

order to address issues surrounding the proposed boundaries of the new assessment district. LAFCO approved the annexation with revised boundaries at its September, 2012, meeting, conditional upon the successful formation of an assessment district, and there was no successful protest to the annexation. Enclosed as Attachment 1 are the approved minutes for LAFCO reflecting conditional approval of the matter as Item No. 8. The District is now prepared to move forward with the assessment district formation.

Enclosed as Attachment 2 are the District's letter of December 7, 2012, and the District's Resolution No. 2012-016, adopted on November 27, 2012, indicating the District's progress on the proposed annexation and requesting the Board of Supervisors adopt a resolution approving the form of the District's proposed Resolution of Intention, and a Boundary map. Enclosed as Attachments 3 and 4, respectively, are the District's proposed Resolution of Intention to Make Acquisitions and Improvements, and the revised Boundary Map, both of which must be approved by the Board. Enclosed as Attachment 5 is a copy of the Board Order adopted on March 27, 2012, wherein the Board considered the Mitigated Negative Declaration for the project, and as Attachment 6 is a draft resolution for the Board to consider.

OTHER AGENCY INVOLVEMENT:

The Resource Management Agency concurs in the recommendation. County Counsel has reviewed and approved the recommended resolution as to form. The Aromas Water District will continue to implement the procedures and take the actions necessary to complete the project.

FINANCING:

The recommended action will not create any additional financial impact to the General Fund. As mentioned above, the Board previously approved a total expenditure of \$270,500 for this project from the Capital Projects Fund 402. The Board's funding actions include the provision that if an assessment district is successfully formed to implement this project, the District will repay these funds to the County. Should a majority protest occur and the formation of an assessment district fail, the County funds provided to the District will be deemed a County Contribution without repayment. County Counsel has determined that: "The County of Monterey has a legitimate public purpose in the use of its funds for this purpose. The project will contribute to the public health, safety, and welfare by contributing to a project designed to provide potable water to certain County residents in a situation where those citizens do not have a reliable source of potable water."

Prepared by:

Approved by:

Leslie J. Girard
Chief Assistant County Counsel

Benny Young
RMA Director

Dated: February 11, 2013

Dated: February 11, 2013

Attachments:

1. LAFCO minutes, September 24, 2012
2. Aromas Water District Letter of December 7, 2012, and Resolution No. 2012-016
3. Form of District Resolution of Intention to Make Acquisitions and Improvements
4. Proposed District Boundary Map
5. March 27, 2012, Board Order
6. Draft Board Resolution

