

CSA 34-A

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BRIGHTON CREST



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FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

10/26 - N

November 9, 2007

RECEIVED
NOV 14 2007

Mr. Alan Weaver, Director
Department of Public Works & Planning
2220 Tulare Street, Seventh Floor
Fresno, California 93721

Fresno County
Dept. of Public Works & Planning
Administration

Dear Alan:

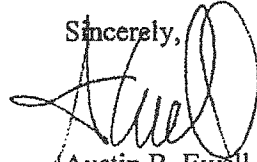
This letter is prepared in coordination with The Clarksfield Company, Inc., with interests in the Brighton Crest Golf Course and the undeveloped portion of Brighton Crest (the Clarksfield Interests), the Brighton Crest Home Owners Association (BCOA), as well as The Fairways at Brighton Crest Home Owners Association (Fairways). The purpose of this letter is to provide the County of Fresno with a summary of terms relating to ongoing issues at Brighton Crest that the parties have agreed to, which is in line with the attached.

1. The parties support the attached Summary of Costs and the allocation of those costs.
2. The parties request that Fresno County proceed immediately to implement the Modified Option A and agreed upon tiered rates with required processing, as well as note the following items listed below:
 - (a) Use of the Reserve Account in the summary to be monitored by the County and users to determine use and future needs.
 - (b) Non-recurring items to be transferred to the Reserve Account.
 - (c) A portion of the Existing Users, water acquisition cost will be transferred to the tiered rate schedule.
 - (d) The tiered rate schedule to be implemented by the County is generally as shown in the attached schedule.
3. BCOA will dismiss with prejudice no later than November 8, 2007, its pending legal action against Fresno County and Lower Tule River Irrigation District, et al.

4. BCOA will support and implement the reimbursement to the Clarksfield Interests for previously-paid costs for the wastewater treatment plant in the amount of \$5,700 per recorded lot over a 10-year payment period for the 154 lots, and requests Fresno County to implement this through a County billing procedure.
5. BCOA and the Clarksfield Interests will work together to create a mutually-agreeable plan for construction of a new cart facility and increased parking for the Golf Course; and the Clarksfield Interests will keep BCOA advised of plans for sale of the Course.
6. BCOA will support the County Conditional Use Permits to allow conversion of the Golf Course to use recycled water.
7. The parties request and support moving the 241 acre feet of CSA-34A water previously allocated to banking to consumptive use allowing for 1.05 acre feet per residence (441 acre feet for 420 residences) and 400 acre feet for the Golf Course.

If you should have any questions, please do not hesitate to contact me.

Sincerely,



Austin B. Ewell, III
Vice President

AE/tmb

Enclosures

cc: BCOA
Timothy W. Mazzela, Esquire
Mr. Jon Rieden, BCOA President
The Fairways at Brighton Crest

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AGREEMENT TO SETTLE CERTAIN PENDING ISSUES

The undersigned Brighton Crest Owners Association (BCOA), The Fairways at Brighton Crest, and The Clarksfield Interests agree as follows:

1. To support the Modified Option A summary of costs and the allocation of those costs as set out in the attached Exhibit.

2. To further request that Fresno County proceed immediately to implement the Modified Option A with required processing.

3. BCOA and Clarksfield Interests will transmit to Fresno County a cover letter requesting Clarksfield and Fresno County to act on the items below.

(a) Use of the Reserve Account in the summary to be monitored by the County and users to determine use and future needs.

(b) Non-recurring items to be transferred to the Reserved Account.

(c) A portion of Existing Users, water acquisition cost will be transferred to the tiered rate schedule.

4. BCOA will dismiss with prejudice no later than November 8, 2007, its pending legal action against Fresno County and Lower Tule River Irrigation District, et al.

5. The tiered rate schedule to be implemented by the County is generally as shown in the attached schedule.

6. BCOA will support and implement the reimbursement to the Clarksfield Interests for previously-paid costs for the wastewater treatment plant in the amount of \$5,700 per recorded lot over a 10-year payment period for the 154 lots.

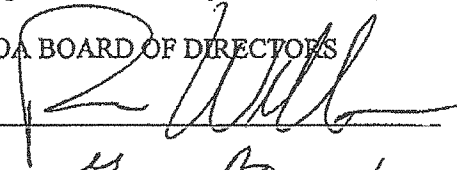
7. BCOA and the Clarksfield Interests will discuss a revised plan to work together for construction of a new cart facility and increased parking for the Golf Course; and the Clarksfield Interests will keep BCOA advised of plans for sale of the Course.

8. BCOA will support the County Conditional Use Permits to allow conversion of the Golf Course to use recycled water.

9. BCOA and the Clarksfield Group to jointly request and support moving 241 acre feet of water previously allocated to banking to consumptive use allowing for 1.15 acre foot per residence (441 acre feet for 420 residences) and 400 acre feet for Golf Course.

The above has been read, approved, and agreed to this 7th day of November, 2007.

BCOA BOARD OF DIRECTORS

By 

By 

By 

By _____

By _____

THE FAIRWAYS AT BRIGHTON CREST

By 

CLARKSFIELD INTERESTS:

By 

By 

By 

CSA 34A - 2007-08 Forecasted Expenditures

	TOTAL	2007-08
7010 AGRICULTURE	\$	170,214
CSA 34A FID Contract 2007	\$	75,000
CSA 34A FID Contract 2008	\$	19,500
Arvin Edison Exchange Agreement	\$	69,450
State Water Rights Fee	\$	1,025
Winchell Pump Station Lic.	\$	500
Firming LTRID Admin.	\$	4,739
7040 TELEPHONE	\$	500
	\$	500
7101 INSURANCE	\$	2,500
	\$	2,500
7205 MAINTENANCE-EQUIPMENT	\$	15,000
Misc.	\$	500
Chem Quip/Helenn Chem	\$	4,000
Cummins West	\$	1,500
Borges & Mahoney	\$	1,500
Fuel and Prorates	\$	7,500
7220 BUILDING & MAINTENANCE	\$	85,050
AAA Sweeping	\$	4,800
A-C Electric Company	\$	9,000
Central State/AAA Quality	\$	1,000
Electric Motor/Allied Elec.	\$	750
Borges & Mahoney	\$	250
Valley Pipe Supply	\$	1,000
Hach Company	\$	250
Truck Mileage	\$	8,000
Travis Construction - Replumb Well	\$	15,000
Pump Replacement	\$	30,000
Misc.	\$	15,000
7250 MEMBERSHIPS	\$	50
	\$	50
7265 OFFICE EXPENSE	\$	1,000
	\$	1,000
7268 POSTAGE	\$	100
	\$	100
7287 PEOPLESOFT FINANCIAL CHANGES	\$	12,000
	\$	12,000
7295 PROFESSIONAL & SPEC. SERVICES	\$	155,675
Audits/Financial Statement (Consultant)	\$	2,025
County Counsel	\$	1,000

4368-Field	\$	70,000
4368-Office & Prorates	\$	50,000
4360-Resources	\$	3,500
4367-General Ledger Accounting	\$	6,000
Twining Laboratories	\$	6,000
Engineer (Cost Analysis)	\$	10,000
Prop 218/Public Mtgs.	\$	6,550
Misc.	\$	600
7325 PUBLICATIONS & LEGAL NOTICES	\$	100
	\$	100
7400 SPECIAL DEPARTMENTAL EXP.	\$	2,659
Drinking Water Permit	\$	415
Waste Discharge Requirements	\$	1,744
Misc.	\$	500
7430 UTILITIES	\$	70,000
Streetlighting	\$	2,200
Water Sewer	\$	67,800
TOTAL EXPENDITURES	\$	514,848

Modified Option A

		<u>Golf Course</u>	<u>86 Users</u>	<u>72 Existing Recorded Lots</u>	<u>266 Remaining Unrecorded Lots</u>
7010 AGRICULTURE	\$ 306,264				
Arvin Edison Exchange Agrmnt (600 AF)	\$ 300,000	\$ 200,000	\$ 100,000	\$ -	\$ -
State Water Rights Fee (841 AF)	\$ 1,025	\$ 488	\$ 76	\$ 155	\$ 306
Winchell Pump Station Lic.	\$ 500	\$ 238	\$ 37	\$ 76	\$ 149
Firming LTRID Admin.	\$ 4,739	\$ 2,254	\$ 351	\$ 718	\$ 1,415
7040 TELEPHONE	\$ 515				
	\$ 515	\$ 343	\$ 144	\$ 22	\$ 6
7101 INSURANCE	\$ 2,575				
	\$ 2,575	\$ 1,225	\$ 191	\$ 390	\$ 769
7205 MAINTENANCE-EQUIPMENT	\$ 15,450				
Misc.	\$ 515	\$ 245	\$ 39	\$ 78	\$ 154
Chem Quip/Helenn Chem	\$ 4,120	-	\$ 2,657	\$ 1,208	\$ 255
Cummins West	\$ 1,545	\$ 1,030	\$ 121	\$ 221	\$ 173
Borges & Mahoney	\$ 1,545	\$ 1,030	\$ 121	\$ 221	\$ 173
Fuel and Prorates	\$ 7,725	\$ 773	\$ 2,278	\$ 2,651	\$ 2,024
7220 BUILDING & MAINTENANCE	\$ 87,162				
AAA Sweeping	\$ 4,944	\$ 494	\$ 2,199	\$ 2,191	\$ 59
A-C Electric Company	\$ 9,270	\$ 927	\$ 2,547	\$ 3,367	\$ 2,429
Central State/AAA Quality	\$ 1,030	-	\$ 716	\$ 250	\$ 63
Electric Motor/Allied Elec.	\$ 773	\$ 77	\$ 212	\$ 281	\$ 202
Borges & Mahoney	\$ 258	\$ 26	\$ 71	\$ 94	\$ 67
Valley Pipe Supply	\$ 1,030	\$ 103	\$ 283	\$ 374	\$ 270
Hach Company	\$ 258	-	\$ 244	\$ 11	\$ 3
Truck Mileage	\$ 8,240	\$ 824	\$ 2,264	\$ 2,993	\$ 2,159
SSO/SSMP	\$ 15,450	-	\$ 5,327	\$ 6,075	\$ 4,048
Raw Water Pump Replacement	\$ 30,900	\$ 14,697	\$ 2,448	\$ 4,424	\$ 9,331
Misc.	\$ 15,000	\$ 1,500	\$ 4,122	\$ 5,448	\$ 3,930
7260 MEMBERSHIPS	\$ 52				
	\$ 52	\$ 5	\$ 16	\$ 17	\$ 13
7265 OFFICE EXPENSE	\$ 1,030				
	\$ 1,030	\$ 103	\$ 314	\$ 343	\$ 270
7268 POSTAGE	\$ 103				
	\$ 103	\$ 1	\$ 47	\$ 49	\$ 6
7287 PEOPLESOFT FINANCIAL CHARGES	\$ 12,360				
	\$ 12,360	\$ 1,236	\$ 4,880	\$ 5,478	\$ 768
7295 PROFESSIONAL & SPEC. SERVICES	\$ 160,345				
Audits/Financial Statement (Consultant)	\$ 2,086	\$ 209	\$ 1,032	\$ 716	\$ 129
County Counsel	\$ 1,030	\$ 103	\$ 510	\$ 353	\$ 64
4368-Field Staff	\$ 72,100	\$ 7,210	\$ 19,813	\$ 26,187	\$ 18,890
4368-Office Staff & Prorates	\$ 51,500	\$ 5,150	\$ 14,152	\$ 18,705	\$ 13,493
4360-Resources Management	\$ 3,605	\$ 361	\$ 991	\$ 1,309	\$ 945
4367-Financial Services	\$ 6,180	\$ 618	\$ 1,698	\$ 2,245	\$ 1,619
Twining Laboratories	\$ 6,180	-	\$ 2,749	\$ 3,048	\$ 383
Rate Analysis	\$ 10,300	\$ 1,030	\$ 2,830	\$ 3,741	\$ 2,689
Prop 218-Roads/Public Mtgs/Etc.	\$ 6,747	\$ 675	\$ 1,652	\$ 2,315	\$ 2,105
Misc.	\$ 618	\$ 62	\$ 182	\$ 212	\$ 162
7325 PUBLICATIONS & LEGAL NOTICES	\$ 103				
	\$ 103	\$ 10	\$ 37	\$ 28	\$ 27
7400 SPECIAL DEPARTMENTAL EXP.	\$ 2,739				
Drinking Water Permit	\$ 427	\$ 203	\$ 39	\$ 74	\$ 111
Waste Discharge Requirements	\$ 1,796	-	\$ 602	\$ 724	\$ 471
Misc.	\$ 515	\$ 245	\$ 49	\$ 85	\$ 136
7430 UTILITIES	\$ 72,100				
Streetlighting	\$ 2,266	\$ 227	\$ 668	\$ 776	\$ 594
Water Sewer	\$ 69,834	\$ 39,568	\$ 30,266	\$ -	\$ -
TOTAL EXPENDITURES	\$ 660,787	\$ 283,287	\$ 208,974	\$ 87,656	\$ 70,870
Contingency Reserves:	\$ 66,078	\$ 28,329	\$ 20,900	\$ 9,759	\$ 7,091
Total O&M Plus Reserves	\$ 726,866	\$ 311,616	\$ 229,874	\$ 107,415	\$ 77,961
Fixed Costs	\$ 290,953	\$ 43,719	\$ 78,708	\$ 97,656	\$ 70,870
Variable Costs	\$ 369,834	\$ 239,568	\$ 130,266	\$ -	\$ -
Contingency	\$ 66,079	\$ 28,329	\$ 20,900	\$ 9,759	\$ 7,091
Total Costs	\$ 726,866	\$ 311,616	\$ 229,874	\$ 107,415	\$ 77,961

CSA 34A - Breakdown of User Fees and Assessments:

User Fees (Water):

		<u>Annually</u>	<u>Monthly</u>
*86 Users Arvin Edison	\$ 100,000	\$ 1,162.79	\$ 96.90
*86 Users Electricity	\$ 27,239	\$ 316.73	\$ 26.39
Golf Course Arvin Edison	\$ 200,000	\$ 200,000.00	\$ 16,666.67
Golf Course Electricity	\$ 39,568	\$ 39,568.00	\$ 3,297.33

User Fees (Sewer):

		<u>Annually</u>	<u>Monthly</u>
*86 Users Electricity	\$ 3,027	\$ 35.20	\$ 2.93

\$ 369,834

Assessment (Water/Sewer/Lighting/Street Sweeping):

		<u>Annually</u>	<u>Monthly</u>
*158 Available Connections (Total Cost - User Fees Above)	\$ 176,364	\$ 1,116.23	\$ 93.02
Golf Course (Total Cost - User Fees Above)	\$ 43,719	\$ 43,719.29	\$ 3,643.27
266 Remaining Unrecorded Lots (Total Cost)	\$ 70,870	\$ 266.43	\$ 22.20

\$ 290,953

Assessment (50% Reserves):

		<u>Annually</u>	<u>Monthly</u>
*158 Available Connections	\$ 30,659	\$ 194.04	\$ 16.17
Golf Course	\$ 28,329	\$ 28,328.85	\$ 2,360.74
266 Remaining Unrecorded Lots	\$ 7,091	\$ 26.66	\$ 2.22

\$ 66,079

Total User Fees & Assessments:

\$ 726,866

*Includes Clubhouse (2 EDU), Restrooms (1), and Guard Shack (1).

Proposed Monthly Base and Tiered Water Rate:

Residential/Restrooms/Guard Shack:

					1.5 ac Ft Example
**Base Rate = 0 - 13,500 Gallons	\$	26.36		\$	26.36
Tier 1 = 13,501 - 20,500 Gallons	\$	2.00	per 1000 gallons	\$	14.00
Tier 2 = 20,501 - 27,500 Gallons	\$	2.50	per 1000 gallons	\$	17.50
Tier 3 = 27,501 Gallons +	\$	2.50	per 1000 gallons	\$	33.75 \$ 91.61

**13,500 Gallons x 12 Months = 162,000 Gallons = 1/2 Acre Foot

Clubhouse (2 EDU):

Base Rate = 0 - 27,000 Gallons	\$	52.72
Tier 1 = 27,001 - 41,000 Gallons	\$	2.00 per 1000 gallons
Tier 2 = 41,001 - 55,000 Gallons	\$	2.50 per 1000 gallons
Tier 3 = 55,001 Gallons +	\$	2.50 per 1000 gallons

Golf Course Monthly Fee:

***Base Monthly Fee	\$	19,864
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***If 400 Acre Foot Annual Allotment (130,340,568 Gallons) is Exceeded, The Following Tiered Rates Apply:

Tier 1 = 130,340,568 - 133,599,000 Gallons	\$	1.92 per 1000 gallons
Tier 2 = 133,599,001 - 136,857,000 Gallons	\$	2.00 per 1000 gallons
Tier 3 = 136,857,000 Gallons +	\$	2.55 per 1000 gallons