

MARIPOSA COUNTY RESOLUTION NO. 90-140

A RESOLUTION ESTABLISHING AMENDED PROCEDURES FOR FORMATION OF A ZONE OF BENEFIT TO PROVIDE OR EXTEND SERVICES WITHIN COUNTYWIDE COUNTY SERVICE AREA NO. 1

WHEREAS, the County of Mariposa has taken final action pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code as amended, and Chapter 2.2, Part 2, Division 2, of Title 3 of the Government Code, for the formation of a Countywide County Service Area; and

WHEREAS, it is the policy of the Mariposa County Board of Supervisors to support formation of subsequent zones of benefit in order to provide needed services with a minimum amount of administrative overhead and delay; and

WHEREAS, the Board of Supervisors desires to retain maximum flexibility in providing the broad range of services available through any of the procedures authorized by law.

WHEREAS, the Board of Supervisors desires to refine the previously established Zone of Benefit procedures, and

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors that the attached procedures are established to guide formation of zones of benefit before the Board of Supervisors.

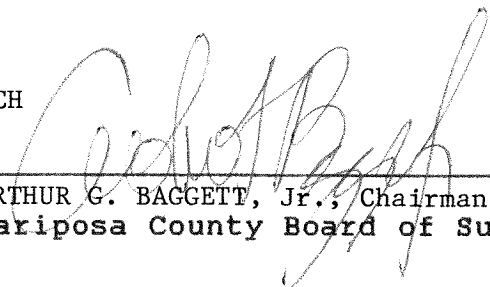
BE IT FURTHER RESOLVED, that the attached Policies and procedures labeled "Exhibit A" are hereby adopted.


BE IT FINALLY RESOLVED that the procedures attached hereto replace and supersede the procedures established by Mariposa County Resolution No. 88-571.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 20th day of March, 1990, by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, TABER
NOES: NONE
ABSTAINED: NONE
EXCUSED: RADANOVICH


ARTHUR G. BAGGETT, Jr., Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

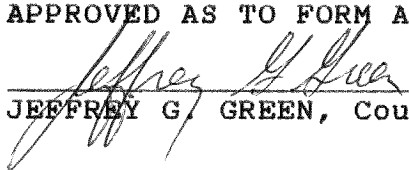
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

JEFFREY G. GREEN, County Counsel

EXHIBIT A
COUNTY WIDE COUNTY SERVICE AREA
ZONE OF BENEFIT PROCEDURES

A. Application Requirements

1. Application filed with the Department of Public Works by project proponent, or by petition filed by property owners, or by resolution of the Board of Supervisors. Petitions must contain signatures of 51% of the property owners calculated by the number of parcels or by assessed value. If there are 12 or more registered voters in the proposed zone, then in addition to the 51% of the property owners, the signatures of 10% of the registered voters must be included. The form and content of the application package shall be established by the Public Works Director. The application should provide the following:
 - A. A description of the nature, extent, and estimated cost of the services to be provided. Detailed data shall be provided regarding the levels of service and cost allocation if differential fees are proposed within the zone. Repair and maintenance estimates must be prepared by a qualified individual approved by the Public Works Director. The estimated costs shall also include an amortization schedule for any capital improvements that have a fixed estimable life including, but not limited to, water tanks, piping, pumps, light fixtures, etc.
 - B. Specify any special facilities, or provisions for emergency repairs;
 - C. Describe in detail the level of maintenance, service or extent of improvement required.
 - D. Designate a liaison to the Public Works Department.
 - E. If required by the Public Works Director,

provide a plan or program to bring the level of improvement or system to a safe standard.

B. Processing Procedures

1. Following receipt of an application, the Public Works Director shall review the material and determine if the application is complete. This determination shall occur within 30 days of the receipt of the application. If the application is determined to be incomplete, the applicant or petitioners shall be informed in writing of all information that is lacking from the application. Submittal of new information by the applicant re-initiates the application review process. Following acceptance of the application as complete by the Department of Public Works the following processing procedures occur.
2. The petition is scheduled for action by the Board of Supervisors to initiate the formation of the zone of benefit in accordance with required procedures through adoption of a resolution. This action must occur within 40 days of the acceptance of a complete application.
3. The Zone of Benefit is then referred to the Department of Public Works for completion of environmental review and staff reports. This includes review of services, administration, costs, charges, assessments, and recommendations for possible revisions and procedures.
4. A public hearing, following notice to all affected property owners, will be held by the Board of Supervisors with formation by adoption of a resolution, or approval of an ordinance.
 - A. Action at this point confirms the Public Works' analysis and evaluation (subject to possible revisions).
 - B. A petition filed by: Owners of 50% or more of the assessed property value; or, in a proposed zone of benefit occupied by 12 or more registered voters, by more than 50% of the

registered voters; suspends all proceedings.

5. After a Zone of Benefit is formed, a Certificate of Completion is filed with the State Board of Equalization.
 - A. Tax rates are fixed, levied, and collected in accordance with appropriate procedures.
 - B. In conformance with the above action, this may be in conjunction with one of the following:
 1. The County's normal budget procedures;
 2. By yearly resolution based on re-analysis or;
 3. In accordance with the ordinance which requires preparation of a yearly report.
6. Contracts for operation and maintenance shall be administered by the County.

C. Zone of Benefit Requirements

1. The roads, or other improvements subject to the zone of benefit, shall meet the standards established by the County, at the time the zone of benefit is established. If the road or other improvements subject to the zone of benefit do not meet the standards established by the County, the property owners shall be required to deposit with the County the estimated cost to upgrade the improvements to the required standard. The deposit shall be based upon a construction estimate approved by the Public Works Director. The deposit shall be required at the time the zone of benefit is established. The County may approve lesser standards for roads within a zone of benefit, however, the design and surface of the road must be determined to be safe by the Public Works Director.
2. The annual cost of the zone of benefit shall be based upon:
 - A. An approved estimate of the cost of the annual maintenance.

- B. The estimate of annual administrative costs as prepared by the Public Works Director.
 - C. An emergency contingency fee based upon 5% of the annual maintenance fee. This money shall be maintained in a County-wide emergency repair account with an annual accounting of the amount paid by each zone of benefit.
 - D. Annual payment into a "sinking fund" to fund replacement of capital facilities that have a fixed usable life, such as water storage tanks, pumps, etc.
3. The individual annual charges to lots within the zone of benefit shall be determined by apportioning the annual cost of the zone of benefit equally to each parcel within the zone of benefit. The County may allow for differential rates within a zone of benefit where it can be shown that such differential rates result in a more equitable distribution of costs based upon varying levels of service within the zone of benefit.
4. The initial years payment at the time the zone of benefit is established shall consist of the following:
- A. A deposit of the first two years annual cost of the zone of benefit established in accordance with Section C-2 above.
 - B. The cost of the filing fee for the State Board of Equalization in accordance with Section 54902.5 of Government Code.
5. The zone of benefit should provide, at a minimum, annual maintenance of the improvements and emergency repairs when a condition renders the improvements unusable or creates a safety problem. Increased levels of service, including snow removal, may be considered on a case by case basis.