

BOARD OF SUPERVISORS
Yolo County, California

Meeting Date: October 21, 1997

To: CAO
County Counsel ✓
Auditor ✓
Public Works ✓
Cnty. Devel.
Cnty. Part.
Health Services
Human Resources
Social Services
Treas/TC. ✓

Entry No. 13

Minute Order No. 97-392: At the conclusion of a public hearing on levy of fees or charges for the Willowbank County Service Area and El Macero County Service Area, the Board took the following actions:

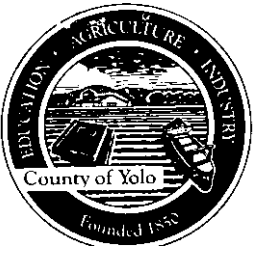
A.

Adopted and authorized the Chairman to sign the following:

1. Resolution No. 97-144, ratifying and confirming service charges for El Macero County Service Area.
2. Resolution No. 97-145, ratifying and confirming service charges for Willowbank County Service Area.

B. Directed the Clerk to forward certified copies of the above resolutions to the Auditor-Controller and the Treasurer-Tax Collector.

MOTION: Pollock SECOND: McGowan AYES: Pollock, McGowan, Oakley, Stallard, Rosenberg.




TOMMY J. DAVIS
DIRECTOR

County of Yolo

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
292 WEST SEAMER STREET, WOODLAND, CA 95695-2598
(916) 666-8775 FAX (916) 666-8728

TO: THE HONORABLE DAVE ROSENBERG. Chairman.
and Members of the Board of Supervisors

FROM: TOMMY J. DAVIS, Director, 
Public Works and Transportation Department

DATE: October 21, 1997

SUBJECT: Service Charge Proceedings Required by
Proposition 218 for the El Macero and
Willowbank County Service Areas

RECOMMENDED ACTION:

1. Conduct a public hearing on ratification and confirmation of the amount of charges for each parcel receiving extended services in the El Macero and Willowbank County Service Areas.
2. At the conclusion of the public hearing, if there are no protests filed, or any objections are overridden, adopt the attached resolutions ratifying and confirming service charges for El Macero and Willowbank County Service Areas.
3. Instruct the Clerk to forward certified copies of the resolutions to the Auditor-Controller and the Treasurer-Tax Collector.

REASON FOR RECOMMENDED ACTION:

Proposition 218 requires further proceedings, in addition to those already completed, in order to confirm and ratify 1997/98 service charges for these two special districts.

BACKGROUND:

The charges already levied by the El Macero County Service Area for 1997/98 include an increase over prior years of \$50 on occupied parcels and \$33 on unoccupied parcels to meet higher costs of operation and maintenance of the water and sewer systems, and to add to the reserve for a new well site. The increase requires this Proposition 218 proceeding. We have mailed notices to property owners within the district at least 45 days before the public hearing. If there are not written protests presented by a majority of property owners, the Board can ratify the service charges at the conclusion of the hearing.

Reviewed by:  Phone #: x8221

Since the newly-formed Willowbank County Service Area will derive its revenue from charges collected by reference to parcel maps, the fee collection process becomes property related, and a Proposition 218 proceeding is required for this district also. We have also mailed notices to property owners to support this public hearing.

The amount of the service charges is the same as previously presented to your Board on August 5, 1997.

BUDGET IMPACT:

All revenue goes into the respective special district funds, and all costs are paid out of those funds. The recommended action will allow the residents of the two districts to pay for their own water services.

OTHER AGENCY INVOLVEMENT:

County Counsel has originated most of the attached documents. The charges as ratified are those originally recommended by the El Macero and Willowbank County Service Area Advisory Committees.

ATTACHMENTS:

Resolutions Ratifying and Confirming Service Charges

TJD:TFT:clk

'cc: El Macero Advisory Committee
Willowbank Advisory Committee

1 RESOLUTION NO. 97-144

2 (Resolution Ratifying and Confirming Service Charges
3 for El Macero County Service Area)

4 WHEREAS, the Board of Supervisors of the County of Yolo makes the following recitals:

5 1. Heretofore this Board of Supervisors has levied charges for all the miscellaneous extended
6 services provided by the El Macero County Service Area, including water service. This Board now
7 desires to ratify and confirm a portion of those charges heretofore levied as fees or charges for water
8 service. This action does not change the aggregate total charge **already** imposed on any parcel for
9 water or any other service provided by the El Macero **County** Service Area.

10 2. The charges heretofore levied were imposed pursuant to the authority conferred on the County
11 by Government Code Section **25210.77a** to fix and collect charges for all miscellaneous services
12 now or hereafter provided by the El Macero County Service Area, specifically including, but not
13 limited to water, sewer, drainage, street maintenance, street and highway sweeping services. In
14 making that levy this Board of Supervisors has heretofore caused to be prepared a written report
15 describing each parcel to be charged and the amount of the charge for each, such report has been
16 filed with **the** Clerk of this Board, the Clerk has given notice of a public hearing in the **manner**
17 required by that statute, this Board heard and considered all objections and protests to the report, and
18 based thereon this Board adopted Resolution No. 97-100, Resolution Confirming Charges for El
19 Macero County Service Area. The charges so levied included an increased charge for water service
20 in the amount of \$50 for each occupied parcel and \$33 for each unoccupied parcel. This Board seeks
21 to take further proceedings concerning only the increased portion of those charges for water service
22 for the purpose of ratifying and confirming **that** increase.

23 3. Accordingly, pursuant to Government Code Section **25210.77a** this Board has caused to be
24 prepared a revised written report which contains a description of each parcel of real property
25 receiving extended water service in the El Macero County Service Area and the amount of the
26 increased portion of the charge for water service for each parcel for the fiscal year 1997-98 computed
27 as service fees that vary by reason of the nature of the use so that they correspond to the cost and

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1 value of the service, all in **conformity with** the procedure set forth in Chapter 8 of title 3 of the Yolo
2 County Code.

3 4. That revised report also identifies **the** parcels upon which the increased portion of the charges
4 for water service are proposed for imposition as a fee pursuant to Art. **XIIID**, Sec. 6. The revised
5 report also sets forth the proposed fee or charge to the record owner of each parcel upon which the
6 fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed on
7 each, the basis upon which the proposed fee or charge was calculated, and the reason for the fee or
8 charge.

9 5. The fees or charges set forth in the revised written report are a portion of those set forth in the
10 original report and confirmed by Resolution 97-100. After confirmation and ratification of the
11 increased portion by this resolution, the aggregate total of all charges imposed on each parcel will
12 remain exactly as confirmed by Resolution No. **97-100**.

13 6. The revised report has been filed with the Clerk of this Board.

14 7. Upon the filing of the revised report, the Clerk fixed the time, date, and place for a hearing
15 thereon and for filing objections or protests thereto and caused notice of such hearing to be published
16 prior to the hearing in a newspaper of general circulation printed and published in the County, all
17 as provided in Government Code Sec. 6066.

18 8. The Clerk of this Board has provided written notice by mail of the proposed fee or charge to
19 the record owner of each parcel upon which the fee or charge is proposed for imposition, the amount
20 of the fee or charge proposed to be imposed on each, the basis upon which the proposed fee or
21 charge was calculated, the reason for the fee or charge, together with the date, time, and location of
22 the public hearing on the proposed fee or charge.

23 9. At the date, time, and place stated in the notice (which was not less than 45 days after mailing
24 the notice) this Board heard and considered all objections and protests to the revised report.

25 10. At the public hearing a majority of the owners of the identified parcels did not present written
26 protests against the proposed fee or charge.

27 11. **This** Board now desires to make its determination upon the increased portion of the charges
28 for water service described in both the original and the revised report, based thereon to confirm the

1 revised report, and based thereon, to confirm and ratify the fees and charges as set forth therein and
2 in Resolution No. 97-100.

3 VOW, THEREFORE BE IT RESOLVED, ORDERED, AND FOUND by the Board of Supervisors
4 of the County of Yolo as follows:

5 1. Each of the foregoing recitals is true and correct.

6 2. This Board of Supervisors hereby adopts the Revised El Macero County Service Area 1997-
7 1998 Report of Fees or Charges for Extended Water Service on file with the Clerk of this Board and
8 attached hereto as Exhibit "A", which Exhibit "A" is hereby incorporated by reference as if set forth
9 herein; and this Board hereby confirms and ratifies that revised report and the description of each
10 parcel of real property set forth therein; and based on that confirmed revised report hereby ratifies
11 and confirms the portion of the charges levied by Resolution No. 97-100 that is an increase in the
12 charges for water service as fees and charges levied for that purpose and in addition ratifies and
13 confirms the total charges levied by that resolution.

14 3. This Board further finds that each of the following is true and correct:

15 A. Each fee or charge imposed herein is a levy other than an ad valorem tax, a special tax
16 or an assessment and is imposed upon a parcel or a person as an incident of property
17 ownership consisting of a user fee or charge for water service.

18 B. That water service is a property related service. That water service is a public service
19 having a direct relation to property ownership.

20 C. Revenues derived from the fee or charge imposed herein will not exceed the funds
21 required to provide property related water service in the El Macero County Service Area.

22 D. The revenues derived from the fee or charge will not be used for any purpose other than
23 that for which the fee is imposed.

24 E. The fee or charge imposed herein does not exceed the proportional cost of the service
25 attributable to the parcel.

26 F. No fee is imposed unless water service is actually used by, or immediately available to,
27 the owner of the property in question. No fee is imposed on the basis of a mere potential or
28 future use of the service. The fees or charges imposed herein do not include standby charges.

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G. No fee or charge is imposed for any general governmental service or any service where the service is available to the public at large in substantially the same manner as it is to property owners.

4. This Board **further finds** that each parcel set forth in said revised written report is a parcel lying within the El Macero County Service Area for which extended services are available and that each such parcel is a parcel of real property receiving said services in the El Macero County Service Area.

5. It is ordered that the charges set forth in the revised written report of service charges as confirmed by Resolution No. 97-100 and also ratified and also ratified and confirmed herein shall be collected at the same time and in the same manner as ordinary County Ad Valorem Property Taxes are collected and as provided in Chapter 8 of Title 3 of the Yolo County Code.

6. The Clerk is hereby ordered to forward a certified copy of this resolution to the Auditor-Controller and the Treasurer-Tax Collector of the County.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California this 21st day of October, 1997, by the following vote:

AYES: Pollock, McGowan, Oakley, Stallard, Rosenberg.

NOES: None.

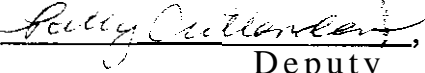
ABSENT: None.

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CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF YOLO, STATE OF CALIFORNIA

ATTEST:
PAULA M. COOPER, Clerk of
the Board of Supervisors

By 
Deputy

(SEAL)

APPROVED AS TO FORM:
CHARLES R. MACK, County Counsel

By 