

**FINAL ANNUAL REPORT
FISCAL YEAR 2018-2019**

**CONTRA COSTA COUNTY SERVICE AREA M-28
(Willow Mobile Home Park Water District)**

July 24, 2018



Board of Supervisors

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Prepared by
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BACKGROUND INFORMATION

The Willow Mobile Home Park is located on Bethel Island and consists of 1 parcel (23 acres) that includes 172 mobile homes. In order for safe water services to be provided, it was recommended that a Community Service Area (CSA) be formed.

On December 10, 1991 the Contra Costa Board of Supervisors approved County Resolution 91/807 which formed CSA M-28 (Willow Mobile Home Park Water District). CSA M-28 was formed pursuant to the County Service Area Law to ensure the proper flow of funds for the ongoing operation, maintenance, and servicing of community water system services within the Bethel Island Area.

CSA M-28 has been given the power to acquire, construct, operate, replace, maintain, and repair a water supply and distribution system as authorized by California Government Code Section 25210.4(d) and 25120.4a(1). The funding for CSA M-28 comes from service charges which are obtained from the users of the water system, in accordance with former Government Code Section 25210.77a, Government Code Section 25210.9 and County Ordinance Section 1012-2.6.

CSA M-28 owns and operates a well and a reverse osmosis (RO) system. Water is pumped from the well and is treated through a RO system. The treated water is stored in a 20,000 gallon tank. From the tank, the water is supplied via a single point to the Willow Mobile Home Park.

In October 2014, a town hall meeting was held at the Willow Mobile Home Park to discuss the future of CSA M-28. The main issue discussed was that the existing aging RO system was becoming more expensive to maintain and in need of significant capital improvements. The cost of maintaining this system exceeds the annual assessment funding available. Without a major investment, it is anticipated that the RO system will fail eventually. Alternatives were introduced (status quo, increase service charge to pay for the necessary improvements, connect to Diablo Water District, and request State waiver for secondary standards). It appeared that the majority of the residents at the meeting preferred CSA M-28 to move toward reduction in service by requesting a waiver for secondary standards from the State. This alternative includes removing the RO system and providing the minimum allowable water treatment.

By removing the RO treatment, the water would only meet the primary standards and would meet most, but not all, of the secondary standards. CSA M-28 would seek a waiver from the State for the secondary standards. Of all the alternatives presented at the town hall meeting, reducing water treatment allows the rate to be the lowest. It will also allow each individual mobile home to decide what type of treatment they prefer. Whereas, maintaining a more expensive community treatment system, such as the RO, forces everyone to pay for the same level of treatment.

Subsequent to the town hall meeting, on December 16, 2014, the Board of Supervisors authorized a vote by the parcel owner. CSA M-28 requested the mobile home park owner, the single rate payer to CSA M-28, to vote if he would be willing to pay for a higher rate to fix the existing RO system or reject the rate increase and move toward reduced services. The mobile home park owner informed the County that he took a survey of the mobile home park residents

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and his survey indicated the mobile home park residents wanted him to vote against the rate increase. In early 2015, the mobile home park owner submitted his ballot and voted against a rate increase. On March 3, 2015, the ballot was opened and the Board determined that there was a majority protest against a rate increase and directed staff to seek a waiver from the State.

Based on the vote to reject the rate increase, CSA M-28 began the process to move toward reducing the water treatment service. As required by the regulations to obtain the waiver for secondary standards, CSA M-28 has contracted with a consultant to provide the necessary report.

In late 2015, when staff visited the CSA M-28's facility to perform a site review and obtain test samples, it was discovered that the RO system was not operating. The previous operator had turned off the RO system without informing CSA M-28 staff. The site review revealed that the water from the well was bypassing the RO system. However, the previous operator did install a chlorination system. Although the water had not gone through the RO system, the water did receive treatment. This revised system is similar to CSA M-28's proposal to the State to replace the RO system.

Despite the fact that the revised system is similar to what the CSA M-28 staff planned to present to the State, the unilateral decision to make the changes and lack of communication by the previous operator were not acceptable to CSA M-28. CSA M-28 staff directed test samples to be taken by the consultant to make sure the water complied with the primary standards. It was anticipated that the water would comply with primary standards because historically the raw water from the well has complied. This is the reason why a reduced service was a viable option being considered in 2014 when the County met with the residents. The consultant subsequently reported that the water under the revised system complied with the primary standards. CSA M-28 staff also replaced the operator. Lastly, CSA M-28 staff communicated with County Environmental Health, the regulatory agency, of the discovery and the actions taken.

Changes at CSA M-28 have resulted in a new system operator and movement toward the same goals as discussed at the town hall meeting:

- 1) Obtain waiver from regulatory agency,
- 2) Reduce the level of community water treatment, and
- 3) Allow each resident to establish the appropriate system at their own mobile home.

In Fiscal Year 2015-2016, CSA M-28 made improvements to the aging system and infrastructure. Some of the improvements completed included the upgrade of the auto-dialer alarm system, installation of a flow-based chlorine injection pump system, and installation of new wiring to the well pump. In Fiscal Year 2016-2017, CSA M-28 also replaced the existing well pump and upgraded its emergency response options by entering into an agreement with a nearby water district and contract with a water delivery/hauling company, to supply water to the Willow Mobile Home Park during emergency events.

In Fiscal Year 2016-2017 a draft study was completed per state requirement in order to obtain a waiver. Some of the tasks completed in this study included; conducting additional water samples

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and analyzing additional alternatives. Future tasks will include compiling additional survey data, meeting with the State constructing some capital improvements.

In Fiscal Year 2017-2018 task orders were issued to the consultant for the preparation of a design memorandum, which documents the design philosophy for the proposed modifications, and design plans and specification. CSA M-28 staff will also be scheduling a meeting in Fiscal Year 2018-2019 with residents, to discuss the proposed changes to the water treatment system.

A map of the general location of CSA M-28 is shown below:



CURRENT ANNUAL ADMINISTRATION

Pursuant to County Ordinance Section 1012-2.6, former County Service Area Law (California Government Code Section 25210.77a), and current County Service Area Law (California Government Code Section 24210.3, subd. (d)), the Tentative Annual Report has been filed with the Clerk of the Board of Supervisors, public notice has been given as required, and the Board conducted a Public Hearing and then made a determination on each estimated service charge in the tentative report. Contra Costa Board of Supervisors reviewed the Tentative Annual Report in accordance with Resolution No. 2018/136, on June 5, 2018, and conducted a Public Hearing in connection with the proceedings for CSA M-28.

Upon adoption of the Final Annual Report by the Board of Supervisors, the charges contained herein will be collected on the property tax roll of Contra Costa County in the same manner, by the same persons, at the same time as, and together with the County's property taxes.

Legal Authority

As required by County Ordinance Section 1012-2.6, former County Service Area Law (California Government Code Section 25210.77a), and current County Service Area Law (California Government Code Section 24210.3, subd. (d)), the Tentative Annual Report includes the following minimum information as shown in the Service Charge Roll:

1. A description of each parcel of real property receiving the miscellaneous extended service;
2. The basic service charge;
3. The estimated amount of the service charge for each parcel for such year; and
4. A parcel list identifying each parcel receiving services that allows parcel owners to find their property on the list and determine the proposed charge.

This annual report also includes an estimate of annual costs and the method of apportionment as additional information to allow the reader to better understand what services are being paid for, what is the total annual cost for the services provided, and how the cost of services is spread to each individual parcel.

ESTIMATE OF ANNUAL COST

The Fiscal Year 2017-18 projected and Fiscal Year 2018-19 proposed revenues and expenditures for CSA M-28 are shown on the following page. A special fund has been set up for the collection of revenues and expenditures for CSA M-28. The total cost of construction, operation, and maintenance and servicing of the water system can be recovered from the collection of charges. Incidental expenses including administration, engineering fees, legal fees, and all other costs associated with the construction, operation and maintenance, and servicing of the water system may also be included.

When CSA M-28 was formed, a financial analysis was performed to provide the framework for an operating budget for the proposed operation, maintenance and servicing of extended community water system services. Revenues collected from the charge shall be used only for the expenditures represented in this report. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year.

In Fiscal Year 2018-2019, CSA M-28 plans to continue the efforts to obtain the waiver from the State. Obtaining the waiver from the State is a significant effort that may include taking additional water samples, analyzing additional alternatives, compiling additional survey data, meeting with the State, etc. All the information gathered will be documented in an Engineer's Report and presented to the State. CSA M-28 also plans to purchase a spare booster pump and upgrade the power controller box and breaker switches.

Some of the conditions from the State to obtain a waiver will require capital improvements to CSA M-28 facilities. The cost of immediate capital improvements exceeds the proposed annual service charges. The Annual Report proposes that these capital improvements to CSA M-28 be funded by the County General Fund in Fiscal Year 2018-2019. This revenue was received in Fiscal Year 2016-2017. The annual service charge from the single parcel owner would not be sufficient to provide water services and complete all capital improvement efforts at CSA M-28.

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CSA M-28 Bethel Island Willow Park Fund 247300 Org 7473	FY 2017-18 Projected	FY 2018-19 Proposed
Beginning Fund Balance	\$ 758,609.97	\$ 735,380.79
Revenue:		
Taxes and Assessment	100,446.82	104,027.22
Transfers - Gov/Gov		-
TOTAL CURRENT REVENUE	\$ 100,446.82	\$ 104,027.22
Total Revenue + Carryover:	\$ 859,056.79	\$ 839,408.01
Expenditures:		
Postage and Communications	275.00	300.00
Utilities (Water & Electricity)	5,500.00	10,000.00
Publications & Legal Notices	100.00	150.00
Memberships	160.00	165.00
Professional/Specialized Svcs (Non-County)	80,000.00	200,000.00
Lab Services (Cercos Analytical)	2,700.00	3,000.00
Chemicals & Parts	6,500.00	5,000.00
Tax & Assessment Fees	251.00	275.00
CCC Environmental Health Water Permit	1,740.00	1,800.00
County Counsel	1,000.00	3,000.00
DoIT Phone Exchange	450.00	500.00
Public Works Labor	25,000.00	60,000.00
Capital Project		555,218.01
Total Expenditures	\$ 123,676.00	\$ 839,408.01
FUND BALANCE AVAILABLE	\$ 735,380.79	\$ -

METHOD OF APPORTIONMENT

Special vs. General Benefit

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote On Taxes Act" which added Articles XIIC and XIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for fees, charges and benefit assessments.

Proposition 218 procedures stipulate that even if charges or benefit assessments are initially exempt from Proposition 218, future increases in the charges or benefit assessments must comply with the provisions of Proposition 218. However, if the future increase in the charge or benefit assessment were anticipated in the charge or benefit assessment formula when approved by property owners (e.g., consumer price index increases or a predetermined cap) then the future increase in the charge or benefit assessment would be in compliance with the intent and provisions of Proposition 218.

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Proposition 218 provides that “only special benefits are assessable” and defines a special benefit as a particular and distinct benefit conferred on real property and not a general benefit received by the public at large. Parcels located within the boundaries of the CSA will be assessed for the operation, maintenance, and capital replacement associated with the water system serving the Bethel Island community, as described herein within the report, if they receive a special and direct benefit from the services. Furthermore, the identification and separation of general benefits from the special benefits follows for CSA M-28.

Special benefits are conferred on property within the CSA from the water system by enhancing the desirability of property within the CSA due to lower costs associated with the treatment of drinking water, removing contaminants from the water being provided to the property, increases in health and wellness, and an improved quality of life.

Properties outside of CSA M-28 are not served by the water system being operated and maintained from assessment revenues, therefore property outside the boundary of the CSA do not receive special benefits. The services within the CSA was specifically designed and created to provide additional and improved public resources for the direct advantage of property inside the CSA, and not the public at large.

In addition to the special and direct benefits the property owners receive within the CSA from the water system, it has been determined that no general benefits are associated with the water system provided within CSA M-28 because the conferred special benefits that are provided to the assessed property are not provided to property outside of the CSA or the public at large.

The annual assessment pays for the operation of the water system provided within CSA M-28. The enhanced water system provided to property within CSA M-28 confer a special benefit and only serve those parcels within the boundary of the CSA. Without the services, the property located in the unincorporated area would not have a localized water system to treat their water. Therefore, the services in CSA M-28 are 100% special benefit to the parcels within the CSA.

Methodology

The total operation and maintenance costs for the extended public services are apportioned in accordance with the methodology that is consistent with standard practices.

The maximum charge rate was previously set at \$75,300 per parcel (1991 dollars). Since 1991 the Consumer Price Index (CPI) for the San Francisco Bay Area All Urban Consumers and the costs to operate and maintain the improvements increased, however the charge rate remained constant until Fiscal Year 2007-2008. In Fiscal Year 2007-2008 the charge rate was increased to \$79,818 per parcel with an allowance for an increase each subsequent year based upon the San Francisco Bay Area – All Urban Consumers as of April 2007 (215.842).

Due to an aging system, the cost of operating and maintaining water facilities continues to increase. It was proposed in Fiscal Year 2010-11 that the charge rate be increased to \$95,500 per parcel (8.5% increase). However, this increase was not supported by the property owner, and therefore the 8.5% increase was not imposed.

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The cost of operating and maintaining water facilities continues to increase, due to an aging system. A rate increase was proposed again in Fiscal Year 2014-15 that the charge rate be increased from \$91,937 to \$335,939 per parcel. However, this increase was not supported by the property owner, and therefore the increase was not imposed.

Rate

The February 2018 CPI Index is 281.308, therefore the maximum rate for Fiscal Year 2018-2019 can be increased 3.56% to \$104,027.22 per parcel. CSA M-28 proposes to levy charges at the maximum rate for Fiscal Year 2018-2019.

In Fiscal Year 2018-19, it is recommended based upon projected expenditures, that the maximum rate of \$104,027.22 per parcel be collected. The estimated \$104,027.22 in revenue will be needed to provide the services referenced above in Fiscal Year 2018-19. There is one parcel that is included in the CSA. If the charge of \$104,027.22 is divided by one (1) parcel, the service charge per parcel is \$104,027.22.

SERVICE CHARGE ROLL

A list, which shows those parcels to be charged for Fiscal Year 2018-2019, including a description of each parcel to be charged is shown below.

<u>Parcel Number</u>	<u>Proposed FY 2018-2019 Amount</u>
029-020-004-7	\$104,027.22