



MARIPOSA COUNTY

Public Works • 209 966 5356



RESOLUTION - ACTION REQUESTED 2018-59

MEETING: February 6, 2018
TO: The Board of Supervisors
FROM: Mike Healy, Public Works Director
RE: Adopt a Resolution Regarding Procedures for Formation of a Zone of Benefit

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Regarding Procedures for Formation of a Zone of Benefit to Provide Property Related Services Within Countywide County Service Area No.1.

In order to avoid uncertainty regarding the application of procedures established by Resolution No. 90-140 ("Procedures") to the formation of a zone of benefit to provide water and wastewater service, such as the proposed Yosemite West Zone of Benefit, staff recommends excluding zones of benefits formed to provide property related services from these requirements.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Procedures contemplate capital improvement projects, such as the construction of roads, and require that upon formation of a zone of benefit within Countywide County Service Area No. 1, property owners must deposit the first two years' annual costs, including the cost of maintenance, administrative costs, emergency contingency fees, and an annual sinking fund payment to fund capital facilities.

While it does not appear that the Procedures were intended apply to provision of utility services that are now governed by Proposition 218, it would be prudent to ensure that Yosemite West property owners are not subject to these requirements upon the formation of the Yosemite West Zone of Benefit.

Moreover, there is no need for property owners to fund the cost of water and wastewater service two years in advance, because monthly charges are both traditional and sufficient to finance water and wastewater service.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board may decline to exclude zones of benefit to provide property related services from the Procedures. In that event, the Procedures might apply to the formation of the Yosemite West Zone of Benefit, and property owners would arguably be required to deposit two years' of annual costs upon formation of the Yosemite West Zone of

Resolution - Action Requested 2018-59

Benefit.

ATTACHMENTS:

Res 90 140 (PDF)

Resolution Regarding Procedures for Formation of a Zone of Benefit for CSA No. 1 (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

RESOLUTION NO. 18-59

**RESOLUTION REGARDING PROCEDURES FOR FORMATION OF A ZONE OF
BENEFIT TO PROVIDE PROPERTY RELATED SERVICES WITHIN COUNTYWIDE
COUNTY SERVICE AREA NO. 1.**

WHEREAS, the County of Mariposa formed Countywide County Service Area No. 1 on July 12, 1988 pursuant to Resolution No. 88-379 and County Service Area Law (Gov. Code §§ 25210 et seq.); and

WHEREAS, pursuant to Resolution No. 90-140 adopted on March 20, 1990, the County established procedures (“Procedures”) for formation of a zone of benefit within Countywide County Service Area No. 1; and

WHEREAS, the Procedures were intended to apply to capital improvements, such as the construction of roads, and require an initial deposit by property owners of the first two years’ annual cost of facilities and services, including the cost of maintenance, administration, contingency fees, and payment into a sinking fund to finance replacement of capital facilities; and

WHEREAS, the Board intends to form the Yosemite West Zone of Benefit within Countywide County Service Area No. 1 to administer water and wastewater service in Yosemite West; and

WHEREAS, water and wastewater services are property related services governed by article XIII D, section 6 of the California Constitution; and

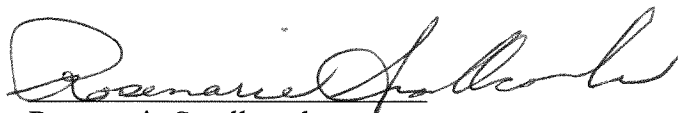
WHEREAS, such property related services are funded by ratepayers and do not require an initial deposit by property owners of the first two years’ annual cost of service; and

WHEREAS, the Board therefore does not desire to apply the Procedures to the formation of a zone of benefit to administer property related services governed by article XIII D, section 6 of the California Constitution.

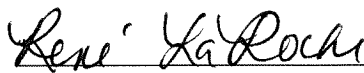
NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA that the Procedures do not apply to the formation of a zone of benefit within Countywide County Service Area No. 1 to administer a property related service governed by article XIII D, section 6 of the California Constitution.

PASSED AND ADOPTED this 6th day of February, 2018 by the following vote:

AYES:
NOES:
ABSENT:


Rosemarie Smallcombe
Chair of the Board

ATTEST:


René LaRoche, Clerk of the Board

APPROVED AS TO FORM:


Steven W. Dahlem, County Counsel