

DEPARTMENT: Administration

BY: Rick Benson
PHONE: 966-3222

07-363

ORD. 1037

RECOMMENDED ACTION AND JUSTIFICATION:

Public Hearing to tabulate ballots received from property owners within the County Service Area 1-M, Lake Don Pedro Area; If the majority of the votes are in favor of the assessment adopt a Resolution Confirming the County Administrative Officer's Report to Establish Assessment; () Waive first reading and introduce Ordinance () Waive second reading and adopt Ordinance enacting an assessment within County Service Area 1-M, Lake Don Pedro Area.

County Service Area 1-M was established by the Board to provide miscellaneous extended services including protection against structural fire. Initial funding was provided Boise Cascade which allowed the County to contract for services California Department of Forestry and Fire Protection (CDF) to provide continuous fire protection services. Those funds are now exhausted. If property owners in the County Service Area wish to continue to have the same level of service provided, it will be necessary for those property owners to approve a service charge. The proposed service charge is \$80 annually for developed parcels and \$16 annually for undeveloped parcels. If the charge is not approved, the contract with CDF, now known as CalFire, will not be renewed.

In compliance with Article XIII-D of the California Constitution, ballots were mailed to all affected property owners along with an engineer's report describing the proposed assessment. A public meeting was held on June 9, 2007, to allow property owners to receive further information regarding the proposed assessment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 22, 2007, the Board adopted a Resolution No. 07-227 setting the Public Hearing to consider establishing assessments within County Service Area 1-M, Lake Don Pedro Area, (S.D. #2).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Regardless of the tabulation, do not adopt the Resolution and do not waive first reading and introduce the ordinance. The contract with CalFire will be cancelled.

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

CLERK'S USE ONLY:

7/24 Res. No.: ~~07-303~~ 8/ Ord. No. 1037 Ayes: 5

Vote - Ayes: _____ Noes: _____
Absent: _____

() Approved
() Minute Order Attached () No Action Necessary

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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

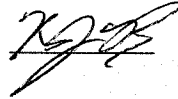
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion

Comments:

CAO:



MARIPOSA COUNTY ORDINANCE NO. 1037

**AN ORDINANCE ENACTING
CHARGES FOR FISCAL YEAR 2007-2008 FOR
COUNTY SERVICE AREA NO. 1M, DON PEDRO AREA
(Not Codified)**

WHEREAS, the Board of Supervisors desires to adopt an Ordinance establishing a procedure for enacting service charges in County Service Area No. 1M; and

WHEREAS, it is necessary to establish an assessment for each parcel within County Service Area No. 1M in the Lake Don Pedro area in order to provide protection against structural fire; and

WHEREAS, On July 24, 2007, the Board of Supervisors of the County of Mariposa, acting pursuant to these sections, conducted a duly noticed public hearing and adopted Resolution No. 07-363, entitled "Confirming the County Administrative Officer's Report to Establish Assessment; Determining to Adopt and Accept an Ordinance Enacting an Assessment Within County Service Area No 1M." This Ordinance establishes these charges for Fiscal Year 2007-2008,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Prior to the expiration of fifteen (15) days from the passage of this ordinance, it shall be published once in the *Mariposa Gazette*, a newspaper of general circulation, published and printed in the County of Mariposa, State of California, together with the names of the members of the Board of Supervisors for and against same.

SECTION II: Statement of Intent:

Section 25210.77a of the Government Code permits a county Board of Supervisors to set the annual charges for established services available in County Service Areas and to adjust these charges on an annual basis. Section 54986(b) requires that any adjustment of charges provided by a County Service Area be adopted by ordinance.

SECTION III: Establishment of County Service Area No. 1M fees, Charges:

The fee to be charged against each parcel located within the boundaries of the County Service Area No. 1M, for Fiscal Year 2007-2008 shall be:

- County Service Area No. 1M Developed Parcels \$80.00 Extended Fire Protection
- County Service Area No. 1M Undeveloped Parcels \$16.00 Extended Fire Protection

SECTION IV: Enforcement of Ordinance:

The Auditor-Controller of the County of Mariposa is hereby directed to enter the County Service Area fee adopted by this Ordinance as proper charges against the individual parcels located within County Service Area No. 1M on the current tax assessment roll. These charges are

to be billed against the parcels and collected in conjunction with the ad valorem property tax bill and collections for Fiscal Year 2007-2008.

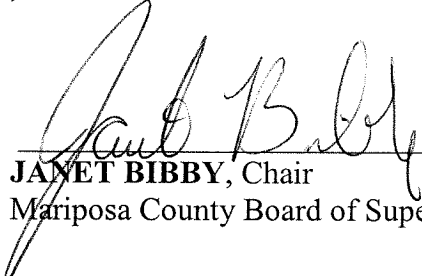
SECTION V: Severability:

If any section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases might be declared unconstitutional or invalid.

SECTION VI: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.


PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 7th day of August 2007 by the following vote:

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



JANET BIBBY, Chair
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:



THOMAS P. GUARINO
County Counsel