BOARD OF SUPERVISORS

Yolo County, California

Date: July 28, 2015

To: PPWES
Fin Syco.

39.

Hold a Proposition 218 Public Hearing, tabulate protest votes, and adopt the resolution incorporating sewer fee increases for future fiscal years for the North Davis Meadows County Service Area. (No general fund impact) (Echiburu/Espinoza)

Minute Order No. 15-90: Held public hearing and approved recommended action by **Resolution No. 15-86**.

MOVED BY: Saylor / SECONDED BY: Provenza

AYES: Provenza, Chamberlain, Villegas, Saylor, Rexroad.

NOES: None. ABSTAIN: None. ABSENT: None.



County of Yolo

www.yolocounty.org

To: Supervisor Matt Rexroad, Chair

and Members of the Board of Supervisors

Time Set # 39.

Board of Supervisors Meeting

Meeting Date: 07/28/2015

Brief Title: Prop 218 Public Hearing for Proposed Sewer Fee Increases in

North Davis Meadows County Service Area

From: Taro Echiburu, Director, Planning, Public Works & Environmental

Services

Staff Contact: Regina Espinoza, Manager of County Service Areas and Special

Districts, PPWES, x8725

Subject

Hold a Proposition 218 Public Hearing, tabulate protest votes, and adopt the resolution incorporating sewer fee increases for future fiscal years for the North Davis Meadows County Service Area. (No general fund impact) (Echiburu/Espinoza)

Recommended Action

- A. Direct staff to tabulate Prop. 218 ballots received by the close of the public hearing.
- B. Adopt resolution to include sewer fee increases for future fiscal years for the North Davis Meadows County Service Area (CSA).
- C. Direct the Clerk of the Board of Supervisors to forward a certified copy of the resolution to the Department of Financial Services.

Strategic Plan Goal(s)

Provide fiscally sound, dynamic and responsive services

Reason for Recommended Action/Background

The recommended actions are required to obtain authority to modify the rate/fee for sewer service in the North Davis Meadows County Service Area. These changes have been included in the Notices of Public Hearing and Protest. If the change or increase is subject to a majority protest, services to the community will be impacted. Based on the City of Davis' escalating sewer fee, and North Davis Meadows' full cost recovery of increased prices for operations and maintenance of water and sewer systems, the annual sewer expenditures will exceed annual revenue by approximately \$30,000 in 2015/2016 should the proposed fee increases not occur.

Over the last 5 years, the cost to provide sewer service has increased significantly, and in order to continue to provide the service at cost, fees collected from property owners within the district will need to be increased. Any change in the sewer fee is subject to Proposition 218, which requires more than 50%, plus one of the affected property owners to successfully protest a fee increase.

The City of Davis is the provider of the services through agreement with the CSA. The CSA has been paying the same price for sewer services as a City of Davis resident would within the City. The city charges the CSA based on a fixed charge and variable charge with component of winter water consumption. This rate has been steadily increasing, however the residents in North Davis have not been paying at the same steady increase. The residents are paying based on the previous proposition 218 fees that the City had undergone some years ago. This issue is now causing budget disparity. Revenues are no longer equaling expenditures. The amount of sewer fee being collected in the last several years has not been the same as the sewer fee that the City of Davis is billing the County of Yolo therefore the necessity for the Proposition 218. The proposed fee increase is a pass through from the City of Davis and included in the most recent Proposition 218 rate that is available at the City of Davis.

Collaborations (including Board advisory groups and external partner agencies)

North Davis Meadows CSA Advisory Committee, City of Davis, County Counsel

Fiscal Information

No Fiscal Impact

Fiscal Impact of this Expenditure

Total cost of recommended action \$0

Amount budgeted for expenditure \$0

Additional expenditure authority needed \$0

On-going commitment (annual cost)

General Fund \$0

Further explanation as needed

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. This recommendation would also allow for full cost recovery for the delivery of services and administrative costs.

Attachments

Att. A. Resolution

Att. B. Public Hearing Notice

Form Review

 Inbox
 Reviewed By
 Date

 Taro Echiburu
 07/21/2015 10:41 AM

 Ivan Vonk
 Ivan Vonk
 07/21/2015 10:45 AM

 County Counsel
 Eric May
 07/21/2015 11:25 AM

 Form Started By: Regina Espinoza
 Started On: 06/23/2015 04:22 PM

Final Approval Date: 07/21/2015

FILED

AUG 032015

RESOLUTION NO. 15 - 86

CLERK OF THE BOARD
DEPUTY

(Resolution Increasing Fees and Charges for Sewer Services in the North Davis Meadows County Service Area)

WHEREAS, this Board of Supervisors ("Board") is authorized by Government Code Sections 25210 and following to provide sewer service in the North Davis Meadows County Service Area and to levy service fees and charges to pay for those services; and

WHEREAS, in 1997 and 1998 this Board previously exercised that authority to provide for the maintenance and operation of the sewer system servicing the North Davis Meadows County Service Area 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 2008 and 2005; and

WHEREAS, on June 9, 2015, a written board report was filed with this Board recommending increased sewer charges for the North Davis Meadows County Service Area, for the fiscal year 2015-16 and for each year thereafter; and

WHEREAS, based upon that report, on June 9, 2015 this Board initiated proceedings to consider increasing the North Davis Meadows County Service Area sewer fees and charges, and set a public hearing for 9 a.m. on July 28, 2015 to consider the proposed fee increases, 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 July 28, 2015 at 625 Court Street, Woodland, California, to consider approval of the proposed increases to sewer 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 July 28, 2015 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 July 28, 2015, this Board opened a public hearing on the sewer service fees and charges; 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 July 28, 2015; and

WHEREAS, 12 written protest(s) had been filed with the Clerk of the Board; and

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 83 parcels subject to the proposed sewer service fee increase; the protest is therefore not sufficient to constitute a majority protest.
- 3. This Board of Supervisors hereby adopts the North Davis Meadows County Service Area Notice of Fee Increase Proceedings and Public Hearing 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 North Davis Meadows County Service Area on an ongoing basis, year by year, as is stated in the Notice of Fee Increase on a per parcel basis. Sewer fees shall be increased by the set rate structure shown in the Notice per year in fiscal year 2015-2016. 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 hereby levies the fees and charges for sewer services on parcels lying within the North Davis Meadows County Service Area on an ongoing basis, year by year, in the amounts set forth in the Notice of Public Hearing 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 service.

- B. These sewer service fee 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 service in the North Davis Meadows 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 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 within the North Davis Meadows County Service Area for which sewer services are available and that each such parcel is a parcel of real property receiving said services in the North Davis Meadows 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 to the 20015-16 tax roll of the County.
- 11. This Resolution supersedes and replaces Resolution No. 08-119

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, this 28th day of July, 2015, by the following vote:

AYES: Provenza, Chamberlain, Villegas, Saylor, Rexroad.

NOES: None. ABSENT: None. ABSTENTION: None. Matt Rexroad, Chairman

Board of Supervisors County of Yolo, State of California

Julie Dachtlei of the Board of Supervisors

Approved as to Form:
Philip J. Pogledich, County Counsel

By

Eric May, Deputy County Counsel

Exhibit A/Attachment B

North Davis Meadows County Service Area Notice of Proposed Fee Increase, Proceedings, and Public Hearing

NOTICE IS HEREBY GIVEN as follows:

The Yolo County Board of Supervisors is considering a fee increase for sewer services for the North Davis Meadows County Service Area. The increase will generate additional revenue required to pay for increased costs for sewer services within the CSA. If approved, the increased fee will be levied upon all benefited parcels of land within the County Service Area as follows:

		ter usage:
Base plus Commodity Charges (charge per ccf of water used during winter mor	ths):	
Annual Single Family Residential:	\$	688.08
Grinder Pump Recovery:	\$	518.29
Administration Recovery:	\$	85.37
Annual Sewer Service Fee (based on actual winter water/sewage flow):	\$.	,322.74
EICCAI VEAD 201 <i>2/</i> 2017 DDADACED ANNILLAI EEEC		
FISCAL YEAR 2015/2016 PROPOSED ANNUAL FEES Sewer services based on a City of Davis monthly charge and a commodity rate for	winte	: water usa
	winte	water usa
Sewer services based on a City of Davis monthly charge and a commodity rate for	winte	water usa;
Sewer services based on a City of Davis <u>monthly</u> charge and a commodity rate for Base fixed Charges:		·
Sewer services based on a City of Davis <u>monthly</u> charge and a commodity rate for Base fixed Charges: Single Family Residential:	\$	21.41
Sewer services based on a City of Davis monthly charge and a commodity rate for Base fixed Charges: Single Family Residential: Service Fee:	\$	21.41
Sewer services based on a City of Davis monthly charge and a commodity rate for Base fixed Charges: Single Family Residential: Service Fee: Commodity Charges (charge per ccf of water used during winter months):	\$ \$	21.41 3.11

Note: All Fees will continue to be charged annually on the property tax bill. The fees are not deductible from federal or state income taxes.

Thereafter, sewer service fees may be increased by no 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 as necessary to pay for inflationary increases to the costs of providing sewer services.

At 9:00 a.m. (or as soon thereafter as circumstances permit) on July 28, 2015, in the Board of Supervisors Chambers, at 625 Court Street, Room 206, Woodland, California, the Board of Supervisors will hold a Public Hearing to consider the proposed fee increase, and to receive and consider all public comments, including but not limited to the counting of any ballots in protest of the proposed fee increase received by the Clerk of the Board at the time of the Public Hearing. Should ballots opposing the proposed fee increase exceed 50 percent of the parcels in the affected County Service Area, the increase will not be adopted.

The service that is the subject of this proposed fee increase is described in the City of Davis Municipal Code and was adopted by the City of Davis in a prior Proposition 218 election with documents on file at the City of Davis.

An Engineer's Report provides the basis for calculating the proposed fee increase. This report is available to the public, and includes information related to the proposed fee, including the cost or estimated cost of providing the service for which the 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. This information is available for review at the City of Davis Administrative Offices or attainable through the Clerk of the Board of Supervisors, at 625 Court Street, Room 204, Woodland, California.

All interested persons are invited to attend and be heard at the time of the hearing. As provided in state law, including but not limited to Article XIII.D of the California Constitution, any interested person may file a ballot for or against the proposed assessment with the Clerk of the Board at 625 Court Street, Room 204, Woodland, California, before the close of the public hearing.

Additional information regarding the proposed fee increase may be obtained from Regina Espinoza, County Service Area Manager, at (530) 666-8725.

Dated: July 14, 2015

Julie Dachtler Clerk of the Board of Supervisors

Filing Stamp

STATE OF CALIFORNIA County of Yolo

I am a citizen of the United States and a resident of the county aforesaid. I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of

THE DAVIS ENTERPRISE 315 G STREET

printed and published Tuesday through Friday and Sunday in the city of Davis, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of July 14, 1952, Case Number 12680. That the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been issue of said newspaper and not in any supplement thereof on the following dates to-wit:

July 14, 21

All in the year(s) 2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct

Dated at Davis, California, This 2,1th day of July, 2015.

Sarah Douglas

kr

Legal Advertising Clerk

FILED

JUL 242015 DEPUTY CLERK OF THE BOARD

Proof of Publication DE206332 PHN

Public Notices

Public **Notices**

Public Notices

North Davis Meadows County Service Area Notice of Proposed Fee Increase, Proceedings, and Publ

NOTICE IS HEREBY GIVEN as follows:

The Yolo County Board of Supervisors is considering a fee increas for the North Davis Meadows County Service Area. The increase tional revenue required to pay for increased costs for sewer servic approved, the increased fee will be levied upon all benefited parcicounty Service Area as follows:

FISCAL YEAR 2014/2015 CURRENT ANNUAL FEES

Sewer services based on a City of Davis base charge and Sewer services based on a city of Davis base shared and for winter water usage:
Base plus Commodity Charges (charge per ccf of water months):
Annual Single Family Residential:
Grinder Pump Recovery:
Administration Recovery:

Annual Sewer Service Fee (based on actual winter water/sewage flow):

FISCAL YEAR 2015/2016 PROPOSED ANNUAL FEES

Sewer services based on a City of Davis monthly charge rate for winter water usage:
Base finale Family Base Standards Tamble Base St Base fixed Charges:
Single Family Residential:
Service Fee:
Commodity Charges (charge per ccf of water used during winter months):
Single Family Residential:
Grinder Pump Recovery:
Administration Recovery:

Estimated Annual Sewer Service Fee (based on current winter water/sewage flow):

Note: All Fees will continue to be charged annually on the propare not deductible from federal or state income taxes.

Thereafter, sewer service fees may be increased by no more tha Index (CPI-W and CPI-U) for the San Francisco-Oakland-San Jose, recent February to February as compiled by the Bureau of Labor ry to pay for inflationary increases to the costs of providing sewer

At 9:00 a.m. (or as soon thereafter as circumstances permit) on July 2 Supervisors Chambers, at 625 Court Street, Room 206, Woodland, (Supervisors will hold a Public Hearing to consider the proposed fee is and consider all public comments, including but not limited to the coprotest of the proposed fee increase received by the Clerk of the Brublic Hearing. Should ballots opposing the proposed fee increase expancels in the affected County Service Area, the increase will not be ad

The service that is the subject of this proposed fee increase is do Davis Municipal Code and was adopted by the City of Davis in a election with documents on file at the City of Davis.

An Engineer's Report provides the basis for calculating the proposed f is available to the public, and includes information related to the project or estimated cost of providing the service for which the fee is p the revenue sources anticipated to provide the service (including gene the bases of the allocation of the cost of the services. This informatio at the City of Davis Administrative Offices or attainable through the Supervisors, at 625 Court Street, Room 204, Woodland, California.

All interested persons are invited to attend and be heard at the ti provided in state law, including but not limited to Article XII.D of tution, any interested person may file a ballot for or against the with the Clerk of the Board at 625 Court Street, Room 204, Wo fore the close of the public hearing.

Additional information regarding the proposed fee increase may gina Espinoza, County Service Area Manager, at (530) 666-8725.

Dated: July 14, 2015

DE206332

Sewer Fee Increase Ballot

I, Robert Biggs	
(Print Name)	THE INTERNATION
Oppose the Proposed Sewer Fee Increase	PROUNTED DOES NOT Sufficiently Explain
(check)	The A 49/00 Tucses
Property Address or Assessor's Parcel Number: 24171 FARA WA	PRECEIVED
	JUN 182015
Signature: Must begg	CLERK OF THE BOARD OF SUPERVISORS

THE TANK DISTRIBUTE THE COUNTY DESCRIPTION TANGEN	RECEIVED
Sewer Fee Increase Ballot	JUN 172015
I, Richard D. YAMAGUCHI (Print Name)	CLERK OF THE BOARD OF SUPERVISORS
Oppose the Proposed Sewer Fee Increase	
Property Address or Assessor's Parcel Number: 39423 Black hawk P	lace
Signature: Rest Val.	

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot Rovell C. Gondon I, Ronell L. Dardon (Print Name) Check) Sewer Fee Increase Ballot (Print Name)	JUN 182015 CLERK OF THE BOARD OF SUPERVISORS
Property Address or Assessor's Parcel Number: 041-190-010-000	
Signature: Rosell L. Bordon	

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot	JUN 182015
I, Sue Hussey & Bruce Thompson (Print Name)	OF SUPERVISORS
Oppose the Proposed Sewer Fee Increase (check) The numbers pusented do not aa	ld up,
Property Address or Assessor's Parcel Number: 39313 Spanish BAy 4, DAV 15 956 16	2/
Signature: Sue the Seq	

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot	RECEIVED
I, Kristine Weknen (Print Name)	JUN 182015 CLERK OF THE BOARD OF SUPERVISORS
Oppose the Proposed Sewer Fee Increase (check)	
Property Address or Assessor's Parcel Number: 39661 Covey Court	
Signature: Juis lucinum	

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot		GEWED
I, 303 3021 5 (Print Name)	LERI	UN 192015 KOFTHE BOARD SUPERVISORS
Oppose the Proposed Sewer Fee Increase		
Property Address or Assessor's Parcel Number: 39396 BLACKHAN/K		
Signature: 33/3/1/2-35 40% INCREASE	is producers	s ZIXIUCH

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

	RE	BEWEU
Sewer Fee Increase Ballot	, 192 (425 (425) (425) (425) (425)	0 4 2045
I, RANDALL TAKEMOTO (Print Name)	CLERK	N 2 4 2015 OF THE BOARD UPERVISORS
Oppose the Proposed Sewer Fee Increase		
Property Address or Assessor's Parcel Number: 39444 SPY6LASS	PLACE DAVI	5, 95616
Signature: Curdy		

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot	CEIVED
I, Jan M Campbell CLERK	UN 25 2015 COF THE BOARD SUPERVISORS
Oppose the Proposed Sewer Fee Increase (check)	
Property Address or Assessor's Parcel Number: 041-170-010-000	
Signature: Jan M Campbelf	

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot	RECEIVED
I, Matthew E. Rafter (Print Name)	JUN 25 2015 _ CLERK OF THE BOARD OF SUPERVISORS
Oppose the Proposed Sewer Fee Increase	
Property Address or Assessor's Parcel Number: Davis CA 95616	
Signature: MZ DUS	-

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot	RECEIVED
I, <u>Charles E. Green</u> (Print Name)	JUN 292015 CLERK OF THE BOARD OF SUPERVISORS
Oppose the Proposed Sewer Fee Increase	
Property Address or Assessor's Parcel Number: 39648 Lupine CT	
Signature: Morles Reen	

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Sewer Fee Increase Ballot	REO	ENED
I, Sandra Labouratte: (Print Name)	CLERK (2 9 2015 Of the BOARD PERVISORS
Oppose the Proposed Sewer Fee Increase		
Property Address or Assessor's Parcel Number: 39744 Morning Dove Pl		
Signature: MMM LADWINGTH		

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to:

Use this Form to Support or Protest the Proposed Water Fee Increase in the El Macero County Service Area.

Water Fee Increase Ballot	REC	EIVED
I, Ronald Riverg (Print Name)	CLERK O	0 9 2015 The Board Ervisors
Oppose the Proposed Water Fee Increase		
Property Address or Assessor's Parcel Number: 44103-5, EL Mac evo, Cal	95618	
Signature: <u>Ronald Milesa</u>		

If you wish to use this form as a ballot for protest of the proposed assessment, please complete and mail in a stamped envelope to: