

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: Thomas M. Miller, Placer County Executive Officer
By: James Importante, Management Analyst II

DATE: November 8, 2011

SUBJECT: Sierra Lakes County Water District Assessment District No. 2011-1

Action Requested

Adopt a Resolution approving the proposed Resolution of Intention of the Sierra Lakes County Water District to form the District's Assessment District No. 2011-1 to finance improvements to the wastewater treatment facility, pursuant to Section 10104 of the California Streets and Highways Code

Background

Section 10104 of the California Streets and Highways Code requires the Board of Supervisors' approval for the Sierra Lakes County Water District (SLCWD) to form an assessment district within the unincorporated area of the County.

On October 14, 2011, SLCWD adopted a Resolution Determining to Undertake Proceedings stating the District Board's intent to undertake proceedings to form an assessment district to finance the construction of upgrades to and expansion of the SLCWD wastewater treatment facility located at 53823 Sherritt Lane in Soda Springs.

SLCWD requests that the Board of Supervisors adopt a Resolution to approve the District's proposed Resolution of Intention to form the Assessment District. Once the Board of Supervisors' approval is received, SLCWD will proceed with formation of the Assessment District. The County will have no further part in the formation of the Assessment District.

Environmental

The proposed action is not a project as defined by CEQA Guidelines Section 15378.

Fiscal Impact

There is no fiscal impact to the County from this action. The County will not be required to fund any portion of costs of the formation of the Assessment District or proposed improvements.

Attachments: Placer County Board of Supervisors Resolution, with exhibits.

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Before the Board of Supervisors
County of Placer, State of California

In the matter of:

Resol. No: _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER APPROVING THE PROPOSED RESOLUTION OF INTENTION OF THE SIERRA LAKES COUNTY WATER DISTRICT TO FORM DISTRICT ASSESSMENT DISTRICT NO. 2011-1, PURSUANT TO SECTION 10104 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on November 8, 2011 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

WHEREAS, Section 10104 of the California Streets and Highways Code requires the Board of Supervisors of the County of Placer to approve the proposed Resolution of Intention of Sierra Lakes County Water District (the "District") to form District Assessment District 2011-1; and,

WHEREAS, the District caused to be filed with the Clerk of the Board of Supervisors a copy of said proposed Resolution of Intention and a map showing the boundaries of proposed Assessment District No. 2011-1; and,

WHEREAS, the District requested in District Resolution No. 2011-801 that the Board of Supervisors approve said proposed Resolution of Intention; and,

WHEREAS, the proposed Resolution of Intention of the District and the proposed Assessment District boundary map are attached to this Resolution as Exhibit 1 and Exhibit 2, respectively;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Placer that the proposed Resolution of Intention of the Board of Directors of Sierra Lakes County Water District, expressing its intention to form Assessment District No. 2011-1 to construct certain public improvements identified by said Resolution of Intention and as shown on the map filed with the Clerk of the Board of Supervisors, is approved pursuant to Section 10104 of the California Streets and Highways Code.

Attachments: Exhibit 1 – Resolution of Intention of the District
Exhibit 2 - Proposed Assessment District Boundary Map

SIERRA LAKES COUNTY WATER DISTRICT

ASSESSMENT DISTRICT NO. 2011-1

RESOLUTION NO. 2011-802

RESOLUTION OF INTENTION

WHEREAS, the Board of Directors (the "Board") of the Sierra Lakes County Water District (the "District") intends to undertake proceedings pursuant to the Municipal Improvement Act of 1913 (the "Act") for the construction of the public improvements (the "Improvements") more particularly described in Exhibit A, attached hereto and incorporated herein and made a part hereof, for the benefit of an assessment district in the District to be designated "Assessment District No. 2011-1" (the "Assessment District");

WHEREAS, the public interest, necessity, convenience, and general welfare will be served thereby;

WHEREAS, the proposed Assessment District encompasses territory within the jurisdiction of the County of Placer, which by resolution of its Board of Supervisors has approved this resolution;

WHEREAS, this Board, by Resolution No. 2011-800, duly adopted on October 14, 2011, appointed Kristin Lowell, Inc., as Engineer of Work in these proceedings and authorized and directed the Engineer of Work to perform or cause to be performed all engineering work necessary for the proceedings, including the preparation of plans and specifications for the Improvements and the descriptions of any required acquisitions, together with estimates of costs thereof, and the preparation of an assessment diagram and an assessment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Sierra Lakes County Water District as follows:

Section 1. Recitals. The foregoing recitals are true and correct and this Board so finds and determines.

Section 2. Compliance with the 1931 Act. This Board hereby states its intention to comply with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, being Division 4 (commencing with Section 2800) of the Streets and Highways Code (the "1931 Act"), by proceeding under Part 7.5 of that Act (being Sections 2860 and 2861 of the Streets and Highways Code).

Section 3. Intention to Order Improvements. It is the intention of this Board to order the Improvements to be made pursuant to the Municipal Improvement Act of 1913.

Section 4. Agreement with Another Public Agency. In accordance with Section 10110 of the Streets and Highways Code, the District has entered into an agreement with the Donner Summit Public Utility District, which is the agency that owns and manages the wastewater treatment facility to be upgraded by the Improvements.

Section 5. Description of Assessment District. This Board hereby specifies and describes the exterior boundaries of the Assessment District to be as shown on the map of proposed boundaries that is on file in the office of the Secretary of the Board (the "Map"), which indicates by a boundary line the exterior boundaries of the territory included in the Assessment District. The Map shall govern for all details as to the extent of the Assessment District.

Section 6. Declaration of Benefit. This Board hereby declares that the territory within the boundaries described in the Map is the assessment district to be benefitted by the Improvements and that the cost and expenses of the Improvements (less those that will be paid from other sources) shall be made chargeable upon the Assessment District.

Section 7. Declaration of Intention to Issue Bonds. This Board hereby determines and notice is hereby given that serial or term bonds (the "Bonds") to represent unpaid assessments, and to bear interest at the rate of not to exceed twelve percent (12%) per annum, will be issued hereunder in the manner provided by Division 10, commencing with Section 8500, of the Streets and Highways Code (the Improvement Bond Act of 1915).

Section 8. Principal Amortization of Bonds. This Board hereby further determines and notice is hereby further given that the principal amount of the Bonds maturing each year shall be an even annual proportion of the aggregate principal sum of the Bonds shall be payable on the second day of September in each year next succeeding the first twelve (12) months after their date until the whole is paid unless this Board in its resolution providing for their issuance (the "Bond Resolution") determines that the amount of principal maturing in each year plus the amount of interest payable in that year will be an aggregate amount that is approximately equal each year or unless this Board in the Bond Resolution makes other determination of the amount of the aggregate principal of the Bonds that shall fall due in each year.

Section 9. Alternative Procedure for Prepayment of Assessments and Advance Retirement of Bonds. This Board hereby further determines and notice is hereby further given that it proposes to proceed under Part 11.1 of the Improvement Bond Act of 1915, commencing with Section 8760, which provides an alternative procedure for the prepayment of assessments and the advance retirement of the Bonds.

Section 10. Penalties for Delinquency. This Board hereby determines and notice is hereby given that it intends to collect a two percent (2%) penalty of the total amount of any unpaid assessment installment that becomes delinquent and to add the penalty to the delinquent installment after the close of business on the delinquency date. An additional penalty of two percent (2%) of the amount of the delinquency shall be added at the beginning of business on the tenth (10th) day of each succeeding month until the delinquent payment and all penalties thereon are fully paid. Notice is further given that the County Treasurer shall collect the penalties with and as a part of the delinquent installments and that all penalties collected shall be deposited into the redemption fund.

Section 11. Limited Obligation of District. It is hereby determined and this Board hereby declares that the District will not obligate itself to advance available funds from the District treasury to cure any deficiency that may occur in the bond redemption fund.

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Section 12. Referral to Engineer. This Board hereby refers the proposed improvements to the Engineer of Work and hereby directs the Engineer of Work to make and file in writing a report containing the matters specified in Section 10204 of the Streets and Highways Code and prepared in accordance with Article XIII D, section 4. of the California Constitution. Pursuant to Section 2961 of the Streets and Highways Code, the Board further directs the Engineer of Work to include in the report:

(1) The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, that would require an investigation and report under the 1931 Act against the total area proposed to be assessed; and

(2) The total true value, as near as may be determined, of the parcels of land and improvements that are proposed to be assessed. Total true value may be estimated as the full cash value of the parcels as shown upon the last equalized assessment roll of the county. Alternatively, total true value may be determined by other reasonable means, including, but not limited to, by adjusting the value shown on the last equalized assessment roll to correct for deviations from market value due to Article XIII A of the California Constitution.

Section 13. Effective Date. This resolution shall take effect from the date of its adoption.

PASSED AND ADOPTED on October, 14, 2011, by the following vote:

AYES: Directors Freedle, Luscher, Oudegeest, Burns and Bern

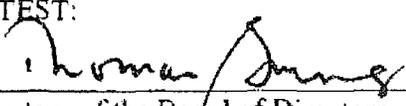
NOES: NONE

ABSENT: NONE



President of the Board of Directors

ATTEST:



Secretary of the Board of Directors

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EXHIBIT A

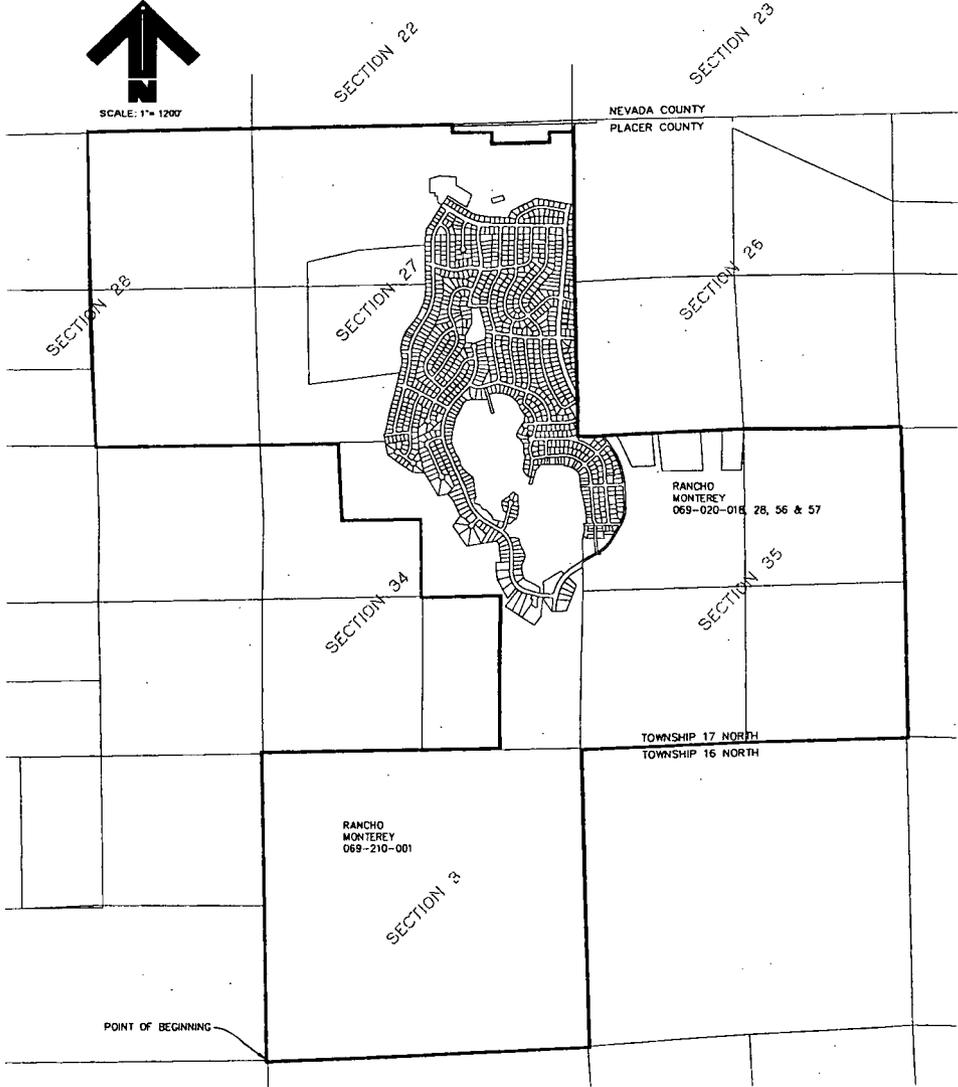
DESCRIPTION OF IMPROVEMENTS

The Improvements to be constructed are described as follows:

The purpose of the project is to upgrade and expand the Wastewater Treatment Facility located at 53823 Sherritt Lane, Soda Springs California. The upgrade was mandated by the imposition of more stringent discharge requirements contained in the permit issued by the Regional Water Quality Control Board - Central California Division - on April 24, 2009.



SCALE: 1"=1200'



**PROPOSED BOUNDARIES OF THE
Sierra Lakes County Water District
Assessment District No. 2011-1**

BEING A PORTION OF SECTIONS 27, 28, 34 & 35 OF T. 17 N., R. 14 E.,
AND SECTION 3, T. 16 N., R. 14E M.D.M.
COUNTY OF PLACER, CALIFORNIA

**BOUNDARY DESCRIPTION
SIERRA LAKES COUNTY WATER DISTRICT**

All that real property situate in the County of Placer, State of California, described as follows:

BEGINNING at the southwest corner of Section 3, Township 16 North, Range 14 East, M.D.B. & M.; thence northerly along the West line of said Section 3 to the northwest corner thereof; thence easterly along the North line of said Section 3 to the southwest corner of the SE 1/4 of the SE 1/4 of Section 34, Township 17 North, Range 14 East, M.D.B. & M.; thence northerly along the West line of the E 1/2 of the SE 1/4 of said Section 34 to the northwest corner of the NE 1/4 of the SE 1/4 of said Section 34; thence westerly along the South line of the NE 1/4 of said Section 34 to the southwest corner of the NE 1/4 of said Section 34; thence northerly along the West line of the NE 1/4 of said Section 34 to the southeast corner of the NE 1/4 of the NW 1/4 of said Section 34; thence westerly along the South line of the NE 1/4 of the NW 1/4 of said Section 34 to the southwest corner of the NE 1/4 of the NW 1/4 of said Section 34; thence northerly along the West line of the NE 1/4 of the NW 1/4 of said Section 34 to the northwest corner of the NE 1/4 of the NW 1/4 of said Section 34; thence westerly along the South lines of Sections 27 and 28, Township 17 North, Range 14 East, M.D.B. & M., to the southwest corner of the SE 1/4 of said Section 28; thence northerly along the West line of the E 1/2 of said Section 28 to the northwest corner of the NE 1/4 of said Section 28; thence easterly along the North lines of said Sections 28 and 27 to the northeast corner of said Section 27; thence southerly along the East line of said Section 27 to the southeast corner of said Section 27; thence easterly along the North line of Section 35, Township 17 North, Range 14 East, M.D.B. & M., to the northeast corner of said Section 35; thence southerly along the East line of said Section 35 to the southeast corner of said Section 35; thence westerly along the South line of said Section 35 to the southwest corner thereof; thence southerly along the East line of Section 3, Township 16 North, Range 14 East, M.D.B. & M., to the southeast corner of said Section 3, and thence westerly along the South line of said Section 3 to the southwest corner thereof and the point of beginning.

EXCEPTING THEREFROM the following portions thereof:

BEGINNING at Section corner common to Sections 22, 23, 26 & 27.
Township 17 North, Range 14 East, M.D.B. & M.; thence South 89°32' West on true line between Sections 22 and 27, 1980 feet;
thence due South 132 feet; thence North 89° 32' East 660 feet; thence due South 198 feet; thence North 89° 32' East 990 feet;
thence due North 198 feet to point of beginning. Containing 10.5 acres

FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE SIERRA LAKES COUNTY WATER DISTRICT THIS ____ DAY OF ____ 2011.

ANNA NICKERSON, BOARD SECRETARY
SIERRA LAKES COUNTY WATER DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF SIERRA LAKES COUNTY WATER DISTRICT ASSESSMENT DISTRICT NO. 2011-1, COUNTY OF PLACER, STATE OF CALIFORNIA, WAS APPROVED BY THE SIERRA LAKES COUNTY WATER DISTRICT MEETING THEREOF HELD ON THE ____ DAY OF ____ 2011.

ANNA NICKERSON, BOARD SECRETARY
SIERRA LAKES COUNTY WATER DISTRICT

RECORDED THIS ____ DAY OF ____ 2011 AT THE HOUR OF ____ O'CLOCK, ____ IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE ____ IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY OF PLACER, STATE OF CALIFORNIA.

FEE: _____

COUNTY RECORDER
COUNTY OF PLACER

INSTRUMENT NUMBER: _____



TIA
ENGINEERING & PLANNING
1528 EUREKA ROAD, SUITE 100
ROSEVILLE, CA 95661 916 786 0685

SHEET 1 OF 1

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EXHIBIT 2
BOUNDARY MAP