



JOHN A. FANTHAM  
DIRECTOR OF PUBLIC WORKS

# County of Santa Cruz

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## DEPARTMENT OF PUBLIC WORKS

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AGENDA: APRIL 13, 1999

April 1, 1999

### SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street  
Santa Cruz, California 95060

SUBJECT: SUNSET BEACH WATER MAIN EXTENSION PROJECT PUBLIC HEARING  
CHANGES AND MODIFICATIONS TO AND ADOPTION OF ENGINEER'S  
REPORT AND AWARD OF CONTRACT

Members of the Board:

On February 2, 1999, your Board set today for the public hearing inviting public testimony regarding the proposed assessment district. At your Board's direction, and as a result of the bid opening for this project, an increased assessment ballot was sent to each of the property owners within the assessment district.

As your Board will recall, on January 26, 1999, all bids opened for the Sunset Beach Water Main Extension Project exceeded the engineer's estimate. Since then, the Engineer's Report has been modified to show an increase from the engineer's estimated total amount of \$542,717.00 to the revised actual amount of \$562,256.00, which incorporates the lowest bid amount. Each individual property owner's assessment has also been amended and is listed in the report.

Funding for this project will be partially available from the prepayment of assessments received prior to the cash payment period deadline. Additionally, the State of California has agreed to pay \$276,738.00 to fund this project based upon its share of costs as detailed in a separate agreement between the County of Santa Cruz, the State of California, the City of Watsonville, and the Sunset Beach Mutual Water Company. The balance of the funding will come from the sale of bonds to be issued upon your Board's approval of a resolution confirming unpaid assessments after the close of the cash payment period,

If no majority protest exists, it is necessary for your Board to consider the attached resolutions to establish the assessment district and award the contract to the low bidder, West Coast Engineering, of Santa Clara, in the amount of \$450,531, not including contingencies. The following resolutions were prepared by Bond Counsel and reviewed by County Counsel:

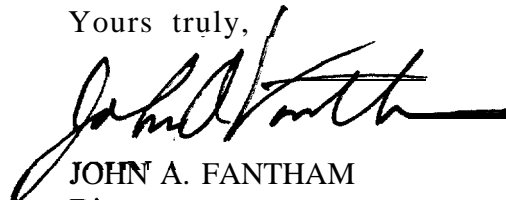
1. Resolution Ordering Changes and Modifications. Upon adoption, your Board will overrule protests against the increased assessment, approve the changes and modifications to the total amount of assessment, and permanently modify the Engineer's Report by reflecting the increased changes in the assessment amounts.
2. Resolution Adopting the Engineer's Report. Upon adoption, your Board will adopt the Engineer's Report as the report that will stand for all future proceedings for the Assessment District and order the improvements described in the Resolution of Intention be constructed, thereby forming the Assessment District and confirming assessments.

It is therefore recommended that the Board of Supervisors take the following action:

1. Open the public hearing, take public testimony, and announce the tabulation of the votes cast for or against formation of the assessment district.
2. Accept the certification of balloting results and direct the Director of Public Works to retain the ballots for at least six months following the certification.
3. Adopt the Resolution Ordering Changes and Modifications.
4. Adopt the Resolution Adopting Engineer's Report, Confirming the Increased Assessment, and Ordering the Work and Acquisitions, and Directing Actions with Respect Thereto.
5. Accept the low bid of West Coast Engineering in the amount of \$450,531 and authorize the Director of Public Works to sign the contract on behalf of the County.
6. Direct the Clerk of the Board to file the Engineer's Report and assessment diagram along with the certificate and date of confirmation with the Office of the County Surveyor and to record the assessment diagram and notice of assessment with the Office of the County Recorder.

7. Direct the County Surveyor to mail a statement and amount of assessment to each property owner and to publish a Notice to Pay Assessments in a newspaper circulated within the County per California Government Code Section 6066.

Yours truly,




JOHN A. FANTHAM  
Director of Public Works

DR:mg

Attachments

RECOMMENDED FOR APPROVAL:



\_\_\_\_\_  
County Administrative Officer

copy to:     Public Works  
                 Robert M. Haight, Attorney at Law  
                 Carlos J. Palacios, Watsonville City Manager  
                 Sunset Beach Mutual Water Company  
                 State Of California Department of Parks and Recreation  
                 Watsonville Public Works Department

SBCERTM

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted

A RESOLUTION ORDERING CHANGES AND MODIFICATIONS  
SUNSET BEACH WATER MAIN EXTENSION PROJECT ASSESSMENT DISTRICT

WHEREAS, this Board did on the 2nd day of February 1999, adopt a Resolution of Intention to Make Changes and Modifications in assessments filed pursuant to Resolution of Intention No. 236-97, adopted by this Board on the 20th day of May 1997, by changing the total assessment from \$542,717.00 to \$562,256.00 and by apportioning and distributing said assessment as changed according to benefits;

WHEREAS, Tuesday, the 13th day of April 1999, was appointed as the time and place when and where said Board will consider the matter of making said changes and modifications in hearing all protests and persons interested therein;

WHEREAS, Notice of said hearing and ballot was mailed according to the provisions of law and all persons interested and desiring to be heard were heard, all written protests were received by said Board and the ballots were tabulated;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Cruz:

1. It is hereby determined that, upon the conclusion of the public hearing, and after tabulation of the assessment ballots submitted, no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties. The protests against the proposed increased assessment to pay for the costs and expenses of the improvements, in whole or in part, written and oral, are hereby overruled.
2. That the public interest and convenience require ~~that this~~ Board make changes and modifications in the assessment and the changes and modifications in the total amount of assessment as described in the Resolution of Intention to Make Changes and Modifications, be, and they are hereby, approved and ordered by this Board.
3. That the Engineer shall permanently modify said Engineer's Report by reflecting said changes in assessment and the distribution of said assessment as increased according to benefits.

RESOLUTION NO.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_day of\_\_\_\_\_ 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

\_\_\_\_\_  
Chairperson of said Board

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

D. McRae 3-31-99  
~~Chief~~ Assistant County Counsel

Distribution: County Counsel  
Public Works

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted:

A RESOLUTION ADOPTING ENGINEER'S REPORT,  
CONFIRMING THE ASSESSMENT,  
ORDERING THE WORK AND ACQUISITIONS  
AND DIRECTING ACTIONS WITH RESPECT THERETO

SUNSET BEACH WATER MAIN EXTENSION PROJECT ASSESSMENT DISTRICT

RESOLVED by the Board of Supervisors (the "Board") of the County of Santa Cruz (the "County"), State of California, that:

WHEREAS, on May 20, 1997, this Board adopted Resolution No. 236-97, A *Resolution of Intention to Acquire and/or Contract Improvements*, and in it directed the Engineer of Work to make and file a report in writing in accordance with and pursuant to the Municipal Improvement Act of 1913 (the "Act") in and for the County's proposed Sunset Beach Water Main Extension Project Assessment District (the "Assessment District").

WHEREAS, the report was made and filed, and considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the Resolution of Intention, and Tuesday, February 2, 1999, at the hour of 9:00 a.m., in the meeting place of the Board, Board Chambers, Governmental Center, 701 Ocean Street, Santa Cruz, California, were the time and place for a public hearing to take testimony and for hearing protests in relation to the proposed acquisitions and improvements, for tabulation of assessment ballots and final action upon the Engineer's Report, notices of which hearing, including assessment ballots, were mailed as required by law; and

WHEREAS, the hearing was held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the acquisitions and improvements were fully heard and considered by this Board, and any protests, both written and oral, were duly heard, considered, and all assessment ballots submitted by property owners were received and tabulated;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Cruz:

1. No majority Protest; Protests Overruled. It is hereby determined that, upon the conclusion of the public hearing, and **after** tabulation of the assessment ballots submitted, no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties. The protests against the proposed acquisitions and improvements or the grades at which the work is proposed to be done, as a whole or as to any part thereof, or against the assessment district or the extent thereof to be assessed for the costs and expenses of the acquisitions and improvements, as a whole or as to any part thereof, or against the engineer's estimate of costs and expenses, in whole or in part, or against the maps and descriptions, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part, written and oral, are hereby overruled.
2. Public Interest. The public interest, convenience and necessity require that the acquisitions and improvements be made and that the Assessment District be created.
3. Assessment District Described. The Assessment District benefited by the acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Board Clerk, which map is made a part hereof by reference thereto.
4. Engineer's Report Approved. The Engineer's Report, in the form on file in the office of the Board Clerk and to which reference is hereby made for further particulars, including the estimates of costs and expenses, the apportionment of assessments and the assessment diagram contained in the Engineer's Report, is hereby approved and confirmed and shall stand as the Engineer's Report for these and all **future** proceedings for the Assessment District. Final approval of the Engineer's Report is intended to and shall refer and apply to the Engineer's Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Board.
5. Benefits Determined. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing; this Board expressly finds and determines that:
  - (a) each of the several subdivisions of land in the Assessment District will be specially benefited by the acquisitions and improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and
  - (b) there is evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.

6. Improvements Ordered, Assessment District Formed and Assessments Confirmed. This Board hereby orders that the acquisitions and improvements described in the Resolution of Intention be made, the Assessment District be formed and that the assessment to pay the costs and expenses thereof be confirmed and are hereby levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution of Intention and Engineer's Report.
7. Recording Ordered. The Board Clerk shall forthwith:
  - (a) deliver to the official of the County, who is the County Surveyor under the Act, the assessment as contained in the Engineer's Report together with the assessment diagram, as approved and confirmed by this Board, with a certificate of such confirmation and of the date thereof, executed by the Board Clerk, attached thereto. The County Surveyor shall record the assessment and diagram in a suitable book to be kept for that purpose, and append thereto a certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein; and
  - (b) cause a copy of the assessment diagram and a notice of assessment, substantially the form provided in Section 3 114 of the Streets and Highways Code of California, executed by the Board Clerk, to be filed and recorded, respectively, in the office of the County Recorder of the County of Santa Cruz.

From the date of recording of the notice of assessment, all persons shall be deemed to have notice of the contents of such assessment, and each of such assessments shall thereupon be a lien upon the property against which it is made, and unless sooner discharged such liens shall so continue for the period of ten (10 ) years from the date of the recordation, or in the event bonds are issued to represent the assessments, then such liens shall continue until the expiration of four (4) years **after** the due date of the last installment upon the bonds or of the last installment of principal of the bonds. The appropriate officer or officers of the count are hereby authorized to take all actions and to pay any and all fees required by law in connection with the above.

8. That said County Surveyor, upon recording of said diagram and assessment, shall mail, or cause to be mailed, to each owner of real property within the Assessment District at his or her last known address as the same appear on the tax rolls of the County or on file in the office of the Board Clerk, or to both addresses if said address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued on the unpaid assessments pursuant to the Improvement Bond Act of 1915.



9. That said County Surveyor shall also give notice by publishing a Notice to Pay Assessments by two successive insertions in a newspaper published and circulated in said County, that said assessment has been recorded in his office, and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made thirty (30) days after the date of recording said assessment, which date shall be stated in said notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.
10. Effective Date. This resolution shall be effective upon the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz,  
State of California, this 0 day of February 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

\_\_\_\_\_  
Chairperson of said Board

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

 3-31-99  
Chief Assistant County Counsel

Distribution: County Counsel  
Public Works

**CERTIFICATION OF THE VOTES CAST**

I , John A. Fantham, Director of Public Works of the County of Santa Cruz, do hereby certify that the following is a full, true and correct statement of the result of the official canvass of the returns of the April 13, 1999, benefit assessment ballot proceeding for Sunset Beach Water Main Extension Assessment District.

<b>VOTES FOR</b>	<b>VOTES AGAINST:</b>
_____	_____

I hereby set my hand and seal this 13th day of April 1999.

\_\_\_\_\_  
 John A. Fantham  
 Director of Public Works