

DEPARTMENT: Administration

BY: Rick Benson  
PHONE: 966-3222

07-227

**RECOMMENDED ACTION AND JUSTIFICATION:** Adopt a resolution setting a public hearing for July 24, 2007 at 6 p.m. to consider establishing assessments within County Service Area 1-M, Lake Don Pedro Area; Direct the Public Works Department to prepare an engineer's report. Direct the County Administrative Office to mail the property owners within the County Service Area 1-M a notice of the hearing and information regarding the proposed assessments as required by Article XIIIID of the California Constitution; Direct the Clerk of the Board to file a Notice of Exemption, pursuant to California Environmental Quality Act (CEQA) and said guidelines with the County Clerk; Approve budget action transferring funding within the Don Pedro 1-M fund for the cost of mailing the notices and publishing the notices.

County Service Area 1-M was established by this Board to provide miscellaneous extended services including protection against structural fire. At that time funds were provided by Boise Cascade which allowed the County to contract for services with the California Department of Forestry (CDF) to provide continuous fire protection services. Those funds have now been exhausted.

If property owners in the area want to continue to have the service provided, it will be necessary for those property owners to approve a service charge. The proposed charge is \$100 annually for developed parcels and \$20 annually for undeveloped parcels. If the charge is not approved by property owners, the contract with CDF, now known as CalFire, will not be renewed. This action sets into motion the process to obtain property owner approval.

There will be a financial cost of mailing the notices and publishing the required documents. There are sufficient funds remaining the Don Pedro 1-M fund to cover these expenses.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** If the Board does not approve this action, property owners will not be given the opportunity to provide funding for the service.

Financial Impact? ( x ) Yes ( ) No	Current FY Cost: \$	\$ 2,000	Annual Recurring Cost: \$ 0
Budgeted In Current FY? ( X ) Yes ( ) No ( ) Partially Funded			
Amount in Budget:	\$ 0		List Attachments, number pages consecutively
Additional Funding Needed:	\$ 2,000		Resolution
Source:			Notice Public Hearing
Internal Transfer	X		Budget Action
Unanticipated Revenue		4/5's vote	
Transfer Between Funds		4/5's vote	
Contingency		4/5's vote	
( ) General ( ) Other			

**CLERK'S USE ONLY:**

Res. No. 07-227 Ord. No. \_\_\_\_\_

Vote - Ayes: 5 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

*6/20/07*  
 Approved  
 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:**

Requested Action Recommended

No Opinion

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: *MWB*



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JANET BIBBY, CHAIR  
LYLE TURPIN, VICE CHAIR  
BRAD ABORN  
DIANNE A. FRITZ  
BOB PICKARD

DISTRICT III  
DISTRICT II  
DISTRICT I  
DISTRICT IV  
DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: RICHARD J. BENSON, CAO

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Adopt a Resolution Setting a Public Hearing for July 24, 2007, at 6:00 p.m. to Consider Establishing Assessments within County Service Area 1-M, Lake Don Pedro Area, (S.D. #2); Direct the Public Work Department to Prepare an Engineer's Report; Direct County Administration to Mail Property Owners within the County Service Area 1-M a Notice of the Hearing and Information Regarding the Proposed Assessments; Direct the Clerk of the Board to File a Notice of Exemption Pursuant to California Environmental Quality Act (CEQA) and Said Guidelines with the County Clerk; Approve Budget Action Transferring Funding within the Don Pedro 1-M Fund for the Cost of Mailing the Notices and Publishing the Notices (\$2,000)

RESOLUTION 07-227

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 22, 2007

#### ACTION AND VOTE:

Adopt a Resolution Setting a Public Hearing for July 24, 2007, at 6:00 p.m. to Consider Establishing Assessments within County Service Area 1-M, Lake Don Pedro Area, (S.D. #2); Direct the Public Work Department to Prepare an Engineer's Report; Direct County Administration to Mail Property Owners within the County Service Area 1-M a Notice of the Hearing and Information Regarding the Proposed Assessments; Direct the Clerk of the Board to File a Notice of Exemption Pursuant to California Environmental Quality Act (CEQA) and Said Guidelines with the County Clerk; Approve Budget Action Transferring Funding within the Don Pedro 1-M Fund for the Cost of Mailing the Notices and Publishing the Notices (\$2,000) (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Rick Benson reviewed the background with the contract with CAL FIRE to provide fire protection and emergency medical services to properties in the Lake Don Pedro area. He advised of the Proposition 218 process to determine whether the property owners are willing to pay an assessment to be able to continue to receive this service. He advised that the draft Engineer's Report has been reviewed by the Public Works Director and he will sign off as the County Engineer. Discussion was held. It was clarified that only the Mariposa County properties in the Lake Don Pedro area would be included in the service area. Supervisor Turpin provided input relative to Tuolumne County's funding for their portion of the Amador contract with CAL FIRE; and he thanked Rick Benson for his work on this project. Rick Benson clarified that there are no General Fund expenses for this project.

Input from the public was provided by the following:

Jim Wilson, Fire Chief, explained the services that the Amador contract covers during the non-declared fire season.

Further discussion was held. It was noted that at some point in the future the Community Services District for Lake Don Pedro may be an option for providing this service as the area grows and it becomes feasible. Supervisor Turpin asked about adding emergency medical services in the formal resolution, and discussion was held. (M)Turpin, (S)Aborn, Res. 07-227 was adopted approving the recommended actions/Ayes: Unanimous.

Cc: Dana Hertfelder, Public Works Director  
Chris Ebie, Auditor  
Mary Hodson, Deputy CAO  
Kris Schenk, Planning Director  
Becky Crafts, Assessor  
Keith Williams, Treasurer  
File

**BUDGET ACTION FORM**

FUND	DEPT/DIV	ACCOUNT	DESCRIPTION	PROJECT	INCREASE	DECREASE
315	0904-854	0417	Office Expense		\$1,000	
315	0904-854	0429	Publications/Legal Notices		\$1,000	
315	0904-854	0433	Fire Protection Agreement			\$2,000
001	0104-414	1090	GENERAL CONTINGENCY			
				<b>TOTAL</b>	\$2,000	\$2,000

TRANSFER BETWEEN FUNDS						
<b>TOTALS</b>					\$0	\$0

ACTION REQUESTED: (Check all that apply)

( ) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget , or appropriating Reserve for Contingencies;

( X ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;

JUSTIFICATION: To fund the cost mailing notices to property owners and publishing required notice(s).

DEPT HEAD SIGNATURE Mary B. Hoban DATE \_\_\_\_\_

APPROVED BY RES NO. 02-227 CLERK [Signature] DATE 5-22-07

**DON PEDRO 1-M**

<b>AUDITOR'S USE ONLY</b> BA #
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**MARIPOSA COUNTY RESOLUTION NO. 07-227**

**A RESOLUTION SETTING A HEARING TO CONSIDER ASSESSMENTS WITHIN  
COUNTY SERVICE AREA 1-M, LAKE DON PEDRO AREA (S.D. #2)**

**WHEREAS**, County Service Area 1-M was established by this Board to provide miscellaneous extended services including protection against structural fire; and

**WHEREAS**, funds were collected from developers to provide said services for an extended period of time; and

**WHEREAS**, developer funds have now been depleted in County Service Area 1-M, located in the Lake Don Pedro area; and

**WHEREAS**, in order to continue to provide additional protection against structural fire, it will be necessary to establish assessments for each parcel within County Service Area 1-M; and

**WHEREAS**, this Board has established procedures relative to all County Service Areas for enacting service charges; and

**WHEREAS**, the collection of such service charges on the tax roll will be in the same manner and at the same time as the County's general ad valorem property taxes, as provided by Government Code Section 25210.77a; and

**WHEREAS**, once a year, the Board of Supervisors causes to be prepared a written report which contains a description of each parcel of real property receiving the particular extended service and the amount of the charge of each parcel in each County Service Area; and

**WHEREAS**, a service charge sufficient to pay for such services which are proposed to be furnished within the subject territory will be annually established via an ordinance and placed upon all parcels within said County Service Area. Article XIID of the California Constitution requires that the proposed assessments be approved by affected property owners and establishes procedures and requirements for these assessments. By ballot, the property owners within the County Service Area will be requested to approve a maximum assessment for structural fire protection; and

**WHEREAS**, this Board desires to proceed with establishing assessments within County Service Area Number 1-M, in accordance with Article XIID of the California Constitution and Government Code Section 25210.77a; and

**WHEREAS**, the County Planning Department has evaluated the possible environmental impacts of this action and concluded that it can be seen with certainty there is no possibility the proposed action may have a significant effect on the environment pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act (CEQA) of 1970 Guidelines and the possible environmental impact of the proposed assessments are recommended to be found statutorily exempt from the requirements for preparation of environmental documents pursuant to the Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines for which reason no environmental evaluations or documents were recommended by the Department; and

**WHEREAS**, a public informational meeting which the County Administrative Office intends to conduct on the proposed assessments within County Service Area Number 1-M is scheduled as follows:

The 9th day of June 2007, at the hour of 6:00 P.M. at the Deerwood Complex, 9606 Merced Falls Road.

**NOW, THEREFORE, BE IT RESOLVED** that the 24th day of July 2007, at the time of 6:00 P.M. in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion Street, Mariposa, California, is hereby fixed as the time and place for a public hearing on the proposed assessments within County Service Area 1-M.

**BE IT FURTHER RESOLVED**, this Board finds and determines that the action being taken is exempt from the requirements of the California Environmental Quality Act of 1970, pursuant to Section 15061(b)(3) and the assessments are statutorily exempt, pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, for which reason no environmental evaluations or documents will be required.

**BE IT FURTHER RESOLVED**, the Public Works Department is hereby directed to prepare a written engineer's report according to the provisions of said ordinance, Section 25210.77a of the Government Code and Article XIII D of the California Constitution, containing a description of each parcel of real property receiving special benefit, and the amount of the charge for each parcel for Fiscal Year 2007-2008, and to file same with the Clerk of the Board.

**BE IT FURTHER RESOLVED**, any interested person desiring to make written protest against said action shall do so by written communication filed with the Clerk of the Board no later than the time set for hearing.

**BE IT FURTHER RESOLVED**, pursuant to Sections 57025, 56153 and 56154 of the Government Code, the Clerk of the Board shall cause notice of hearing to be published as provided in Government Code Section 6061 at least 21 days prior to the hearing in the Mariposa Gazette, a newspaper of general circulation within the affected territory.

**BE IT FURTHER RESOLVED**, the Clerk of the Board shall provide written personal notice of the time and date of said hearing to all persons requesting such notice, as provided in Government Code Section 54986(a).

**BE IT FURTHER RESOLVED**, pursuant to Sections 25210.77(a), 57025, 56158 and 56159 of the Government Code, the Clerk of the Board shall cause a copy of said notice to be posted near the door of the Chambers of the Board of Supervisors commencing at least 21 days prior and continuing to the time fixed for hearing.

**BE IT FURTHER RESOLVED**, the County Administrative Office shall cause notice of the date, time, and place of said hearing to be mailed to each property owner within County Service Area 1-M. The County Administrative Office shall send notice to property owners as they appear on the last equalized secured property tax assessment roll being prepared as of the date labels are printed for mailing. With the notice, each property owner will be sent the amount of the proposed assessment, the total amount chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment, and the basis upon which the amount of the proposed assessment was calculated. Each notice shall contain a summary of the procedures applicable to the completion, return, and tabulation of the ballots, including a disclosure statement that the

assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.

**BE IT FURTHER RESOLVED**, the County Administrative Office shall mail with said notice a ballot whereby the owner may indicate his or her support or opposition to the proposed assessment.

**BE IT FURTHER RESOLVED**, at said hearing, all protests to the proposed assessments will be considered and all ballots in favor of or opposed to said assessments will be tabulated.

**BE IT FURTHER RESOLVED**, if, at the conclusion of the hearing, a majority protest exists, this will result in the assessments not being imposed.

**BE IT FURTHER RESOLVED**, if, at the conclusion of the hearing, a majority of the returned ballots are in favor of the increased assessments, the Board will be requested to approve the increased assessments as authorized by the balloting.


**BE IT FURTHER RESOLVED**, the Clerk of the Board shall file a Notice of Exemption, pursuant to CEQA and said guidelines, with the County Clerk, if requested.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County, a political subdivision of the State of California this 22 day of May, 2007 by following vote:

AYES:	ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES:	NONE
ABSTAINED:	NONE
ABSENT:	NONE

  
\_\_\_\_\_  
JANET BIBBY, Chairman

Attest:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

Approved as to form:

  
\_\_\_\_\_  
THOMAS P. GUARINO, County Counsel



**NOTICE TO PROPERTY OWNERS IN  
COUNTY SERVICE AREA 1-M, LAKE DON PEDRO AREA**

For several years, in conjunction with Tuolumne County, a contract has been in place with the California Department of Forestry to provide fire protection and emergency medical services (EMS) to properties in the Lake Don Pedro area. Through this contract, the California Department of Forestry, now known as CAL FIRE, agrees to provide year-round, 24 hour per day fire protection. Without this contract, the main fire and EMS protection would be provided by Mariposa County volunteer firefighters. Backup would be provided by CAL FIRE on an "as available" basis. This is consistent with the fire protection service in the rest of the county.

Originally, funding for this contract came from money set aside by Boise Cascade. As of the current fiscal year, however, those funds have been exhausted.

If the property owners in the affected area wish to continue to have this service provided, it will be necessary to approve an annual charge on each property within County Service Area 1-M. The amount of the proposed charge is \$100 annually for developed parcels and \$20 annually for undeveloped parcels. The revenue would then be used to fund the contract with CAL FIRE.

Enclosed is a ballot by which you are able to express whether or not you support continuing the contract with CAL FIRE and agree to the charge. If a majority of the returned ballots support the charge, the Board of Supervisors will be able to place the charge on property tax bills. If a majority do not support the charge, it cannot be imposed. Ballots are weighted according to the proportional financial obligation of the affected property. In other words, ballots from developed parcels will be weighted five to one as compared to undeveloped parcels. If the property has multiple owners (i.e. husband and wife) only one signature is required.

Please note, although the proposed charges are \$100 and \$20 annually per parcel, the ballot asks for your approval up to \$125 for developed parcels and \$25 for undeveloped parcels. If costs go up in the future, this would be the maximum allowable charge. Any proposal to increase beyond this rate will require another vote.

The Board of Supervisors will conduct a hearing on this matter and tabulate the ballots on July 24, 2007 at 6 p.m. in the Board Chambers, 5100 Bullion St., Mariposa, California. At that time, the Board will hear and consider all objections, protests and comments regarding the proposed charge. In order to be counted, all ballots must be returned either prior to or at the hearing. A return envelope is included for your convenience.

In order to answer any questions you may have regarding this proposal, **a meeting has been scheduled for Saturday, June 9, 2007, 6:00 p.m. at the Deerwood Complex, 9606 Merced Falls Road (the corner of Merced Falls Road and Ranchito Drive.)** You may also contact Supervisor Lyle Turpin or Rick Benson, County Administrative Officer at 209-966-3222.

**Ballots must be received by July 24, 2007.**

Please see the Engineer's report on the reverse of this notice.

**ENGINEER'S REPORT - SUMMARY ESTIMATE  
COUNTY SERVICE AREA NO. 1-M  
FISCAL YEAR 2007-2008**

**GENERAL BOUNDARIES:** Lake Don Pedro Area within Mariposa County.

**SERVICE PROVIDED:** Extended Structural Fire Protection

**COST CALCULATIONS:** Parcels within this county service area receive 100% of the benefit from these extended services. Each unimproved parcel receives 1/5 the benefit of improved parcels.

**ESTIMATED ANNUAL EXPENSES**

CalFire Contract	\$60,000
County Administration	\$500
Contingencies	\$6,000
Formation Costs	\$2,500
<b>Total Annual Expenses</b>	<b>\$72,000</b>

**ESTIMATED ANNUAL REVENUES**

Property Owner Contribution	
489 Improved Parcels @ \$100.00	\$48,900
1,229 Unimproved Parcels @ \$20.00	\$24,580
<b>Total Revenues</b>	<b>\$73,480</b>

**ESTIMATED FUND BALANCE INCREASE 6/30/08   \$1,480**

The estimated assessment for fiscal year 2007-2008 is \$100.00 per parcel per year for developed parcels and \$20.00 per year for undeveloped parcels. If necessary, the balance of the expenses will be paid from reserves.

**PLEASE NOTE:** You are being asked to approve an assessment higher than what is needed to provide this service during the upcoming fiscal year. By approving this higher rate, if a modest increase in the assessment becomes necessary in the future, Mariposa County will be able to reduce the expenses associated with property owner balloting. The law provides that under no circumstances will your rate be allowed to exceed the amount indicated below without property owner approval in the form of another ballot.

The MAXIMUM annual assessment requested is 489 developed parcels at \$125.00 per parcel, and 1,229 undeveloped parcels at \$25.00 per parcel for a total of \$91,850.00. Any surplus collected will be placed in reserves in order to minimize future rate increases.

WITH THE ENCLOSED BALLOT, YOU ARE BEING ASKED TO APPROVE A TOTAL ASSESSMENT NOT TO EXCEED **\$125.00 PER DEVELOPED PARCEL AND \$25.00 PER UNDEVELOPED PARCEL PER YEAR FOR EXTENDED STRUCTURAL FIRE PROTECTION SERVICES.**

**PLEASE READ THE INFORMATION ON THE REVERSE OF THIS REPORT**

**NOTICE OF HEARING  
COUNTY SERVICE AREA 1-M, LAKE DON PEDRO AREA  
FOR STRUCTURAL FIRE PROTECTION**

NOTICE IS HEREBY GIVEN that the Board of Supervisors will conduct a public hearing on the proposal to establish service charges for parcels within County Service Area 1-M located in the Lake Don Pedro area, on Tuesday, July 24, 2007, at the hour of 6:00 p.m., in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion St, Mariposa, California and at said time shall hear and consider all objections and protests, if any, to said service charge increases.

The Mariposa County Planning Department has considered the environmental impacts of this project and concluded that this project will not have a significant effect on the environment pursuant to the provisions of Section 21080(b)(8) of the Public Resources Code and Section 15061 (b) (3) of the State CEQA Guidelines.

Copies of the aforementioned documents will be on file at least five (5) days before the hearing in the office of the Clerk of the Board of Supervisors, Mariposa County Administrative Center, 5100 Bullion St, Mariposa, California where they may be examined by any interested person during regular business hours. Persons seeking copies of said documents or additional information regarding this matter should inquire at the Clerk of the Board of Supervisors, by calling 209-966-3222.

Anyone wishing to present evidence or be heard in this matter may present or speak at said hearing or any continuation thereof. If you challenge the adoption of the proposed ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

The proposed charges are as follows:

Developed Parcels - not to exceed \$125  
Undeveloped Parcels - not to exceed \$25

**NOTICE OF HEARING  
COUNTY SERVICE AREA 1-M, LAKE DON PEDRO AREA  
FOR STRUCTURAL FIRE PROTECTION**

NOTICE IS HEREBY GIVEN that the Board of Supervisors will conduct a public hearing on the proposal to establish service charges for parcels within County Service Area 1-M located in the Lake Don Pedro area, on Tuesday, July 24, 2007, at the hour of 6:00 p.m., in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion St, Mariposa, California and at said time shall hear and consider all objections and protests, if any, to said service charge increases.

The Mariposa County Planning Department has considered the environmental impacts of this project and concluded that this project will not have a significant effect on the environment pursuant to the provisions of Section 21080(b)(8) of the Public Resources Code and Section 15061 (b) (3) of the State CEQA Guidelines.

Copies of the aforementioned documents will be on file at least five (5) days before the hearing in the office of the Clerk of the Board of Supervisors, Mariposa County Administrative Center, 5100 Bullion St, Mariposa, California where they may be examined by any interested person during regular business hours. Persons seeking copies of said documents or additional information regarding this matter should inquire at the Clerk of the Board of Supervisors, by calling 209-966-3222.

Anyone wishing to present evidence or be heard in this matter may present or speak at said hearing or any continuation thereof. If you challenge the adoption of the proposed ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

Prior to the hearing, a public informational meeting on the proposed increased assessments will be held by the County Administrative Office, as follows:

The 9th day of June, 2007, at the hour of 6:00 p.m. at the Lake Don Pedro Owners Association Building, 5182 Fuentes de Flores, LaGrange, California.

The proposed charges are as follows:

Developed Parcels - not to exceed \$125  
Undeveloped Parcels - not to exceed \$25