



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Details (With Text)

**File #:** 19-0472 **Name:** Protest Hearings for the Formation and to Establish Rates for Zones F and G of CSA 34 and Related Subdivider Agreements

**In control:** Public Works & Planning

**On agenda:** 10/8/2019 **Final action:** 10/8/2019

**Enactment date:** **Enactment #:** Resolution No. 19-371 through Resolution No. 19-383, Agreement No. 19-533, Agreement No. 19-534

**Title:** Conduct majority protest hearings for and, if no majority protests, adopt resolutions to: form Zones F and G of County Service Area No. 34, reapportion and re-levy the assessment for water contract administration and Millerton Lake Pump ready-to-serve maintenance in County Service Area No. 34, and levy assessments and fees for services to be provided in Zone F and Zone G. Also, if no majority protests approve and authorize the Chairman to execute two subdivider agreements with the developers of Zone F and G

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Agenda Item, 2. Attachments A-D, 3. Exhibits A-1 through H, 4. Resolution No. 19-371, 5. Resolution No. 19-372, 6. Resolution No. 19-373, 7. Resolution No. 19-374, 8. Resolution No. 19-375, 9. Resolution No. 19-376, 10. Resolution No. 19-377, 11. Resolution No. 19-378, 12. Resolution No. 19-379, 13. Resolution No. 19-380, 14. Resolution No. 19-381, 15. Resolution No. 19-382, 16. Resolution No. 19-383, 17. Agreement A-19-533 with WC Developers, Inc., 18. Agreement A-19-534 with 3B Development, Inc., 19. Engineer's Report, 20. Certified Voter Count

Date	Ver.	Action By	Action	Result
10/8/2019	1	Board of Supervisors	accepted	Pass
10/8/2019	1	Board of Supervisors	Conducted Hearings	Pass
10/8/2019	1	Board of Supervisors	conducted Public Hearing	Pass
10/8/2019	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** October 8, 2019

**TO:** Board of Supervisors

**SUBMITTED BY:** Steven E. White, Director  
Department of Public Works and Planning

**SUBJECT:** Majority Protest Hearings on the Formation of CSA 34, Zones F, "The Vistas," and G, "Granville," and Assessments and Fees for Services and Facilities in CSA 34 and Zones F and G; Related Subdivider Agreements

### RECOMMENDED ACTION(S):

1. **Accept certified voter counts on file with the Clerk of the Board, dated September 30, 2019, provided by the Fresno County Clerk/Registrar of Voters, showing the number of registered voters residing in proposed County Service Area 34 Zone F and in proposed County Service Area 34 Zone G.**

2. **Conduct majority protest hearings for the formation of County Service Area 34 Zones F (The Vistas) and G (Granville).**
3. **Conduct majority protest hearings for the proposed reapportioned and re-levied assessment for water contract administration and Millerton Lake Pump ready-to-serve maintenance assessments in County Service Area No. 34, including proposed Zones F and G.**
4. **Conduct majority protest hearings for the proposed assessments and service fees for County Service Area No. 34 Zone F, including (1) an assessment for local water and sewer utility system ready-to-serve maintenance, (2) an assessment for storm drain and road maintenance, (3) an assessment for street lighting, and an assessment for public right-of-way landscape maintenance, (4) a water service fee, and (5) a sewer service fee.**
5. **Conduct majority protest hearings for the proposed assessments and service fees for County Service Area No. 34 Zone G, including (1) an assessment for local water and sewer utility system ready-to-serve maintenance, (2) an assessment for storm drain and road maintenance, (3) an assessment for street lighting, and an assessment for public right-of-way landscape maintenance, (4) a water service fee, and (5) a sewer service fee.**
6. **If there is no majority protest to the formation, and no majority protest to any of the proposed benefit assessments or service fees, Adopt Resolutions forming of County Service Area No. 34 Zones F and G; a Resolution reapportioning and re-levying the assessment for water contract administration and Millerton Lake Pump ready-to-serve maintenance; five Resolutions levying the approved benefit assessments and service fees for Zone F; and, five Resolutions levying the approved benefit assessments and service fees for Zone G.**
7. **Approve and authorize the Chairman to execute two Subdivider Agreements, one with Subdivider WC Developers, Inc and one with 3B Development, Inc., to ensure adequate funding for operations and maintenance costs for services provided through County Service Area 34 Zone F and Zone G respectively.**

Approval of the first recommended action allows the establishment of the number of registered voters that reside within proposed Zones F and G of County Service Area No. 34 (CSA 34), which determines the method by which a majority protest for the zone formation hearings is calculated. Approval of recommended action two allows the Board to conduct majority protest hearings concerning the proposed formation of CSA 34 Zones F and G. Approval of recommended action three allows the Board to conduct a majority protest hearing concerning the proposed reapportioned and re-levied assessment for the cost of water contract administration and Millerton Lake pump ready-to-serve maintenance for CSA 34MNT and CSA 34F and CSA 34G. Approval of recommended actions four and five allows the Board to conduct 10 majority protest hearings on the establishment of assessments and fees needed to pay for local services and facilities in Zones F and G; five for each zone. Approval of recommended action six, if there are no majority protests in actions two to five, allows the adoption of the resolutions necessary to form Zones F and G and to levy all of the assessments and fees as needed in connection with those formations. Approval of recommended action seven allows your Board to execute two agreements, one with Subdivider WC Developers, Inc. and one with 3B Development, to provide the funding necessary to operate, maintain and administer services to the community of Granville and The Vistas, respectively. All costs are funded by the Subdivider contributions until such a time that the fees and assessments paid for by property owners and customers can fully fund all CSA 34F and CSA 34G activities.

The CSA 34 wastewater treatment plant is not currently operating up to its design capacity, or up to the capacity needed to serve the proposed zones, and the Department is working with staff and the developers to resolve that problem.

This item pertains to a location in District 5.

### ALTERNATIVE ACTION(S):

There are no viable alternative actions.

### FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. All costs related to the formation of Zones F and G will be reimbursed per the Subdivider Reimbursement Agreement with the zone developers approved on April 9, 2019 and December 14, 2017, with WC Millerton Developers, Inc. (Agt. S340009) and 3B Development, Inc. (Agt. S340004), respectively. All costs for the water contract administration and Millerton Lake Pump ready-to-serve maintenance services will be paid by the benefitted properties within CSA 34, which include Zones A, C, D, and proposed Zones F and G. All costs for the water and sewer systems, street lighting, and public right-of-way landscape maintenance services, storm drainage and road maintenance services will be paid by the benefitted properties within proposed Zones F and G. In addition, the developers for Zones F and G, through the Subdivider Agreements, will provide funding for expenditures that are over and above the revenue received from property owners and customers through the water fees, sewer fees and assessments, until the subdivisions are fully built out.

### DISCUSSION:

WC Millerton Developers, Inc. is the subdivider and sole owner of the property within Tentative Tract Map (TTM) 4934, which is the location of the proposed Zone F - The Vistas and has requested that the Board approve the formation of zone to finalize TTM 4934 (as described in Exhibit A-1 Map) and begin development of The Vistas Subdivision. The territory in TTM 4934 consists of approximately five acres and is planned to be developed into ten single-family residences under TTM 4934 for the development of The Vistas Subdivision.

3B Development, Inc. is the subdivider and sole owner of the property within TTM 6189, which is the location of proposed Zone G - Granville and has requested that the Board approve the Zone's formation to finalize TTM 6189 (as described in Exhibit A-2 Map) and begin development of the Granville Subdivision. The territory in TTM 6189 consists of approximately 40 acres and is planned to be developed into approximately 133 single-family residences under TTM 6189 for the development of the Granville Subdivision.

### **Wastewater Treatment Facility**

The Department recently became aware of operational concerns with the CSA 34 wastewater treatment facility (WWTF), which was designed to serve up to 800 connections but is currently operating with a reduced capacity estimated at 429 units. Until the operational concerns are resolved, the maximum allowable connections will be limited to 429 units.

Currently there are 427 subdivided lots in CSA 34 which each can be developed with a single-family residence as a matter of right. Approximately 317 of those have been constructed and connected. The proposed zones will include 143 more subdivided lots, which each could be developed with residential units. Thus, unless the operational concerns are resolved, there will not be enough capacity to serve the future residences in the proposed zones. The Department is investigating the specific cause of the reduced capacity in the WWTF in order to identify possible solutions.

Department staff have met with the primary WWTF capacity reservation holders under Board Resolution 14-073, 3B Development, Inc., Table Mountain Rancheria, Clarksfield Co., Inc., and WC Millerton Developers, Inc. (collectively "Stakeholders"), and have discussed the operational concerns and reduced capacity with them.

WC Millerton Developers, Inc., has contracted an engineer from Central California Waterworks to evaluate the WWTF and provide an analysis of the specific cause of the reduced capacity. Once the cause has been

identified, and a solution developed by the engineer, Department staff will work with the Stakeholders to implement the solution to ensure the WWTF is operating with adequate capacity to serve all subdivided lots in CSA 34.

In the meantime, the Department believes that it ultimately has adequate methods to prevent the developers, in the future, from building houses that cannot be served by the WWTF, and intends to use those methods to that effect. The Department has informed the developers of the proposed zones CSA 34F and CSA 34G (WC Millerton Developers and 3B Development, Inc., respectively) of the Department's intention, and the developers have not objected. For that reason, the Department believes that the Board may proceed with the formation of the proposed zones, and the levy of the proposed assessments and fees.

The Department will provide updated information to your Board during staff's presentation.

### **General Requirements**

Local Agency Formation Commission (LAFCo) action is not required for the formation of zones within an existing CSA, under Government Code section 25217.4. LAFCo previously authorized services to be provided by the County through CSA 34 that include municipal services such as water contract administration, water services, sewer services, road maintenance, storm drainage maintenance, public right-of-way landscape maintenance, and street lighting. The services that the subdivider is proposing be provided to the zone are water contract administration and lake pump ready-to-serve maintenance, water and sewer services, storm drainage and road maintenance, street lighting, and public right-of-way landscape maintenance.

Maintenance of community facilities through a CSA or a CSA zone is a condition of development for new projects in the County. The property owners within the subdivision pay all maintenance and operation costs for the approved facilities. The proposed method of payment by property owners for the water and sewer services, authorized by the formation of proposed Zones F and G, is through bi-monthly utility service billing. The proposed method of payment by property owners for water contract administration and lake pump ready-to-serve maintenance, road maintenance, storm drainage maintenance, street lighting, and public right-of-way landscape maintenance services, authorized by the formation of Zones F and G, is through the levying of assessments to all parcels within each respective zone, as is before your Board today in separate protest hearings.

For each proposed Zone, there are six majority protest proceedings before your Board:

1. Formation of Zones F and G;
2. Levy of a benefit assessment for local Zones F and G water and sewer utility system ready-to-serve maintenance;
3. Levy of a benefit assessment for storm drain and road maintenance in Zones F and G;
4. Levy of a benefit assessment for street lighting, and public ROW landscape maintenance in Zones F and G;
5. Levy of a water service fee in Zones F and G; and
6. Levy of a sewer service fee in Zones F and G.

Additionally, there is one proceeding before your Board in this item that affects both Zone F and Zone G, as well as other areas in CSA 34, which is re-apportionment and re-levy of a portion (to account for the development of Zones F and G, and a change in water allocations in another part of CSA 34) of a previously levied benefit assessment for water contract administration and Millerton Lake pump ready-to-serve maintenance.

To complete all proceedings, there must be no majority protest in any of these proceedings. Majority protest is defined differently in the law for each type of proceeding; there is one definition for the formation, another for the benefit assessments, and another for the fees. The definitions are described further in the following

sections. If there is no majority protest in any of the proceedings, then your Board should adopt the recommended resolutions forming Zones F and G and levying the benefit assessments and service fees described earlier.

Formation of a CSA zone is usually accompanied with the establishment of a property owners' Citizens Advisory Committee. However, these are new developments and do not yet have individual property owners. When the lots within Zones F and G are improved and occupied, Department staff will assist the new property owners with the establishment of a Citizens Advisory Committee for both zones.

### **Formation Proceedings**

The Board started the process to form Zones F and G on August 20, 2019, with the adoption of Resolution Nos. 19-326 and 19-322, respectively, initiating the formation proceedings. The proposed public hearings will allow the Board to hear and consider testimony from all interested persons regarding the formation, and to determine if there is a majority protest to the formation.

The Clerk of the Board mailed and published notices of the public hearings on August 21, 2019, as required by the CSA Law, and the August 20, 2019, resolutions to initiate the formation proceedings.

Department staff has obtained a certification from the County Clerk/Registrar of Voters of the number of registered voters in the affected territories. The territories covered by proposed Zones F and G are uninhabited; meaning a majority protest for each formation proceeding will occur if more than 50% of the property owners who own more than 50% of the assessed value of all taxable property in the proposed zone have filed timely written objections to the formation with the Clerk of the Board. If that happens, then your Board must determine that a majority protest exists and terminate the proceedings.

For each proposed zone, if, and only if, there is no majority protest to the formation of the zone, your Board may proceed to form the zone and continue with the assessment and fee proceedings for that zone.

### **Re-Appportionment and Re-Levy of Water Contract Administration and Millerton Lake Pump Ready-to-Serve Maintenance Benefit Assessment**

On August 20, 2019, the Board adopted Resolution No. 19-325, which appointed and designated Kheng Vang P.E., as assessment engineer, directed the preparation and filing of an Engineer's Report. The resolution also set both a public meeting and a public protest hearing on the proposed re-apportionment and re-levy of a portion of the previously levied benefit assessment in CSA 34 for water contract administration and Millerton Lake Pump ready-to-serve maintenance. The assessment must be re-apportioned and re-levied to account for the development of the land within Zones F and G, and includes land within Zones F and G, and surrounding land in CSA 34 that is not yet developed. In addition, a parcel that previously had no water reservation, Tract No. 6226 (39.56 acres), obtained a water reservation by moving a water reservation from another property, Parcel Nos. 300-542-12S (19.97 acres), and 300-542-51S (19.59 acres) from Area G, as shown on Exhibit O of the Engineer's Report, and therefore will be newly assessed as part of the re-apportionment and re-levy.

On August 20, 2019, the assessment engineer filed the Engineer's Report with the Clerk of the Board. The Clerk issued notice of the public meeting and protest hearing by mail on August 21, 2019, which included assessment ballots and instructions. A notice was mailed to the record owner of each parcel. An affidavit of mailing is on file with the Clerk.

On September 18, 2019, the Department's Resources Division, conducted the noticed public meeting at the Fresno County Downtown Plaza Building, located at 2220 Tulare Street, 8th Floor, Fresno, CA 93721. During the meeting, Department staff explained the assessment ballot proceedings and answered any questions submitted.

For the first year of the proposed re-apportioned and re-levied assessment, FY 2019-20, the total assessment amount is \$156,004.80. In FY 2020-21 the total assessment amount will be \$157,502.91, as shown on Exhibit B and will then remain the same each year thereafter unless the Board reduces or terminates the assessment, or there is a new proceeding to increase the assessment.

The maps attached as Exhibits C through C-8, identify, by the shaded parcels, the territory where the proposed new assessment and reapportioned assessment shall be levied and where the assessment was previously levied and will remain unchanged by the proceeding.

### **Levy of Benefit Assessments for Local Water and Sewer Utility Systems, Storm Drain and Road Maintenance, and Street Lighting, and Public Right-of-Way Landscape Maintenance**

On August 20, 2019, the Board adopted Resolution Nos. 19-327 and 19-323, which appointed and designated Kheng Vang P.E., as assessment engineer, directed the preparation and filing of an Engineer's Report, and set a public protest hearing on the proposed benefit assessments for local water and sewer utility system ready-to-serve maintenance, storm drain, road maintenance, street lighting, and public right-of-way landscape maintenance for both the proposed Zones F and G.

On August 20, 2019, the assessment engineer filed the Engineer's Report with the Clerk of the Board. The Clerk then issued notice of the public meeting and public protest hearings by mail on August 21, 2019 (see Attachment B for Zone F Local Assessments and Attachment C for Zone G Local Assessments), which notices included assessment ballots and instructions. A notice was mailed to the record owner of each parcel and an affidavit of mailing is on file with the Clerk.

### **Local Water and Sewer System Ready-To-Serve Maintenance Assessments**

The local water and sewer system ready-to-serve maintenance assessments are proposed to be levied in FY 2019-20 as shown on Exhibits D and E. Beginning in the second year (FY 2020-21) the assessments may include a Consumer Price Index (CPI) increase through the sixth year (FY 2024-25). After the sixth year, the annual assessments per parcel shall not increase over the prior year, unless an increase is approved in another proceeding pursuant to Proposition 218.

The maximum total annual amount of the proposed assessment for all assessed properties within proposed CSA 34F is \$2,908.50 in FY 2019-20, \$2,971.32 in FY 2020-21, \$3,035.50 in FY 2021-22, \$3,101.07 in FY 2022-23, \$3,168.05 in FY 2023-24 \$3,236.48 in FY 2024-25 and each year thereafter unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The maximum total annual amount of the proposed assessment for all assessed properties within proposed CSA 34G is \$38,683.05 in FY 2019-20, \$39,518.60 in FY 2020-21, \$40,372.21 within FY 2021-22, \$41,244.25 in FY 2022-23, \$42,135.12 in FY 2023-24 \$43,045.24 in FY 2024-25 and each year thereafter unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The maximum amount of the proposed annual assessment on each property within both proposed zones, CSA 34F and CSA 34G, are \$290.85 in FY 2019-20, \$297.13 in FY 2020-21, \$303.55 in FY 2021-22, \$310.11 in FY 2022-23, \$316.81 in FY 2023-24 \$323.65 in FY 2024-25 and each year thereafter unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

### **Local Street Lighting and Public Right-Of-Way Landscape Maintenance Assessments**

The local street lighting and public right-of-way landscape maintenance assessments are proposed to be levied in FY 2019-20. Beginning in the second year (FY 2020-21) and through the sixth year (FY 2024-25), the assessments are proposed to be levied in the amounts shown on Exhibit D and E, which include CPI

increases. After the sixth year, the annual amounts that may be levied per parcel would not increase over the prior year, unless an increase is approved in another proceeding pursuant to Proposition 218.

The maximum total annual amount of the proposed assessment for all assessed properties within proposed CSA 34F is \$1,010.70 in FY 2019-20, \$1,032.53 in FY 2020-21, \$1,054.83 in FY 2021-22, \$1,077.62 in FY 2022-23, \$1,100.89 in FY 2023-24, \$1,124.67 in FY 2024-25 and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The maximum total annual amount of the proposed assessment for all assessed properties within CSA 34G is \$13,442.31 in FY 2019-20, \$13,732.66 in FY 2020-21, \$14,029.29 in FY 2021-22, \$14,332.32 in FY 2022-23, \$14,641.90 in FY 2023-24, \$14,958.17 in FY 2024-25 and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The maximum amount of the proposed annual assessment on each property within both proposed CSA 34F and CSA 34G are \$101.07 in FY 2019-20, \$103.25 in FY 2020-21, \$105.48 in FY 2021-22, \$107.76 in FY 2022-23, \$110.09 in FY 2023-24 \$112.47 in FY 2024-25 and each year thereafter unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

### **Road and Storm Drainage Maintenance Assessments**

The road maintenance assessments for Zones F and G are proposed to be levied in FY 2019-20. Beginning in the second year (FY 2020-21) the assessments may include a CPI increase through the sixth year (FY 2024-25), as shown in Exhibits D and E. After the seventh year, the annual assessments per parcel shall not increase over the prior year, unless an increase is approved in another proceeding pursuant to Proposition 218.

The maximum total annual amount of the proposed assessment for all assessed properties within proposed CSA 34F is \$2,143.50 in FY 2019-20, \$2,189.80 in FY 2020-21, \$2,237.10 in FY 2021-22, \$2,285.42 in FY 2022-23, \$2,234.79 in FY 2023-24, \$2,385.22 in FY 2024-25 and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The maximum total annual amount of the proposed assessment for all assessed properties within proposed CSA 34G is \$28,508.55 in FY 2019-20, \$29,124.33 in FY 2020-21, \$29,753.42 in FY 2021-22, \$30,396.09 in FY 2022-23, \$31,052.65 in FY 2023-24, \$31,723.39 in FY 2024-25 and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The maximum amount of the proposed annual assessment on each property within both proposed CSA 34F and CSA 34G are \$214.35 in FY 2019-20, \$218.98 in FY 2020-21, \$223.71 in FY 2021-22, \$228.54 in FY 2022-23, \$233.48 in FY 2023-24 \$238.52 in FY 2024-25 and each year thereafter unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The estimated annual budget for the six-year projections for all of the Zones F and G Local Utilities are described in Exhibits F and G.

If there is a majority protest, Department staff will conduct another public meeting with property owners involved to discuss alternative options. The Department may initiate Proposition 218 proceedings to increase any of the assessments if the costs exceed the maximum assessment, but the increase will be subject to a majority protest. No assessment will be imposed on any parcel that exceeds the reasonable cost of the services benefitting that parcel.

### **Benefit Assessment Ballot Process and Majority Protest**

The process of levying an assessment on real property must conform to the requirements of Proposition 218, as passed by the voters in November 1996 and placed in the California Constitution as Articles XIII C and XIII D. The particular requirements applicable to assessments are in Article XIII D, section 4 and they apply to each of the four assessment proceedings before the Board.

Under Proposition 218, a notice, including an assessment ballot, was mailed to all of the property owners within each affected area on August 21, 2019, 45 days before the public protest hearing.

For an assessment ballot to be counted, it must be properly executed and delivered, as follows:

- (1) By U.S. Mail so that it is received by the Clerk of the Board no later than 9:00 A.M. on October 8, 2019;  
or
- (2) Otherwise delivered to the Clerk of the Board no later than 9:00 A.M. on October 8, 2019; or
- (3) Delivered at the Board's public protest hearing on October 8, 2019, before the close of public testimony during said hearing.

Assessment ballots will remain unopened and in the charge of the Clerk of the Board until they are opened and tabulated after the conclusion of public testimony at the public protest hearing.

The following types of assessment ballots were made available to property owners of the specially benefitted parcels:

- Substitute assessment ballots (for change or withdrawal of an assessment ballot, or owner claims that an assessment ballot was not received or it was lost, or that the assessment ballot is unusable).
- New owner assessment ballot (for changed ownership after date of Engineer's Report).
- Co-owner assessment ballots (for more than one of the record owners of a parcel wishes to submit an assessment ballot for their interest).

The foregoing alternate forms of assessment ballots are provided by the Clerk of the Board once the property owner executes an appropriate County request form. All such alternate forms of assessment ballots will have the same assessment ballot measure as an assessment ballot.

All properly completed and timely returned assessment ballots will be tabulated only after the conclusion of the public protest hearing. The proposed assessments shall not be imposed if the total weighted value of the assessment ballots submitted in opposition to the proposed assessment exceed the total weighted value of the assessment ballots submitted in favor of the proposed assessment (i.e., a "majority protest"). All assessment ballots are weighted according to the proportional financial obligation of the affected property. Department staff's report to the Board on August 20, 2019, explained the assessment ballot proceedings in detail.

If there is no majority protest to any of the proposed assessments, then the Board may proceed to the majority protest hearings on the fees.

### **Levy of User Fees for Water and Sewer Services**

The process of establishing property-related fees must conform to the requirements of Proposition 218. The particular requirements applicable to property-related fees are in Article XIII D, section 6 of the California Constitution.

On August 21, 2019, in accordance with Proposition 218, a notice, included as Attachment D, was mailed for the protest hearing to record owners of real property within Zones F and G where water and sewer services would be provided after the subdivision is divided into residential parcels under TTMs 4934 and 6189,



respectively. The notification letters explained the procedure for submitting a protest to the proposed water and sewer service fees.

Additionally, the notices explained how the proposed water and sewer service fees were calculated and will provide funding for the operations and maintenance, and administrative costs for Zones F and G. The notices also explained that if less than a majority of property owners submit a written protest to the proposed water and sewer fees, the Board may implement the fees effective November 1, 2019, and on July 1st of each year to follow, through July 1, 2020. Owners of developed residential parcels would first see the proposed fee on the November/December bill, which they can expect to receive in January 2020. The notice was mailed to the record owner of each parcel and an affidavit of mailing is on file with the Clerk.

The proposed new water fees are comprised of a flat-water fee and water usage tiered fees. The proposed flat-water fee was calculated by projecting annual costs to operate, maintain, and administer the water delivery facilities and services for each zone. It should be noted that Zones F and G have a water contract supply and water treatment capacity of approximately 0.5-acre feet (AF) per parcel per year, which made it necessary for the consulting engineer to include the cost for Zones F and G to expand the plant's treatment capacity to accommodate for any water overuse.

The tiered structure has been designed by the engineer to capture the cost to expand the water treatment capacity and the cost to purchase water on the open market for the water use over the contracted supply of 0.5-AF, per parcel per year. The proposed increased sewer fee is comprised of a flat sewer service fee.

The four components of the proposed water fee and the sewer fee are detailed in Exhibit H.

If the County does not receive properly submitted written protests from property owners representing a majority of the properties receiving water service in Zones F and G, the Board may approve the proposed monthly water service fees. If the County does not receive properly submitted written protests from property owners representing a majority of the properties to receive sewer service in Zones F and G, the Board may approve the proposed monthly sewer service fees.

#### REFERENCE MATERIAL:

BAI #36 - #40, August 20, 2019

BAI #19, March 15, 2016

BAI #37, January 26, 2016

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A-D

Exhibits A-1 through H

On file with Clerk - CSA 34F Subdivider Agreement

On file with Clerk - CSA 34G Subdivider Agreement

On file with Clerk - CSA 34F Formation Resolution

On file with Clerk - CSA 34G Formation Resolution

On file with Clerk - CSA 34F W-S Resolution

On file with Clerk - CSA 34F SD - R Resolution

On file with Clerk - CSA 34F SL - LD Resolution

On file with Clerk - CSA 34G W-S Resolution

On file with Clerk - CSA 34G SD - R Resolution

On file with Clerk - CSA 34G SL - LD Resolution

On file with Clerk - CSA 34F Resolution (Sewer Fees)

On file with Clerk - CSA 34F Resolution (Water Fees)

On file with Clerk - CSA 34G Resolution (Sewer Fees)

On file with Clerk - CSA 34G Resolution (Water Fees)  
On file with Clerk - WC Resolution  
On file with Clerk - Engineer's Report  
On file with Clerk - Certified Voter Count

CAO ANALYST:

Sonia M. De La Rosa