



Agenda Item 19

DATE: January 29, 2008
 TO: Board of Supervisors
 FROM: Alan Weaver, Director *Alan Weaver*
 Department of Public Works and Planning
 SUBJECT: Protest Hearing on Establishing New Monthly Water and Tiered Fees for County Service Area No. 34-A, Brighton Crest Subdivision

RECOMMENDED ACTION:

Conduct a protest hearing on imposing new water user fees for County Service Area No. 34-A (CSA No. 34-A) as required under Proposition 218; if there is not a majority protest on the new water fees, adopt resolution establishing new fees; and direct staff to include increased fees on the Master Schedule of Assessments, Fees, Charges, and Recovered Costs for Administrative Purposes.

If there is a majority protest, adopt resolution rejecting the new fees and direct staff to meet with this District's advisory council on future direction.

Department staff has met with the Homeowners Association (HOA), developer, and property owners for the past three months discussing water issues, cost of services, and options on calculating new assessments, monthly base and tiered water rates. The proposed monthly base and tiered water rates are being considered today.

FISCAL IMPACT:

There are no net County costs associated with the recommended action. All costs for the operation of the water system will be paid by the benefiting properties within CSA No. 34-A. The proposed fees will provide the funding that is needed to operate CSA No. 34-A.

IMPACTS ON JOB CREATION:

The recommended action has no impact on job creation.

ADMINISTRATIVE OFFICE REVIEW

Carroll

Page 1 of 4

BOARD ACTION: DATE January 29, 2008

APPROVED AS RECOMMENDED

OTHER



SEE PAGE 3 FOR BOARD ACTION.

Official Action of Board of Supervisors

UNANIMOUS ANDERSON _____ CASE _____ LARSON _____ PEREA _____ WATERSTON _____

DISCUSSION:

County Service Area No. 34-A (CSA No. 34-A) was formed in 1989 to provide community services for the development of Brighton Crest. The zone consists of 442 acres. Currently, the CSA provides services to a golf course, a clubhouse, a guard shack, a restroom, and 153 recorded lots of which 86 are developed. The district, lying on the east side of Millerton Road, was formed to provide water, sewer, road maintenance and street lighting services to the residents of the community.

County staff has performed a study to develop tiered water rates and adjust the assessments for water, sewer, street lighting and street sweeping services according to their actual current increased costs. The Homeowners Association (HOA), developer and property owners have had previous meetings with Department staff to arrive at the proposed tiered rates and assessments.

A public information meeting was held on December 5, 2007. The meeting was presented by the HOA with County Staff and approximately 35 property owners in attendance.

On December 14, 2007, a letter was mailed to all of the district's property owners. That letter included instructions for submitting protests and provided notice of today's public hearing date. Only owners of the 153 residential recorded parcels, the clubhouse/golf course parcel, and the guard shack and restroom outlot parcels are eligible to protest.

If, after a Proposition 218 process, the property owners reject the new fees, staff will meet with the HOA for further discussion.

The proposed new monthly and tiered fees for CSA No. 34-A are indicated below:

Residential/Restrooms/Guard Shack:

*Base Rate = 0 -13,500 Gallons Monthly	\$26.36
Tier 1 = 13,501 – 20,500 Gallons Monthly	\$2.00 per 1000 gallons
Tier 2 = Over 20,500 – Gallons Monthly +	\$2.50 per 1000 gallons
*13,500 Gallons x 12 Months = 162,000 Gallons = ½ Acre Foot	← IN THE BASE

Clubhouse (2 Equivalent Dwelling Units):

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

Golf Course Monthly Fee:

Base Rate = 0 – 130,340,568 Gallons Annually \$19,964/Monthly

If the Golf Course exceeds 400 Acre Foot Annual Allotment (130,340,568 Gallons) the following Tiered Rates Apply:

Tier 1 = 130,340,569 – 133,599,000 Gallons Annually	\$1.92 per 1000 gallons
Tier 2 = 133,599,001 – 136,857,000 Gallons Annually	\$2.00 per 1000 gallons
Tier 3 = Over 136,857,000 Gallons Annually	\$2.55 per 1000 gallons

If less than 50 percent of 156 eligible property owners submit protest letters on the proposed new fees, the new fees will be approved.

If 79 or more written protests are received, it will be recommended to the Board of Supervisors that the district continue with the existing fees and that staff meet with the HOA for further discussion.

AW:RTR:maw:ef
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11/30/07

BOARD ACTION:

CONDUCTED PROTEST HEARING; NO PUBLIC TESTIMONY; CLOSED HEARING; TABULATED PROTEST LETTERS; CONFIRMED THAT THERE WAS NO MAJORITY PROTEST TO INCREASED FEES; ADOPTED RESOLUTION ESTABLISHING INCREASE FEE AND DIRECTED STAFF TO INCLUDE FEE ON MASTER SCHEDULE OF ASSESSMENTS, FEES, CHARGES AND RECOVERED COSTS FOR ADMINISTRATIVE PURPOSES.

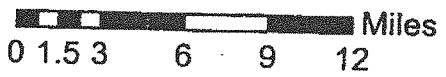
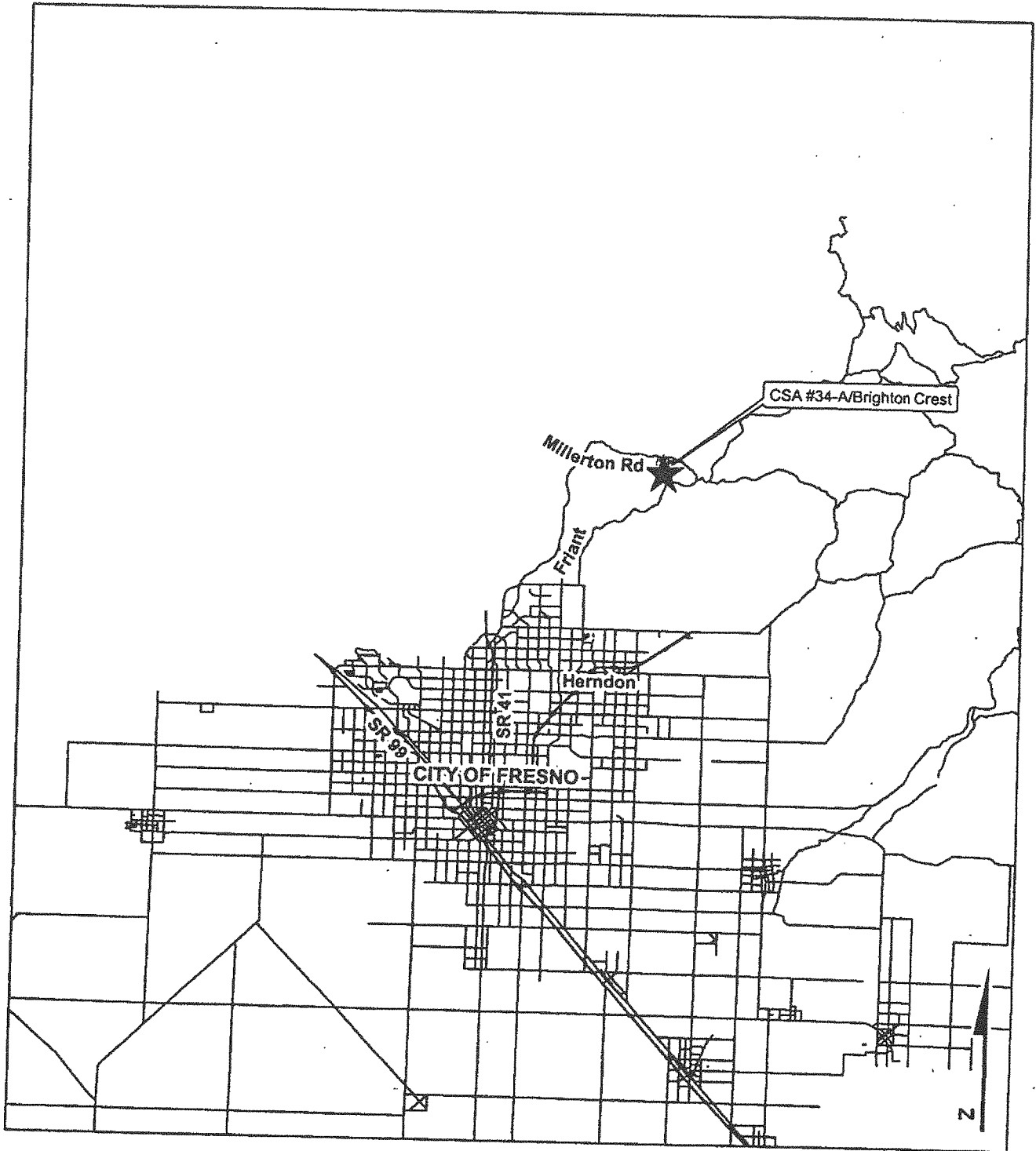
ADOPTED by the following vote, to-wit:

AYES: Supervisors Case, Larson, Anderson, Waterston, Perea

NOES: None

ABSENT: None

CSA No. 34-A (Brighton Crest)



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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF ADOPTED)
INCREASED WATER FEES FOR COUNTY)
SERVICE AREA NO. 34-ZONE "A" FOR)
FISCAL YEAR 2007-08)

RESOLUTION #08-052

WHEREAS, staff has initiated the Proposition 218 process to establish increased monthly and tiered water fees for a golf course and a clubhouse parcel, a guard shack parcel, a restroom parcel, and 153 parcels of residential real property located in County Service Area No. 34-Zone "A" (CSA No. 34-A); and

WHEREAS, a notice of the newly proposed fees for water services with instructions for submitting a written protest was sent on December 14, 2007, to each property owner in CSA No. 34-A at the address provided on the Assessor's tax roll for Fiscal Year 2007-08 in accordance with the provisions of Proposition 218; and

WHEREAS, a protest hearing was held on January 29, 2008, before the Board of Supervisors sitting as the Board of Directors of CSA No. 34-A at which time opportunity was provided to property owners for public comment, oral protests and submission of written protests; and

WHEREAS, the Clerk or her designee, tabulated the written protests at the end of the hearing and determined that "3" property owners out of a total 156 properties submitted a valid written protest disapproving the increase in the water fees for CSA No. 34-A and "0" property owners submitted forms that were not clear as to the vote.

NOW, THEREFORE, BE IT RESOLVED, since written protests were not submitted by a majority of the property owners of the parcels served by CSA No. 34-A, the newly proposed increased water fees have been approved.

BE IT FURTHER RESOLVED, based on the results of the protest hearing, the water fees, as set forth in Exhibit A, shall be imposed effective March 1, 2008 and shall be published in the Master Schedule of Assessments, Fees, Charges, and Recovered Costs for administrative purposes only.

1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 29th day of January 2008, to-wit:

3 AYES: Supervisors Case, Larson, Anderson, Waterston, Perea

4 NOES: None

5 ABSENT: None

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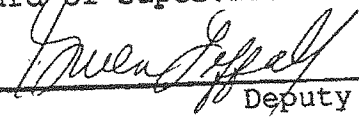
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CHAIRMAN, Board of Supervisors

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10 ATTEST:

11 BERNICE E. SEIDEL, Clerk
12 Board of Supervisors

13 By 
Deputy

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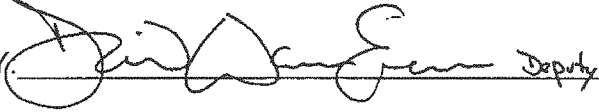
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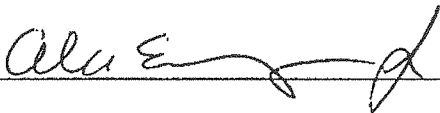
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1 APPROVED AS TO LEGAL FORM:
2 DENNIS MARSHALL, COUNTY COUNSEL

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4 BY:  Deputy

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6 APPROVED AS TO ACCOUNTING FORM:
7 VICKI CROW, C.P.A., AUDITOR-CONTROLLER/
8 TREASURER-TAX COLLECTOR

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10 BY: 

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12 RR:maw:ef
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EXHIBIT A

PROPOSED FISCAL YEAR 2007-08 FEES AND SERVICE CHARGES FOR COUNTY SERVICE AREA NO 34-A

District	Amount (\$)	Interval	Type of Revenue	Service	Unit
Section 3516 Subsection					
3516.01	County Service Area No. 34-A (Brighton Crest)			Residential/Restrooms/Guard Shack	
	\$26.36/mo		Fee	0 - 13,500 Gallons	Dev. Parcel
	\$2.00/1000 gallons		Fee	13,501 - 20,500 Gallons	Meter Reading
	\$2.50/1000 gallons		Fee	Over 20,500 Gallons	Meter Reading
	\$52.72/mo			Clubhouse	Dev. Parcel
	\$2.00/1000 gallons			0 - 27,000 Gallons	Meter Reading
	\$2.50/1000 gallons			27,001 - 41,000 Gallons	Meter Reading
				Over 41,000 Gallons	Meter Reading
	\$19,964/mo		Fee	Golf Course	Golf Course
	\$1.92/1000 gallons		Fee	0 - 130,340,568 Gallons	Meter Reading
	\$2.00/1000 gallons		Fee	130,340,569 - 133,599,000 Gallons	Meter Reading
	\$2.55/1000 gallons		Fee	133,599,001 - 136,857,000 Gallons	Meter Reading
				Over 136,857 Gallons	Meter Reading

EXHIBIT A

PROPOSED FISCAL YEAR 2007-08 FEES AND SERVICE CHARGES FOR WATERWORKS DISTRICT NO. 42

District	Amount (\$)	Interval	Type of Revenue	Service	Unit
<u>Effective March 1, 2008</u>					
Section 3700 Subsection					
3713 Alluvial/Fancher	\$70.00/mo		Fee**	Water (1" line)	Parcel
	\$0.50/mo.		Fee*	Each 1/4" Increase	Pipe size
	\$2.56/yr.		Fee*	Health Dept. Surveillance Fee	Parcel
<u>Effective July 1, 2008</u>					
	\$80.00/mo		Fee**	Water (1" line)	Parcel
	\$0.50/mo.		Fee*	Each 1/4" Increase	Pipe size
	\$2.56/yr.		Fee*	Health Dept. Surveillance Fee	Parcel

*Existing Fees

**New Fees

Note that the July 1, 2008 new fee shall be increased effective July 1, 2009 by the CPI factor and thereafter annually.