



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 12-683, **Version:** 1

Adopt a resolution approving the proposed Resolution of Intention and Boundary Map for the Aromas Water District's proposed Assessment District No. 2012-1.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution approving the proposed Resolution of Intention and Boundary Map for the Aromas Water District's proposed Assessment District No. 2012-1.

SUMMARY:

The Aromas Water District ("District") is considering the initiation of the process to create a benefit assessment district for connection of the Oak Ridge Mutual Water Company and a portion of the Via Del Sol Drive area to the Aromas water system. California Streets and Highways Code section 10104 requires the County Board of Supervisors to approve the Resolution of Intention and Boundary Map that would be adopted by the District for that purpose. The recommended action will provide the required County approval.

DISCUSSION:

The Board of Supervisors previously approved funding for the effort to annex the Oak Ridge and Via Del Sol areas into the District and to create a benefit assessment district to fund the necessary improvements to connect those areas to the Aromas system. In April 2010, the Board approved the expenditure of \$155,000 from the County's Capital Projects Fund 402 to the District for preparation of an Engineer's Report to include surveying, engineering and design fees, Appraisers Fee, LAFCO Report Fee and Environmental Document costs (\$7,500 being previously approved by the CAO pursuant to his authority).

On March 27, 2012 the Board approved the additional expenditure of \$50,000 from the County's Capital Projects Fund 402 to the District to finalize preparations for the creation of an assessment district and conduct of a Proposition 218 majority protest procedure for the proposed connection. Also at that time, in the County's role as a responsible agency as required by CEQA, the Board considered the Mitigated Negative Declaration approved by the Aromas Water District for the project, and found that there was no substantial evidence that the project would have a significant effect on the environment with implementation of mitigation measures.

The District has commenced annexation proceedings at LAFCO, to be subject to the successful formation of an assessment district. Enclosed as Attachment 1 is the District's letter of May 23, 2012, indicating the District's progress on the proposed annexation and requesting the Board of Supervisors adopt a resolution approving the District's proposed Resolution of Intention and boundary map. Enclosed as Attachment 2 is the District's Resolution No. 2012-011, adopted on May 22, 2012, formally requesting approval by the County. Enclosed as Attachment 3 is the proposed Resolution of Intention to Make Acquisitions and Improvements for which Board approval is requested. Enclosed as Attachment 4 is the boundary map which must also be approved by the Board. Finally, 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:

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. The Board has previously approved a total expenditure of \$205,000 from the Capital Projects Fund 402, Unit 8174, Account 7251, for this project. The Board's actions included 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."

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Approved By:

Benny Young
RMA Director

- Attachments:
1. Aromas Water District Letter of May 23, 2012
 2. District Resolution No. 2012-011 adopted May 22, 2012
 3. District Draft Resolution of Intention to Make Acquisitions and Improvements
 4. Proposed District Boundary Map
 5. March 27, 2012 Board Order
 6. Draft Board Resolution