

BOARD OF SUPERVISORS  
Yolo County, California

Meeting Date: December 13, 2005

To: CAO  
County Counsel  
Auditor  
Plan & Pub Works ✓  
Alcohol Drug/MH  
Health Services  
Human Resources  
Central Services Div.  
DESS

Agenda Item No. 32  
El Macero County Service Area

Minute Order No. ~~05-326~~ Arnie Spiess, El Macero resident, addressed the board expressing his support% the El Macero water and sewer fee increase during a public hearing to consider actions for a protest election required by Public Works Proposition 218 to increase water and sewer fees for the El Macero County Service Area (CSA). After the public hearing the Board took the following actions:

- A. Instructed the Board of Supervisors Clerk's staff to tabulate the number of homeowners in opposition. Announced the results to be 19 ballots for homeowners in opposition.
- B. Certified the results of the tabulation and took the appropriate actions, which include:
  - 1. Adopted and authorized the Chair to sign **Resolution No. 05-159** authorizing and imposing fee increases for sewer and water service to the El Macero CSA.
  - 2. Directed the Clerk of the Board to forward a certified copy of the resolution to the Auditor-Controller's and Treasurer-Tax Collector's Offices.

MOTION: Yamada. SECOND: Sieferman, Jr. AYES: Sieferman, Jr., Yamada, McGowan, Thomson.

ABSENT: Chamberlain.





# County of Yolo

## PLANNING, RESOURCES AND PUBLIC WORKS DEPARTMENT

292 WEST BEAMER STREET WOODLAND CA 95695-2598 530-666-8775 FAX 530-666-8156  
www.yolocounty.org

JOHN BENCOMO  
DIRECTOR

**TO:** THE HONORABLE HELEN THOMSON, Chairwoman,  
and Members of the Board of Supervisors

**FROM:** JOHN BENCOMO, Director,   
Regina Espinoza, County Service Area Coordinator,   
Planning, Resources and Public Works Department

**DATE:** December 13, 2005

**SUBJECT:** Public Hearing for a Protest Election Required by Proposition 218 to Increase Water and Sewer Fees for El Macero County Service Area and Adopt Resolution establishing the Increased Water and Sewer Fees for the El Macero County Service Area (\$680 to \$1100 for occupied parcel fee in FY 05-06, \$1202 in FY 06-07, \$1268 in FY 07-08).

### RECOMMENDED ACTION

Consider the following actions for a protest election required by Public Works Proposition 218 to increase water and sewer fees for the El Macero County Service Area (CSA): (No general fund impact (Espinoza))

- A. Hold a public hearing to receive comments with respect to the proposed water and sewer fees increase to be levied each year upon benefited parcels of land within the El Macero CSA.
- B. Close public hearing, after receiving any testimony and protests, instruct the Clerk's staff to tabulate the number of homeowners in opposition, and announce the unofficial results; provided that, in the event the Clerk requires the opportunity to determine whether any protest has been properly received, the Board reserves the right to continue the matter for purposes of announcing official results.
- C. Certify the results of the tabulation and take the appropriate actions, which may include:
  1. Adopt resolution authorizing and imposing fee increases for sewer and water service to the El Macero CSA.
  2. Direct the Clerk of the Board to forward a certified copy of the resolution to the Auditor-Controller's and Treasurer-Tax Collector's Offices

### FISCAL IMPACT

There is no fiscal impact to the General Fund. Services provided to the County Service Area are paid for through revenues collected on the property tax bills of property owners in the CSA. The

Reviewed by:  Phone #: 8221

total CSA fees if approved will increase from \$680 for an occupied parcel, \$543 for an unoccupied parcel to \$1100 for an occupied parcel, \$857 for an unoccupied parcel for the fiscal year FY 05-06. The generated fee revenue for the CSA if the fee increase should pass will be \$511,270 in FY 05-06 and total expenditures will be \$668,360, the difference will be made up by the prior years reserves. The fees will increase to \$1202 for an occupied parcel and \$930 for an unoccupied parcel in FY 06-07 and \$1268 for an occupied parcel and \$978 for an unoccupied parcel in FY 07-08. The fees would increase as necessary by the CPI for the fiscal years thereafter.

### **REASON FOR RECOMMENDED ACTION**

The El Macero County Service Area Advisory Committee recommended an election to determine whether property owners wish to increase the annual water service and sewer service fees. The recommended actions are required to obtain authority to increase fees for Water Services and Sewer Service in the El Macero County Service Area. The increases are necessary to offset higher sewer and water service costs currently charged to the CSA by the City of Davis. The draft resolution confirms the results of the protest election<sup>1</sup> regarding the proposed increases in sewer and water service fees for the El Macero County Service Area. The resolution also conveys the fee approval to the Auditor-Controller and the Treasurer-Tax Collector, so that they can receive the additional monies collected by the Planning, Resources and Public Works Department this fiscal year. Also to incorporate the new increases in the next year's tax roll, thereby ensuring that sufficient funds remain available to adequately serve the community.

### **BACKGROUND**

On October 4, 2005, the Board set a public hearing for November 22, 2005, to consider any protests received regarding proposed water and sewer service fee increases for the El Macero CSA. The hearing notice was mailed to each parcel owner in the County Service Area on October 7, 2005. Included within the notice was an explanation with instructions on the protest procedure. On November 15, 2005 the Board continued the hearing to December 13, 2005 at 10:30a.m., due to the cancellation of the November 22, 2005 Board meeting.

For the past several years, the costs to provide water services and sewer service have increased significantly. In order to continue to provide service, the County will need to increase revenues collected from property owners within the district. Increasing fees is subject to Proposition 218, but because they are fees for water and sewer, they are not subject to the voter approval requirement. Property owners must agree to the increase by having less than a majority protest by property owners in the district. The protest must represent 50% plus one of the parcels to be effective. There are 467 parcels within El Macero, a successful protest would require 234 parcel landowners to submit written protest to the Board prior to the close of the public hearing.

Currently, annual water and sewer expenditures exceed annual revenue. If a fee increase is not performed, the CSA will need to provide services by using funds from reserve accounts and carryover from prior years. To continue this practice would jeopardize the district's ability to respond to an emergency or the need for a capital replacement (such as a well, street repair etc.), because reserves and carryover would eventually be depleted. The City of Davis is the provider of the services through agreement with the County Service Area. Up until the past several years, the CSA has been paying a steady water rate to the City. However, in the next

fiscal year, the City will charge the CSA \$213,000, then the rate will increase to \$250,000 shortly thereafter, which is more than an 18 percent increase, to provide water service that is currently set at \$180,000. There will be an increase from \$25.38 to \$29.69 per connection to provide the sewer services for this fiscal year. This is a 17 percent increase. It is expected that these fees will continue to increase, based on the most current information that has been provided to the CSA by the City of Davis. These anticipated rates have been noted in the Public Notice for the Public Protest Proceedings.

The El Macero CSA Advisory Committee had previously mailed a letter to each property owner in the district, describing the situation, and inviting the community to attend a Special Meeting. The letters were mailed September 14, 2005. The meeting, held September 21, 2005, gave the community an opportunity to voice concerns and ask questions of several El Macero CSA

Advisory Committee members before proposing the increase formally to the Board of Supervisors. At the meeting, the El Macero CSA Advisory Committee made a recommendation that the Board of Supervisors proceed with the process required to increase sewer and water fees. The increased amounts are reflected in the Fee Rate Analysis attached to the original Board Letter, dated October 4, 2005, prepared by Planning and Public Works staff.

#### **OTHER AGENCY INVOLVEMENT**

County Counsel, El Macero Advisory Committee, Supervisor Yamada, Auditor's Office.

#### **ATTACHMENTS**

Draft Resolution

**FILED**

**JAN 12 2005**

**RESOLUTION NO. 05 - 159**

BY *Jinda Claunch*, CLERK OF THE BOARD  
DEPUTY

(Resolution Increasing Fees and Charges for Sewer and Water Services  
in the El Macero County Service Area)

**WHEREAS**, this Board of Supervisors (“Board”) is authorized by Government Code Sections 25210 and following to provide sewer and water service in the El Macero County Service Area and to levy service fees and charges to pay for those services; and

**WHEREAS**, in 1977 this Board previously exercised that authority to provide for the maintenance and operation of the sewer and water systems servicing the El Macero County Service Area through a contract with the City of Davis and levied service fees and charges to pay for those services; and

**WHEREAS**, although the costs of providing those services have increased significantly since then, the services fees and charges have not been increased since 1994; and

**WHEREAS**, on October 4, 2005, a written report (“Report”) and fee rate analysis was filed with this Board recommending increased sewer and water fees and charges for the El Macero County Service Area, and describing each parcel to be charged and the amount of fees and charges for each parcel, for the fiscal year 2005-06 and for each year thereafter; and

**WHEREAS**, based upon that report, on October 4, 2005 this Board initiated proceedings to consider increasing the El Macero County Service Area water and sewer fees and charges, and set a public hearing for 1030 a.m. on November 22, 2005 to consider the proposed fee increases, the Report, fee rate analysis, any protests against the proposal, any other information in support of or in opposition to the proposal, and all other relevant information; and

**WHEREAS**, thereafter the Clerk of this Board gave notice, at the times and in the manner required by law, that this Board would hold a public hearing during its regular public meeting on November 22, 2005 at 625 Court Street, Woodland, California, to consider approval of the proposed increases to sewer and water service fees and charges; and

**WHEREAS**, said Notice contained the date, time, and place of the public meeting as set forth above; a general explanation of the matter to be considered; the amount of the fee or charge proposed to be imposed upon each parcel, the basis upon which the amount of the proposed fee or charge was calculated, and the reason for the fee or charge; and stated that a detailed fee analysis concerning the proposed fee increases, including the cost or estimated cost of providing the service for which each fee is proposed to be charged, the revenue sources anticipated to provide the service (including general fund revenues), and the bases of the allocation of the cost of the services, was available for review at the Office of the Clerk of the Board; and

**WHEREAS**, on November 15, 2005 this Board continued proceedings to consider increasing the El Macero County Service Area water and sewer fees and charges, and set a public hearing for 10:30 a.m. on December 13, 2005 to consider the proposed fee increases, the Report, any protests against the proposal, any other information in support of or in opposition to the proposal, and all other relevant information; and

**WHEREAS**, thereafter the Clerk of this Board provided notice that the public hearing would be held during the regular public meeting on December 13, 2005 at 625 Court Street, Woodland, California, to consider approval of the proposed increases to sewer and water service fees and charges; and

**WHEREAS**, on December 13, 2005 the proposed increases came on regularly for hearing before this Board during its regular public meeting, at the time and place specified in the Notice; and

**WHEREAS**, on December 13, 2005, this Board opened a public hearing on the sewer and water service fees and charges; and

**WHEREAS**, on December 13, 2005, the public hearing for levying fees and charges for sewer and water service for the El Macero County Service Area was conducted; and

**WHEREAS**, at said hearing, this Board reviewed and considered the proposed fees and charges, all supporting information including but not limited to the data described above, any protests against the proposal, any other information in support of or in opposition to the proposal, and all other relevant information presented as prescribed by law; and

**WHEREAS**, at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the proposed fees and all related matters; and

**WHEREAS**, the public hearing was thereafter closed, on December 13, 2005; and

**WHEREAS**, 19 written protest had been filed with the Clerk of the Board, and other protests were submitted prior to or during the December 13, 2005 hearing; and

**WHEREAS**, on December 13, 2005, Resolution No. 05-~~159~~ was brought forth to the Board of Supervisors for approval including the future increases that were noticed through letters to the North Davis Meadows County Service Area, public notices, staff reports, and at the public hearing;

**NOW THEREFORE BE IT RESOLVED, ORDERED AND FOUND** by the Board of Supervisors of the County of Yolo as follows:

1. Each of the foregoing recitals is true and correct.
2. There are 467 parcels subject to the proposed water service fee increase and sewer service fee increase; the 19 protests are therefore not sufficient to constitute a majority protest.
3. This Board of Supervisors hereby adopts the El Macero County Service Area Report, fee rate analysis of Sewer and Water Service Charges attached hereto as Exhibit "A" and incorporated herein by this reference.
4. Based upon the foregoing, this Board is authorized to levy and collect increased fees and charges for sewer service on parcels lying within the El Macero County Service Area on an ongoing basis, year by year, in an amount not to exceed \$376 per occupied parcel and \$271 per unoccupied parcel. Sewer fees shall be increased to no more than \$430 per occupied parcel and \$309 per

unoccupied parcel in fiscal year 2006/2007, and no more than \$476 per occupied parcel and \$343 per unoccupied parcel in fiscal year 2007/2008. Thereafter, sewer fees shall be increased annually as needed by not more than the Consumer Price Index (CPI-W and CPI-U) for the San Francisco-Oakland-San Jose, CA area for the most recent February to February as compiled by the Bureau of Labor Statistics.

5. Based upon the foregoing, this Board is also authorized to levy and collect increased fees and charges for water service on parcels lying within the El Macero County Service Area on an ongoing basis, year by year, in an amount not to exceed \$494 per occupied parcel and \$356 per unoccupied parcel. Water fees shall be increased to no more than \$542 per occupied parcel and \$391 per unoccupied parcel in fiscal year 2006/2007, and no more than \$562 per occupied parcel and \$405 per unoccupied parcel in fiscal year 2007/2008. Thereafter, water fees shall be increased annually as needed by not more than the Consumer Price Index (CPI-W and CPI-U) for the San Francisco-Oakland-San Jose, CA area for the most recent February to February as compiled by the Bureau of Labor Statistics.

6. Based upon the foregoing, this Board hereby levies the fees and charges for water and sewer services on parcels lying within the El Macero County Service Area on an ongoing basis, year by year, in the amounts set forth in the Service Charge Report attached hereto as Exhibit A, to be adjusted annually by the approved increases herein.

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

- A. Each fee or charge imposed herein is a levy other than an ad valorem tax, a special tax or an assessment, and is imposed upon a parcel or a person as an incident of property ownership consisting of a user fee or charge for sewer and water service.
- B. These sewer and water service fees and charges are property related services, having a direct relation to property ownership.
- C. Revenues derived from the fee or charge imposed herein will not exceed the funds required to provide property related sewer and water service in the El Macero County Service Area.
- D. The revenues derived from the fee will not be used for any other purpose other than that for which the fee is imposed.
- E. The fee imposed herein does not exceed the proportional cost of service attributable to each parcel.
- F. No fee is imposed unless sewer and water service is actually used by, or immediately available to, the owner of the property in question. No fee is imposed on the basis of a mere potential of future use of either service.
- G. No fee 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.

8. 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 sewer and water services are available and that each such parcel is a parcel of real property receiving said services in the El Macero County Service Area.

9. It is further ordered that the service fees and charges as levied hereinabove shall be collected at the same time and in the same manner as ordinary County Ad Valorem Taxes are collected and as provided in Chapter 8 of Title 3 of the Yolo County Code.

10. 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 of Yolo, and the Auditor-Controller is hereby requested to post said fees and charges beginning in the 2006-07 tax roll of the County.

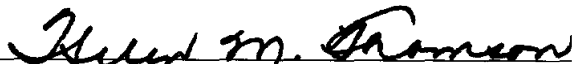
**PASSED AND ADOPTED** by the Board of Supervisors of the County of Yolo, State of California, this 13th day of December, 2005, by the following vote:

AYES: **siefeman, Jr., Pamada, McGowan, Thomson.**

NOES: **None.**

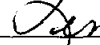
ABSENT: **Chamberlain.**

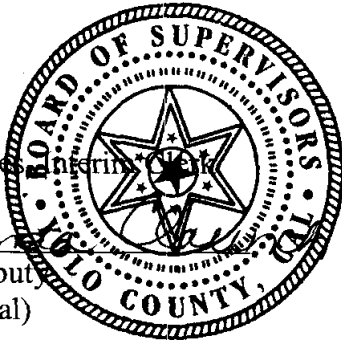
ABSTENTION: **None.**

  
\_\_\_\_\_  
Helen M. Thomson, Chairwoman  
Board of Supervisors  
County of *Yolo*, State of California

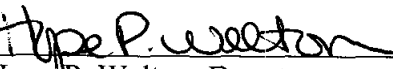
Attest:

Ana Morales, Interim Clerk

By   
\_\_\_\_\_  
Deputy  
(Seal)



Steven M. Basha, County Counsel  
Approved as to Form:

By   
\_\_\_\_\_  
Hope P. Welton, Deputy





# County of Yolo

## BOARD OF SUPERVISORS

625 Court Street, Room 204  
Woodland, California 95695-1268  
(530) 666-8195 FAX (530) 666-8193  
www.yolocounty.org

First District – **Michael H. McGowan**  
Second District – **Helen M. Thomson**  
Third District – **Frank Sieferman, Jr.**  
Fourth District – **Mariko Yamada**  
Fifth District – **Duane Chamberlain**

County Administrator – Sharon Jensen  
Interim Clerk of the **Board** - Ana Morales

### LEGAL NOTICE

### NOTICE OF PUBLIC HEARING

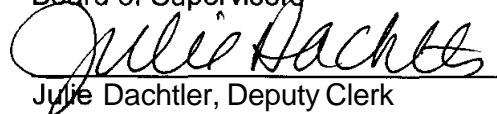
The Yolo County Board of Supervisors will be conducting a public hearing on Tuesday, December 13, 2005, at 10:30 AM in the Board of Supervisors Chambers in the Erwin Meier Administration Center at 625 Court Street, Woodland, California, regarding the following:

Consideration of a resolution authorizing the Increase of water service and sewer service fees within the El Macero County Service Area. The water service and sewer service fee increase apply only to parcels within the El Macero County Service Boundaries.

Written comments on any aspect of the proposed resolution are invited and should be addressed to the Clerk of the Board, 625 Court Street, Room 204, Woodland, California at or before the close of the public hearing. A copy of the proposed resolution and other associated materials are available for review at the Office of the Clerk of the Board of Supervisors.

DATED: November 30, 2005

Ana Morales, Interim Clerk of the  
Board of Supervisors

  
Julie Dachtler, Deputy Clerk