



MARIPOSA COUNTY

Public Works · 209 966 5356



RESOLUTION - ACTION REQUESTED 2018-548

MEETING: November 13, 2018
TO: The Board of Supervisors
FROM: Mike Healy, Public Works Director
RE: Resolution of Intent - Coulterville Wastewater Rate Increases

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution of Intention to Increase Coulterville Wastewater Rates, and to Set the Date, Time and Location of the Public Hearing for January 15, 2019 at 2:00 p.m. at the Mariposa County Government Center.

Current wastewater rates in Coulterville do not generate sufficient revenue to fund the cost of service. Updated rates are required in order to continue providing wastewater service to the Coulterville community. A recent Proposition 218 process to adjust rates failed twice to garner sufficient support to enact the proposed new rate structure. Since that time numerous public meetings have been held with the utility customers to explain the need for additional revenue. At the October 15, 2018 meeting of the Board, Public Works proposed a revised rate structure as an alternative to placing the utility into receivership. A new Proposition 218 Process will begin with the passage of this Resolution.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

the Coulterville wastewater utility just as with the water utility faces operational and maintenance defects and aging infrastructure, and current wastewater rates do not generate sufficient revenue to fund the cost of service. The Board's last action to increase wastewater rates occurred in 2008.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board may decline to initiate the Proposition 218 notice and hearing process required to establish wastewater increases. In that event this utility will continue to operate at a deficit and may eventually be unable to generate sufficient revenue to comply with California wastewater regulations. It is unclear as to what the consequences might be, but presumably an outside agency may be assigned this service territory through the receivership process.

FINANCIAL IMPACT:

Resolution - Action Requested 2018-548

Unless adopted, water rates cannot be examined, the rates will remain unchanged and the funds collected for these services will not meet the cost of providing service.

ATTACHMENTS:

Prop 218 Notice Coulterville Wastewater Revised October 2018 (DOCX)
Resolution of Intent Coulterville Wastewater (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

RESOLUTION NO. 18-548

A RESOLUTION OF THE COUNTY OF MARIPOSA BOARD OF SUPERVISORS DECLARING ITS INTENTION TO ADOPT INCREASED WASTEWATER RATES FOR COULTERVILLE, SETTING A PUBLIC HEARING FOR JANUARY 15, 2019, AND DIRECTING STAFF TO PROVIDE NOTICE PURSUANT TO PROPOSITION 218

WHEREAS, the County of Mariposa provides wastewater service to the unincorporated area of Coulterville through County Service Area No. 1-M, formed under County Service Area Law (Gov. Code §§ 25210 et seq.); and

WHEREAS, the Board's last action to increase wastewater rates for Coulterville occurred in 2008; and

WHEREAS, Coulterville faces operations and maintenance deficits and aging infrastructure; and

WHEREAS, current Coulterville wastewater rates do not generate sufficient revenue to fund the cost of service; and

WHEREAS, the County retained Bartle Wells Associates to examine the cost of providing wastewater service to Coulterville and to prepare a Coulterville Cost of Service Analysis which is available for public inspection at the Mariposa County Department of Public Works, 4639 Ben Hur Rd. Mariposa, California; and

WHEREAS, the Cost of Service Analysis recommends increasing Coulterville wastewater rates; and

WHEREAS, wastewater rate increases are subject to the notice, protest and hearing requirements established under Proposition 218.

NOW, THEREFORE, the Board of Supervisors of the County of Mariposa does hereby resolve as follows:

SECTION 1 The foregoing recitals are true and correct.

SECTION 2 The Board hereby initiates proceedings to adopt the proposed wastewater rates recommended by the Mariposa County Department of Public Works, which are attached hereto as Exhibit A.

SECTION 3 The Board hereby fixes the 15th of January, 2019 at 2:00 pm at the Government Center, 5100 Bullion Street, Mariposa, California 95338, as the date, time and place for a public hearing (“Public Hearing”) on the proposed Coulterville wastewater rate increases.

SECTION 4 The Clerk of the Board is hereby instructed to provide notice of the proposed rate increase in conformity with Proposition 218 and the Proposition 218 Omnibus Implementation Act, California Government Code sections 53750 et seq.

SECTION 5 At the Public Hearing, the Board shall consider all objections or protests, if any, to the proposed Coulterville wastewater rate increase, and any person shall be permitted to present written or oral testimony. Although oral comments at the Public Hearing will not qualify as a formal protest, the Board welcomes community input during the Public Hearing.

SECTION 6 At the conclusion of the Public Hearing, all protests submitted and not withdrawn will be tabulated.

SECTION 7 A majority protest exists if protests are submitted in opposition to the proposed rate increase by a majority (50% plus 1) of the property owners.

SECTION 8 If there is a majority protest against the proposed rate increase, the Board shall not adopt the rate increase.

PASSED AND ADOPTED this 13th day of November, 2018 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

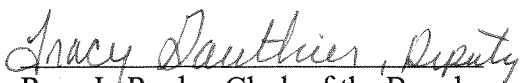
ABSENT: NONE



Rosemarie Smallcombe, Chair of the Board

ATTEST:

APPROVED AS TO FORM:

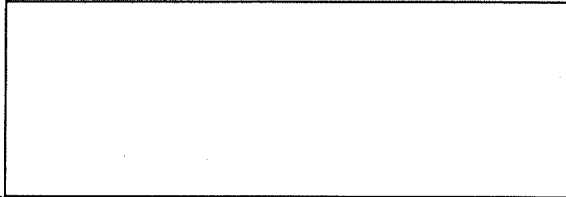

Tracy Daulton, Deputy
Rene LaRoche, Clerk of the Board


Steven W. Dahlem, County Counsel



5100 Bullion Street,
Mariposa, CA 95338

Coulterville
Proposition 218 Notification
NOTICE TO PROPERTY OWNERS OF PUBLIC HEARING
ON WASTEWATER RATES



Hearing Date & Time: January 15, 2019, at 2:00 PM or as soon thereafter as possible
Hearing Location: Government Center, 5100 Bullion St. Mariposa, CA 95338
Questions / More Information: Contact Mike Healy, Mariposa Public Works Department, at
(209) 966-5356, 8:00am to 4:30pm, Monday through Thursday

Why Am I Receiving This Notice?

You are receiving this notice in accordance with Proposition 218, a state law which requires providers of public utility services (including wastewater service) to notify rate payers of increases in proposed rates. The property listed above receives wastewater service from **Mariposa County ("the County")**.

This notice is intended to provide you with information on the service provided by the County, the reasons for the proposed rates, and the methods by which you can protest the proposed rates if you desire.

What Service Do Rates Fund?

The County provides wastewater service to approximately 97 equivalent dwelling units in the Coulterville service area. One equivalent dwelling unit is equal to the impact of a typical single family residential user.

Why is a Rate Increase Needed?

The County has not increased rates since February 1st, 2008. Current rates do not reflect the full cost necessary to provide wastewater service. The proposed rates are designed to sustainably operate and maintain the utility.

Basis of Proposed Rates

Article XIII D of the California Constitution (also known as Proposition 218) requires that providers of public utility services levy service charges that are clearly linked to the cost of providing the service to each parcel. The cost of service calculation includes expenses such as debt service, labor, energy, chemicals and other supplies, and the cost of providing required maintenance of the system. The rates proposed herein are designed to meet all legal requirements and fairly and equitably recover the required revenue from all customers. The rates were developed by an independent consultant retained by the County and the final findings of that report, which include the detailed calculations showing the basis for these fees, are available on the Mariposa County web site under the Public Works Department section. In addition, hard copies of the report are available for review at the front desk of the Public Works Department, Mariposa County Library, Wawona Library and the Greely Hill Library.

Proposed Rate Changes

Wastewater customers are charged a fixed monthly rate per equivalent dwelling unit ("EDU").

Current and proposed wastewater service charges:

<i>Wastewater Rates (Monthly)</i>	<i>Current</i>	<i>1 March 2019</i>	<i>1 March 2020</i>	<i>1 March 2021</i>	<i>1 March 2022</i>	<i>1 March 2023</i>
<i>Base Rate per EDU*</i>	<i>\$56.00</i>	<i>\$64.00</i>	<i>\$70.00</i>	<i>\$77.00</i>	<i>\$82.00</i>	<i>\$87.00</i>

**EDU stands for Equivalent Dwelling Unit*

Compliance with Proposition 218

Proposition 218 requires that public utility providers follow a strictly defined process for increasing fees such as wastewater service rates. Generally speaking, the County must 1) inform affected property owners of the proposed rates, 2) clearly demonstrate the amounts of the proposed rates are cost justified (the cost of service study is on file at the County), and 3) hold a public hearing no less than 45 days after noticing property owners, at which the County hears all protests to the proposed rates. These rates are subject to "majority protest," meaning they **cannot be imposed** if a majority of affected property owners submit **written** protests opposing the rates.

To Protest This Change

- 1) Notify the County in writing (P.O. Box 784, Mariposa, CA 95338, Attn: Clerk of the Board) prior to the close of the January 15, 2019, public hearing that you oppose the proposed increases to the wastewater rates. You must identify the property affected by the proposed rates and the property owner must sign the **written protest**. OR
- 2) Attend the January 15, 2019, public hearing at the time and place identified on page 1 of this notice and submit a written protest before the close of the public hearing.