COUNTYWIDE COUNTY SERVICE AREA NO. 1
ZONES OF BENEFIT**

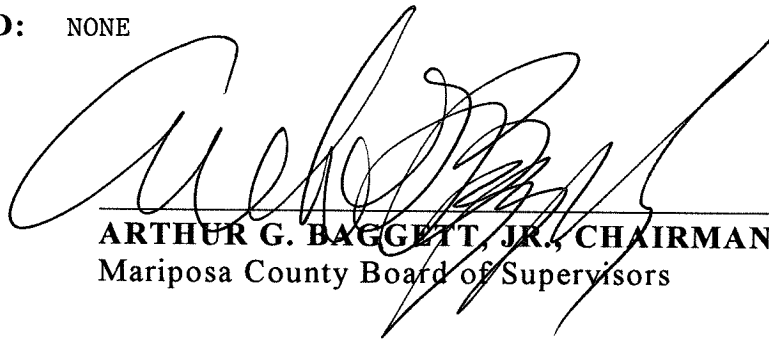
PASSED AND ADOPTED this 13th day of September, 1994
by the Mariposa County Board of Supervisors by the following vote:

AYES: BAGGETT, BALMAIN, ERICKSON, PARKER, TABER

NOES: NONE

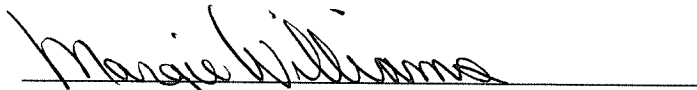
ABSENT: NONE

ABSTAINED: NONE



ARTHUR G. BAGGETT, JR., CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



JEFFREY G. GREEN
County Counsel

EXHIBIT "E9"

Zones of Benefit Assessment Rates:

The following table indicates the assessment rates being adopted by the Mariposa County Board of Supervisors at the Public Fee Hearing on September 13, 1994, for Zones of Benefit within Countywide County Service Area No. 1. Said assessments are billed through the Tax Role of Mariposa County. The adopted rates are as follows:

SECTION I:

Name of Zone	Area	No. Parcels	Zone Total	Per Parcel
Grape Patch Estates	All	14	\$2,885.00	\$206.07
Millbrow Estates	All	12	\$1,320.00	\$110.00
Greeley Hill Estates:	* See Note 1	37	\$2,063.38	Varies
> Water Service Only	Water Only	19	\$603.06	\$31.74
> Quail Mine Road	Quail Mine Rd	11	\$1,009.14	\$91.74
> Ponderosa Way	Ponderosa Way	5	\$277.70	\$55.54
> Unnamed Easement	Unnamed Rd	2	\$173.48	\$86.74
El Toro Road	* See Note 2	12	\$2,042.57	\$170.21
Montana de Paz	All	16	\$4,029.00	\$251.81
Little Bear Road	All	10	\$3,465.00	\$346.50
Sierra Vista Estates	All	16	\$5,259.50	\$328.72
Miami Mtn Snow Plowing	All	12	\$1,004.00	\$83.67
Usona Ridge Road	All	8	\$1,598.85	\$199.86
Black Oak Ridge Road	All	6	\$1,730.75	\$288.46
Coyote Court	All	3	\$730.20	\$243.40
Apple Seed Lane	All	4	\$2,595.50	\$648.88
Paqala Springs Road	All	4	\$1,421.75	\$355.44
Yosemite View Estates	All	12	\$5,044.00	\$420.33
Leichtlin Lane	All	4	\$1,801.24	\$450.31
Jordan View Lane	All	6	\$2,946.48	\$491.08
Terrace View Lane	* See Note 3	24	\$2,628.00	\$109.50
Granite Dome Road	* See Note 4	4	\$2,799.50	\$699.88
Midpines Fire Equipment	* See Note 5	795	\$20,100.00	Varies
▶ This zone is divided according to the level of improvements	Unimproved	234		\$20.00
	Improved	482		\$30.00
	Commercial	16		\$60.00

****NOTES:** The notes referenced in the table above are found at the end of Page 2.

EXHIBIT "E9"

SECTION II.: Said Fees have been apportioned according to the rates or formulas adopted by the Mariposa County Board of Supervisors, at the times of formation. Said Fees shall be collected through the tax role and billed to each owner within said Zones. Said Fees shall be adjusted, according to said rates or formulas, whenever a change in the number of properties existing within the boundaries of said Zones, necessitates such adjustment. Said Fees shall be reviewed annually, and adjusted by the Board of Supervisors

****Notes:** The following notes are the notes referenced in the table above, on Page 1.

1. When created, the Greeley Hill Estates Zone of Benefit was formed with a "parent" area, covering all thirty seven (37) lots in the Greeley Hill Estates Major Subdivision; which provided emergency water service to all lots. Additionally, three (3) "child" road maintenance areas were formed, to provide separate accounting for the three (3) private roads within the subdivision. The assessment rates in the "child" areas are composed of the base rate within the subdivision for water service, plus the additional apportioned cost of road maintenance, within a specific road area. The areas are composed as follows:

Water Service:	Lots 1-37
Quail Mine Road:	Lots Lots 27-37
Ponderosa Way:	Lots 11, 12, 19, 20, and 21
Unnamed Easement Road:	Lots 7 and 8.
2. The rates in this table, for the El Toro Road Maintenance Zone of Benefit, are as approved and adopted by the Mariposa County Board of Supervisors, on August 16, 1994, following a duly noticed Public Hearing on said date. The rates were adopted by Resolution No. 94-345.
3. The rates in this table, for the Terrace View Lane • Road Maintenance Zone of Benefit, have been modified from those indicated when the zone was approved and adopted by the Mariposa County Board of Supervisors, by Resolution No. 94-360, on August 23, 1994, following a duly noticed Public Hearing on said date. The rates will be adopted by this Resolution.
4. The rates in this table, for the Granite Dome Road Maintenance Zone of Benefit, are as approved and adopted by the Mariposa County Board of Supervisors, on August 23, 1994, following a duly noticed Public Hearing on said date. The rates were adopted by Resolution No. 94-359.
5. The rates in this table, for the Midpines Fire Equipment Zone of Benefit, are as approved and adopted by the Mariposa County Board of Supervisors, on December 7, 1993, following a duly noticed Public Hearing on said date. The rates were adopted by Resolution No. 93-606. The approved rate schedule provided a varying rate, depending upon the improvements on the property. The areas and improvement rates (per year) provided for were:
 - 1) Unimproved Property, rate = \$20.00;
 - 2) Improved Property, rate = \$30.00;
 - 3) Commercial Property, rate = \$60.00; and
 - 4) Exempt Government Property, rate = \$0.Determinations will be made based upon values contained in the Mariposa County Assessment Records for each property. Determinations will be reviewed by the Planning Director and the County Fire Chief. Property owners may appeal the determinations to the Board of Supervisors.