

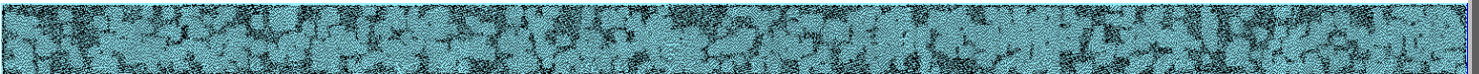


CARMEL AREA WASTEWATER DISTRICT

Special Board Meeting

3945 Rio Road, Carmel, CA 93923

February 22, Thursday
2:00PM



*Public Comment Received - Sent via
email from Corona Road Residents*

TO: Barbara Buikema & Board of Directors
Carmel Area Wastewater District
PO Box 221428
Carmel CA 93922

Subject: Opposition to the funding plan for the Corona Rd mandated sewer project.

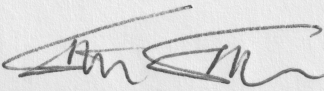
As residents of Corona Road, we are writing to express our strong opposition to the proposed mandated assessment for all Corona Road homeowners to fund installation of a sewer line. At the recent public meetings arranged by CAWD, we were surprised to learn that some homeowners have for some time been operating defective septic systems. The proposed remedy is to install a sewer line the full length of Corona Road. While we certainly are not opposed to that plan, we are opposed to the proposed method of funding. From conversations with our neighbors, we have learned that many, ourselves included, have perfectly functioning septic systems that likely could remain in service for several decades. Therefore, it seems unreasonable to demand that we should be held financially responsible for remediation of the defective septic systems operated by other homeowners.

We first heard about the possibility of installing a sewer line on Corona Road about 5 years ago when we were visited by a neighbor who was assessing the likelihood of support for the plan. We indicated that we had a perfectly sound septic system and saw no reason why we would want to invest in an alternative sewage disposal system. The neighbor indicated that we would be able to opt out of the sewer-line plan. We heard no more about the plan until last year when CAWD informed us of a pending meeting that would discuss the sewer line plan with mandatory involvement of all Corona Road homeowners; that is, with no possibility of an opt-out. We subsequently learned that this was the experience of other neighbors, who were also shocked to find that under the proposed plan they would not be allowed to opt out.

Our impression is that, in the 5 years since we first learned of the idea of installing a sewer line, the plan has been quietly developed with the cooperation of some homeowners who may be operating defective septic systems. This, without input from those homeowners who operate properly functioning septic systems. We would strongly recommend that the requirement for mandatory financial participation of all Corona Road homeowners be withdrawn. Instead, CAWD might consider alternative methods of funding, including possible funding by those homeowners whose septic systems are failing and for whom installation of a sewer line would present a viable solution to the problem.

We respectfully request that our comments be included in the public record relating to the Corona Road Mandated Sewer Project.

Sincerely,

Stuart Smith 
Homeowners, 89c Corona Rd.

Correspondence to:
Stuart Smith
smith.stuart@sbcglobal.net

Telephone 510-501-4525

Mailing address. 8481 Skyline Blvd, Oakland, CA 94611.


Mahin Azimi

01/30/2024

From: [Barbara Buikema](#)
To: [Domine Barringer](#)
Subject: FW: Followup
Date: Tuesday, January 30, 2024 10:26:35 AM

For board packet

From: lambchopp4@aol.com <lambchopp4@aol.com>
Sent: Tuesday, January 30, 2024 10:19 AM
To: Barbara Buikema <Buikema@cawd.org>
Subject: Followup

You don't often get email from lambchopp4@aol.com. [Learn why this is important](#)

This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Barbara,

I want to follow up with you regarding our previous communication.

While I disagree with CAWDs 300 feet from property line position as a reason to force me to be annexed and assessed, it appears that the Engineer report and perhaps CAWD have overlooked that my parcel is still more than 300 feet from Corona Road.

The private road to my home (structure) falls under the additional exclusion:

We the owners of the property are unable after the exercise of all diligence to obtain any easement necessary for the proposed connection pipe.

I kindly request CAWD reconsider and remove me from the Corona Road Sewer Project.

Catherine A Lamb 75 Corona Rd. Carmel Highlands, CA 93923

Public Hearing

STAFF REPORT



To: Board of Directors

From: Patrick Treanor, District Engineer

Date: February 22, 2024

Subject: Public Hearing and Final Actions Regarding Assessment District No. 23-01 Corona Road Area Sanitary Sewer System Project Formation

RECOMMENDATION

It is recommended that the Board of Directors:

1. Hold a Public Hearing to Allow Public Comment Regarding Proposed Assessment District.
2. Close Public Hearing and ask the Board Clerk to Tabulate Assessment Ballots in a Public Space.
3. After Ballots have Been Tabulated, Announce Results.
4. If the Ballot Results are Positive, Consider the enclosed Resolution Adopting the Engineer's Report, Confirming the Assessment and Ordering the Work and Acquisitions, and Directing Actions With Respect Thereto and decide among three options: (a) approve the Resolution, (b) disapprove the Resolution, or (c) defer consideration of the Resolution to a future Board meeting.

DISCUSSION

Project Background. The proposed project is located in the Carmel Highlands in Monterey County. The project involves the formation of a new assessment district and installation of a new sanitary sewer transmission pipeline and an associated pump station. The proposed project would extend sewer services to allow the connection of 55 homes and one commercial property in the vicinity of Corona Road to the District's wastewater treatment system. The project would include installation of a below grade sewage lift station and installation of a new 8-inch diameter polyvinyl chloride pipe (PVC) sewer. The new sewer line would convey flow to the new sewage lift station that will pump the sewage into an existing force main located in Highway 1.

The project would provide future sewer service to homes presently reliant on individual septic systems.

Assessment District Process and Prior Proceedings. The District proposes to form an assessment district under Municipal Improvement Act of 1913 (Division 12 of the California Streets and Highways Code) (Assessment Law) in order to finance the project. The District has previously taken the following actions under the Assessment Law:

- On June 29, 2023, the Board adopted a resolution requesting the County's consent to the formation of the assessment district, and on October 3, 2023, the County of Monterey adopted a resolution consenting to the initiation of assessment district formation proceedings by the District.
- On October 26, 2023, the Board adopted the Resolution of Intention, which declared the District's official intention to form the assessment district and appointed Monterey Bay Engineers, Inc., as the assessment engineer to prepare the required engineer's report describing the project and the estimated project costs, and apportioning the project costs to each parcel in the assessment district.
- On October 26, 2023, the Board adopted the Resolution Preliminarily Approving the Engineer's Report, which approved the preliminary form of engineer's report, subject to any changes approved by the District prior to the public hearing; set the public hearing regarding the assessment district for the Board meeting to be held on December 12, 2023 at 2:00 p.m.; directed the Board Clerk to mail a combined notice and ballot to the owners of each parcel within the assessment district; and directed the Board Clerk to record the boundary map for the assessment district. The notices and ballots were mailed to all parcel owners on October 26, 2023, and the boundary map was recorded on the same day.
- On December 12, 2023, Board adopted a resolution amending the Resolution Preliminarily Approving Engineer's Report in order to postpone the public hearing until February 22, 2024, Revised notices and ballots were subsequently mailed to all parcel owners on December 28,2023.

In addition, two informational workshops have been held by the District at which all parcel owners in the proposed assessment district were invited to attend and ask questions. These meetings occurred on November 14,2023 and January 18,2024.

Public Hearing and Ballot Tabulation. The first action today will be for the Chair to open the public hearing, take any public comment, make a last call for assessment ballots, and close the public hearing. All assessment ballots must be marked, signed and submitted to the Board Clerk before the close of the public hearing in order to be valid and to be counted as part of the proceeding.

Immediately following the close of the public hearing, staff will publicly open and tabulate the assessment ballots, and will then return with the results of the tabulation. In order for the Board to consider the attached Resolution forming the assessment district, there must be a majority approval (50%+1) based on the valid assessment ballots actually received from the parcel owners, with each ballot weighted based on the dollar amounts assessed against that ballot's parcel.

Once the ballots are publicly opened and counted, the District Board Clerk will announce the results and, if there is affirmative approval by a majority of valid ballots returned based on dollars assessed, the Board may consider the enclosed Resolution Adopting Engineer's Report, Confirming the Assessment and Ordering the Work and Acquisitions, and Directing Actions With Respect Thereto.

This resolution formally determines that the balloting was affirmative; approves the Engineer's Report in the form of the modified report submitted to this meeting; approves and formally levies the assessments on each property in the assessment district; directs the recording of the assessment diagram and a notice of assessment, which will establish the assessment liens on each property assessed; and establishes a cash payment period of at least 30 days during which property owners may pay all or part of their assessments in cash, if they desire, notice of which will be mailed to property owners.

The Board may choose to approve the Resolution, disapprove the Resolution, or defer consideration of the Resolution to a future Board meeting.

FUNDING

The project costs will be funded through Assessment District bond proceeds.

ENVIRONMENTAL IMPACT

None.

Attachments: 1. Resolution No. 2024-08- CAWD
 2. Revised Engineer's Report



Monterey Bay Engineers, Inc.

Civil Engineering • Land Surveying

Steve C. Wilson, RCE 25,136 / PLS 5,207
Brian M. Wilson, PLS 7,771
Benjamin C. Wilson, RCE 72,928

607 Charles Ave. Suite B, Seaside, Ca 93955
Phone (831) 899-7899 Fax (831) 899-7879
Email : mbayengr@mbay.net

December 21, 2023

Carmel Area Wastewater District
3945 Rio Road
Carmel, CA 93923
Attn: Patrick Treanor, P.E.

Re: Assessment District No. 23-01
Corona Road Area Sanitary Sewer System

Dear Mr. Treanor:

Monterey Bay Engineers, Inc. is pleased to submit this Engineer's Report for the Corona Road Area Sanitary Sewer System. The key items to consider in this report are:

Estimated Construction Cost (includes an approximate 11% contingency)

Total Assessment District Costs, including Construction

Individual Parcel Assessment (for each of the 55 parcels)

As the assessment district procedures move ahead, we are ready to begin completion of the project plans and specification for bidding not later than six (6) months after the formation of the assessment district has occurred.

We appreciate your assistance with this process as the district formation has evolved.

Sincerely yours,

Steven C. Wilson
Principal Engineer & Land Surveyor

REVISED PRELIMINARY ASSESSMENT ENGINEER'S REPORT

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM
PROJECT)

Prepared for:

Carmel Area Wastewater District

Prepared by:

Monterey Bay Engineers, Inc.

December 5, 2023



**CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)
REVISED PRELIMINARY ENGINEER'S REPORT**

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**CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)**

REVISED PRELIMINARY ENGINEER'S REPORT

DIRECTORY

District Board of Directors

Ken White, President
Robert Siegfried, President Pro Tem
Suzanne Cole, Director
Michael Rachel, Director
Kevan Urquhart, Director

District Staff

Barbara Buikema, General Manager
Rachél Lather, M.S., P.E., Principal Engineer
Robert Wellington, General Counsel

Consultants

Denise Duffy & Associates, Inc.
Monterey Bay Engineers, Inc.

Bond Counsel

Jones Hall, A Professional Law Corporation

Municipal Advisor

Harrell & Company Advisors, LLC

**CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)**

REVISED PRELIMINARY ENGINEER'S REPORT

INTRODUCTION

Background Information:

The property owners in the Corona Road Area neighborhood, which is located within the service area of the Carmel Area Wastewater District (District), have submitted a petition to the District requesting the formation of an assessment district to provide funding to replace failing septic systems with a new sanitary sewer collection system. Many of these property owners have contributed money to fund the Preliminary Engineer's Report and Environmental Assessment.

As required by the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915, this Engineer's Report describes the improvements to be financed by the Assessment District, provides an estimated budget for the Assessment District, identifies the method for distributing the costs of the improvements to the benefiting properties and lists the proposed assessments to be levied upon each assessable lot or parcel within the Assessment District.

Project Area:

The proposed project site is in Carmel Highlands in the vicinity of Corona Road. Carmel Highlands is an unincorporated community within the County of Monterey, located south of the City of Carmel-by-the-Sea and north of Big Sur. The proposed project site is generally surrounded by residential uses, though some visitor serving commercial uses are also present. Residential uses are located to the west, north, east, and south of the site. The proposed project is in the coastal zone. The project area was annexed into the District in 2022.

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

ASSESSMENT

WHEREAS, on October 26, 2023, the Board under the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915 (the “Acts”), adopted its Resolution of Intention to Make Acquisitions and Improvements (the “Resolution of Intention”) for the acquisition and/or construction of the improvements more particularly described in this report (the “Improvements”), which are being constructed in and for the Assessment District;

WHEREAS, with respect to the Improvements, the Resolution of Intention directed the undersigned to make and file a report presenting among other things, plans and specifications for the proposed construction of the Improvements, estimate of costs, maps and descriptions of lands and easements to be acquired, and diagram and assessment of and upon the subdivisions of land within the Assessment District, to which Resolution and the description of the Improvements therein contained reference is hereby made for further particulars;

NOW, THEREFORE, the following assessment is made to cover the portion of the estimated cost of the Improvements and the costs and expenses incidental thereto to be paid by the assessments as shown in Table No. 1 below:

Table No. 1 – Summary Cost Estimate CARMEL AREA WASTEWATER DISTRICT ASSESSMENT DISTRICT NO. 23-01 (CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)				
	Item Description	(1) As Preliminarily Approved	(2) As Confirmed and Recorded	(3) As Modified After Recordation
1	Construction, Design and Administrative Cost	\$3,360,027	\$3,291,027	
2	Assessment District Formation Costs	\$36,400	\$36,400	
3	Bond Issuance Costs	\$536,573	\$536,573	
	Balance to Assessments	\$3,933,000	\$3,864,000	

I do hereby assess and apportion the Balance to Assessment of the Total Cost of the Improvements upon the several lots, pieces or parcels or portions of lots or subdivisions of land liable therefore and benefitted thereby, and hereinafter numbered to correspond with the numbers upon the attached Assessment Roll, upon each, severally and respectively, in accordance with the proportionate special benefits to be received by such parcels, respectively, from the Improvements, and more particularly set forth in the list hereto attached and by reference made apart hereof.

The assessment is made upon the several subdivisions of land within the Assessment District in proportion to the estimated special benefits to be received by the subdivisions, respectively, from the Improvements. As required by the Acts, an Assessment Diagram is hereto attached showing the Assessment District, and also the boundaries of the respective subdivisions of land within the Assessment District as the same existed at the time of the passage of the Resolution of Intention, each of which subdivisions having been given a separate number upon the Assessment Roll.

In addition, a proposed administrative assessment shall be levied annually on each parcel within the Assessment District having an unpaid Assessment to pay for the necessary costs incurred by the County for the collection and administration of the Assessments and Bonds.

Each subdivision of land assessed is described within the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Monterey for the fiscal year 2023-24 and includes all such parcels excepting those portions thereof within existing public roads or right of way used for public street purposes. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of records in the office of the County Recorder of the County of Monterey.

Notice is hereby given that serial or term improvement bonds to represent unpaid assessments, and bear interest at an annual interest rate not to exceed the maximum rate permitted by applicable law, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, and the last installment of such bonds shall mature at a time not to exceed 39 years from September 2 after 12 months from their date.

The requirements of Division 4 of the California Streets and Highways Code shall be satisfied with Part 7.5 of said Division 4, for which the following is presented:

Under Part 7.5 of Division 4 of the Streets and Highways Code I present as follows:

1. The total amount, as near as can be determined, of the total principal amount of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending

assessment proceedings, other than contemplated in the instant proceedings is \$0

2. The total amount of the principal sum of the special assessments (the "Balance to Assessment") proposed to be levied in the instant proceedings is \$3,864,000.

3. The total amount of the principal sum of unpaid special assessments levied against the parcels proposed to be assessed, as computed pursuant to paragraph 1. above, plus the principal amount of the special assessment proposed to be levied in the instant proceedings from paragraph 2. above is \$3,864,000.

4. The total true value, as near as may be determined, of the parcels of land and improvements that are proposed to be assessed in the instant proceedings, as determined by the full cash value of the parcels as shown upon the last equalized assessment roll of the County of Monterey is \$55,497,156 current as of the year 2023-24.

Dated: December 5, 2023

Engineer of Work

By: 

Steven C. Wilson, RCE 25136

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

DESCRIPTION OF IMPROVEMENTS

The Improvements will consist of a new sanitary sewer collection system and associated sanitary sewer improvements installed in public right-of-way and on parcels of land (which the District has easement rights over) to replace failing septic systems serving residents within the Assessment District on Corona Road, Corona Way and to the west of Highway 1.

The Improvements will include a gravity collection system along with a Pumping Station. The proposed sanitary sewer collection system will consist of three (3) separate gravity mains. All these main line sanitary sewers will be made of Polyvinyl Chloride pipe, now commonly used for sanitary sewer gravity mains. The longest main will be approximately 3,500 feet in length, beginning at the easterly side of State Highway 1, north of the intersection of Corona Road and State Highway 1, and will extend southerly along the easterly side of Highway 1, and then easterly and upward along Corona Road. Another branch gravity main in Corona Way will extend approximately 600 feet from Corona Road northerly and upward. The third branch gravity main will be approximately 300 feet in length and will be constructed along the easterly side of State Highway 1 northerly and upward. A minor force main will also cross Highway 1 opposite Corona Road to provide a connection point for properties in the southwesterly portion of this assessment district.

A new sanitary sewer Pumping Station is proposed to be constructed on the westerly side of State Highway 1. The Pumping Station will be constructed such that is entirely underground, except for the Pacific Gas & Electric Company's electrical service facilities and the Pumping Station control panel. The new sanitary sewer Pumping Station will receive raw sewage from the collection mains as described above. The Pumping Station will have a wet well to temporarily store the raw sewage from the collection system in the times between pump operations.

The cost of the Improvements includes all planning, design, construction administration and general administration services, the acquisition of all necessary easements and rights of way, the acquisition of licenses, franchises and permits, and the construction of all ancillary improvements that may be necessary for, or convenient to the construction of the Improvements.

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

COST ESTIMATE

The total estimate cost for the construction and financing of the improvements is shown in Table No. 2.

Table No. 2 – Summary Cost Estimate CARMEL AREA WASTEWATER DISTRICT ASSESSMENT DISTRICT NO. 23-01 (CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)				
	Item Description	(1) As Prelim. Approved	(2) As Confirmed and Recorded	(3) As Modified After Recordation
1	Construction, Design and Administrative Costs			
	Permitting and Administration	\$ 162,600	\$ 162,600	
	Design and Administrative	359,267	359,267	
	Construction Costs	<u>2,838,160</u>	<u>2,769,160</u>	
	Subtotal	3,360,027	3,291,027	
2	Assessment District Formation Costs			
	Assessment Engineering Fees	23,400	23,400	
	Bond Counsel Fee Formation	10,000	10,000	
	Advertise Public Hearing/Mail Ballots	<u>3,000</u>	<u>3,000</u>	
	Subtotal	36,400	36,400	
3	Bond Issuance Costs			
	Bond Counsel Fee Bonds	25,000	25,000	
	Bond Counsel Expenses	2,000	2,000	
	Trustee Fee/Counsel	5,000	5,000	
	Municipal Advisor Fees	25,000	25,000	
	Preparation of Official Statement	15,000	15,000	
	Municipal Advisor Expenses	1,000	1,000	
	Disclosure Counsel Fee	10,000	10,000	
	Official Statement Printing	<u>2,000</u>	<u>2,000</u>	
	Issuance Costs	85,000	85,000	
	Capitalized Interest	46,000	46,000	
	Underwriter Discount	80,000	80,000	
	Bond Reserve	275,000	275,000	
	Original Issue Discount/(Premium)	40,000	40,000	
	Contingency	<u>10,573</u>	<u>10,573</u>	
	Financing Costs	<u>451,573</u>	<u>451,573</u>	
	Subtotal	536,573	536,573	
	Total Amount of Assessments	\$3,933,000	\$3,864,000	

The Act requires that a special fund be set up for the revenues and expenditures of the Assessment District. Funds raised by the assessment shall be used only for the purposes as stated herein.

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

ASSESSMENT ROLL

The Assessment Roll shown in Table No. 3 below is keyed to the list of Assessor parcel numbers which are located within the Assessment District. These Assessor parcel numbers correspond to the Assessor parcel numbers on file with the Monterey County Assessor for the 2023-24 fiscal year.

Table No. 3 – Assessor’s Parcel Numbers of Property Owners CARMEL AREA WASTEWATER DISTRICT ASSESSMENT DISTRICT NO. 23-01 (CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)				
Assessment Number	Assessor’s Parcel Number	(1) As Preliminarily Approved	(2) As Confirmed and Recorded	(3) As Modified After Recordation
1	241-011-002	\$69,000	\$69,000	
2	241-021-018	\$69,000	\$69,000	
3	241-031-005	\$69,000	\$69,000	
4	241-031-007	\$69,000	\$69,000	
5	241-031-008	\$69,000	\$69,000	
6	241-031-010	\$69,000	\$69,000	
7	241-031-012	\$69,000	\$69,000	
8	241-031-013	\$69,000	0	
9	241-031-018	\$69,000	\$69,000	
10	241-031-020	\$69,000	\$69,000	
11	241-031-021	\$69,000	\$69,000	
12	241-031-022	\$69,000	\$69,000	
13	241-031-023	\$69,000	\$69,000	
14	241-031-024	\$69,000	\$69,000	
15	241-051-002	\$69,000	\$69,000	
16	241-051-003	\$69,000	\$69,000	
17	241-051-005	\$69,000	\$69,000	
18	241-051-006	\$69,000	\$69,000	
19	241-051-007	\$69,000	\$69,000	
20	241-051-009	\$69,000	\$69,000	
21	241-051-010	\$69,000	\$69,000	
22	241-051-011	\$69,000	\$69,000	
23	241-051-012	\$69,000	\$69,000	

24	241-051-013	\$69,000	\$69,000	
25	241-051-014	\$69,000	\$69,000	
26	241-051-015	\$69,000	\$69,000	
27	241-051-016	\$69,000	\$69,000	
28	241-051-017	\$69,000	\$69,000	
29	241-051-018	\$69,000	\$69,000	
30	241-051-019	\$69,000	\$69,000	
31	241-051-020	\$69,000	\$69,000	
32	241-051-022	\$69,000	\$69,000	
33	241-051-024	\$69,000	\$69,000	
34	241-051-025	\$69,000	\$69,000	
35	241-051-027	\$69,000	\$69,000	
36	241-051-028	\$69,000	\$69,000	
37	241-052-001	\$69,000	\$69,000	
38	241-052-002	\$69,000	\$69,000	
39	241-052-003	\$69,000	\$69,000	
40	241-052-004	\$69,000	\$69,000	
41	241-052-005	\$69,000	\$69,000	
42	241-052-006	\$69,000	\$69,000	
43	241-052-007	\$69,000	\$69,000	
44	241-061-001	\$69,000	\$69,000	
45	241-061-002	\$69,000	\$69,000	
46	241-061-004	\$69,000	\$69,000	
47	241-061-005	\$69,000	\$69,000	
48	241-061-011	\$69,000	\$69,000	
49	241-061-014	\$69,000	\$69,000	
50	241-061-015	\$69,000	\$69,000	
51	241-071-004	\$69,000	\$69,000	
52	241-071-005	\$69,000	\$69,000	
53	241-071-006	\$69,000	\$69,000	
54	241-072-002	\$69,000	\$69,000	
55	241-072-003	\$69,000	\$69,000	
56	241-073-001	\$138,000	\$138,000	
Total		\$3,933,000	\$3,864,000	

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

NAMES AND ADDRESSES OF PROPERTY OWNERS

The names and Addresses of Property Owners shown in Table No. 4 below are keyed to the list of Assessor Parcels Numbers which are located within the Assessment District. These Assessor's Parcel Numbers correspond to the Assessor's Parcel Numbers on file with the Monterey County Assessor for the 2023-2024 fiscal year.

Table No. 4 – Names and Addresses of Property Owners CARMEL AREA WASTEWATER DISTRICT ASSESSMENT DISTRICT NO. 23-01 (CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)				
Assessment Number	Assessor's Parcel Number	Legal Name of Parcel Owners (Assessee)	Surname	Mailing Address
1	241-011-002	Janet Swan Bush TR	Bush	83 Corona Road Carmel, CA 93923-9610
2	241-021-018	Paul M. Goldman & Anita I. Goldman TRS	Goldman	78 Corona Road Carmel, CA 93923-9610
3	241-031-005	Conservatorship of Donald C. Masters	Masters	1441 Schilling Place South Salinas, CA 93901
4	241-031-007	Alexander L. Ford	Ford	83A Corona Road Carmel, CA 93923-9610
5	241-031-008	C.W. Freedman & Ellen Pendleton, TRS	Freedman & Pendleton	P.O. Box 221217 Carmel, CA 93922-1217
6	241-031-010	Mark John Andrew Danek & Jennifer Jung	Danek & Jung	82 Corona Road Carmel, CA 93923-9610
7	241-031-012	Mark John Andrew Danek & Jennifer Jung	Danek & Jung	82 Corona Road Carmel, CA 93923-9610
8	241-031-013	Gwyn P. De Amaral, TR & John J. Willsen, TR	De Amaral & Willsen	P. O. Box 314 Carmel, CA 93921
9	241-031-018	Michael L. McCurdy & Melinda P. H. McCurdy, TRS	McCurdy	88 Corona Road Carmel, CA 93923-9610
10	241-031-020	Gwyn P. De Amaral, TR & John J. Willsen, TR	De Amaral & Willsen	77 Corona Road Carmel, CA 93923-9610
11	241-031-021	Catherine Ann Lamb, TR	Lamb	75 Corona Road Carmel, CA 93923-9610
12	241-031-022	Jeffrey A. Barnes & Rebecca Joy Barnes	Barnes	81 Corona Road Carmel, CA 93923-9610
13	241-031-023	Michael I. Falkel & Lisa C. Falkel, TRS.	Falkel	80 Corona Road Carmel, CA 93923-9610
14	241-031-024	Daniel Weiner & Ellen Weiner, TRS	Weiner	84 Corona Road Carmel, CA 93923-9610
15	241-051-002	James F. Olsen, TR	Olsen	94 Corona Way Carmel, CA 93923-9617

16	241-051-003	Alan R. Marcus & Lotte Marcus, TRS	Marcus	120 Fairview Street Decatur, GA 30030
17	241-051-005	Richard M. Silver & Cynthia Zoller, TRS	Silver & Zoller	89 Corona Road Carmel, CA 93923-9610
18	241-051-006	Misaki F. Olson, TR	Olson	P.O. Box 222603 Carmel, CA 93923-2603
19	241-051-007	Stuart Smith & Mahin Azimi	Smith & Azimi	8481 Skyline Blvd. Oakland, CA 94611-1543
20	241-051-009	Melodi Evered, TR	Evered	303 San Benancio Road Salinas, CA 93908-9103
21	241-051-010	Lana L. Price, TR	Price	93 Corona Way Carmel, CA 93923-9803
22	241-051-011	Brian Lee Krone	Krone	P.O. Box 22843 Carmel, CA 93922
23	241-051-012	Leila Banijamali & Patricia Zendejas	Banijamali & Zendejas	1415 Shrader Street San Francisco, CA 94117
24	241-051-013	George M. Hahn, TR	Hahn	93 Corona Way #B Carmel, CA 93923-9617
25	241-051-014	Suna Lin Price, TR	Price	93 Corona Way Carmel, CA 93923
26	241-051-015	Lana L. Price, TR	Price	93 Corona Way Carmel, CA 93923
27	241-051-016	Natasha M. Doner, TR	Doner	98 Corona Road Carmel, CA 93923-9616
28	241-051-017	John Garrett Williams, TR	Williams	68 Highway 1 Carmel, CA 93923-9725
29	241-051-018	Elliot Roberts, TR	Roberts	RR 1 Box 248 Carmel, CA 93923
30	241-051-019	Scott Duncan Short, TR	Short	20568 Kincannon Road Carmel Valley, CA 93924-9114
31	241-051-020	Kirk Stewart, TR	Stewart	P.O. Box 3156 Santa Barbara, CA 93130-3156
32	241-051-022	Noe S. Lozano & Xiddia F. Gonzalez	Lozano & Gonzalez	249 HWY 1 #A Carmel, CA 93923-9611
33	241-051-024	Frank James Hennessy	Hennessy	100 Arboleda Lane Carmel Valley, CA 93924-9633
34	241-051-025	Gregory G. Minshall, TR	Minshall	P.O. Box 1707 Los Altos, CA 94023-1707
35	241-051-027	Claudia & William Daniels, TRS	Daniels	563 Figueroa Street Monterey, CA 93940-3232
36	241-051-028	Claudia & William Daniels, TRS	Daniels	563 Figueroa Street Monterey, CA 93940-3232
37	241-052-001	James M. Hull & Lillian Y. Hull, TRS	Hull	1928 San Luis Avenue Mountain View, CA 94043-2962
38	241-052-002	Richard A. Dierker, Jeffrey R. Dierker & Lisa Jeanne Georgoulis, TRS	Dieker & Georgoulis	1801 Mill Creek Road Crossroads, TX 76227-8225
39	241-052-003	Albert Tao & Thuy D. Nguyen, TRS	Tao & Nguyen	79 Corona Road Carmel, CA 93923-9610
40	241-052-004	Michael Miller & Terri Miller	Miller	80 Spruce Way Carmel, CA 93923-9609
41	241-052-005	Stanley A. Smith & Christine Denhart	Smith	77 Spruce Way Carmel, CA 93923-9609
42	241-052-006	Ladd J. Strnad & Patricia C. Strnad, TRS	Strnad	76 Spruce Way Carmel, CA 93923-9609

43	241-052-007	Paul S. Hariri, TR	Hariri	P.O. Box 4557 Carmel, CA 93921-4557
44	241-061-001	David M. Goldschmidt & Cherie C. Campbell, TRS	Goldschmidt & Campbell	225 Crossroads, Suite 521 Carmel, CA 93923
45	241-061-002	Molly Helene Williams, TR	Williams	68 Highway 1 Carmel, CA 93923-9725
46	241-061-004	Molly Helene Williams, TR	Williams	68 Highway 1 Carmel, CA 93923-9725
47	241-061-005	Molly Helene Williams, TR	Williams	68 Highway 1 Carmel, CA 93923-9725
48	241-061-011	Charles Krone Associates, Inc.	Krone	P.O. Box 22367 Carmel, CA 93922-0367
49	241-061-014	Villa Kulla, LLC	Villa Kulla	2891 Woodside Road Woodside, CA 94062-2441
50	241-061-015	John K. Rodgers, TR	Rodgers	40 Shepherds Knoll Pebble Beach, CA 93953-3059
51	241-071-004	Coyote Properties II, LLC	Coyote	55 Las Colinas Lane San Jose, CA 95119-1214
52	241-071-005	Coyote Properties II, LLC	Coyote	55 Las Colinas Lane San Jose, CA 95119-1214
53	241-071-006	Gregory G. Ebbitt	Ebbitt	P.O. Box 3465 Fullerton, CA 92834-3465
54	241-072-002	Daniel J. Keig & Dasha J.D. Keig	Keig	200 Crest Road Carmel, CA 93923-9744
55	241-072-003	Dasha J.D. Keig	Keig	200 Crest Road Carmel, CA 93923-9744
56	241-073-001	Daniel J. Keig, TR	Keig	200 Crest Road Carmel, CA 93923-9744
57				
58				
59				
60				

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

METHOD OF ASSESSMENT

General

The assessment district area contains **55** privately owned properties that could connect to a sanitary sewer collection system. Of those **55** properties, 50 are presently improved with single family dwelling structures and one with a commercial business. All developed parcels have existing septic systems. The single family dwelling properties will benefit equally with the ability to eliminate use of their septic systems and have the capability of connecting to a public sanitary sewer system. Based on water use, the commercial property has the benefit of two single family dwellings. Therefore, each property, whether developed with a single-family residence, or vacant, will be assessed equally with the exception of the commercial property which will be assessed as two equivalent dwelling units.

Three existing properties within the Assessment District Boundaries are owned by the State of California as open spaces. Those properties were not annexed into the District and will not be able to be developed.

Assessment Parcels 8 and 10 are owned by the same persons, and are listed as distinct parcels in the Monterey County Assessor's records. The conditional approval by Monterey County to construct a new home on Parcel 10 has a condition to require the merger of Parcels 8 and 10 into one parcel. Although the parcel merger has never been accomplished, Parcel 8 cannot be developed without amending the existing conditions of approval. Therefore, Parcel 8 has been removed from the assessments

Certain other properties more than 300 feet from the proposed sanitary sewer collection line will not be assessed because those properties are not feasibly able to connect to the Improvements.

The proposed Improvements are for the sole purpose of providing sanitary sewer services to the properties within the Assessment District. As a result, these parcels will each receive a "special benefit" for the ability to connect to the Improvements.

Any "general benefit" to the public at large from the construction of the new sanitary sewer system constituting the Improvements are intangible and not quantifiable. Therefore, none of the costs of the improvements are apportioned to general benefit.

The Assessment District is being formed, and the Assessments will be levied, under the Act and Article XIII D of the California Constitution, which require that only special benefits may be assessed, and that a parcel's assessment may not exceed the reasonable

cost of the proportional special benefit conferred on that parcel. The law does not specify a method to use when determining the amount of special benefit to each parcel. The Engineer of Work is responsible for conducting the benefit analysis and then making a recommendation to the District Board, who then makes the final determination. Therefore, the assessments within this report have been apportioned by the Engineer of Work in accordance to the proportionate special benefits received by the lots and parcels of land within the Assessment District. The Assessment apportioned to each lot represents its prorated share of the total estimated capital cost of the Improvements. No assessment has been apportioned on any parcel that exceeds the reasonable cost of the proportional special benefit provided to that parcel.

Future Connections

If future property owners wish to connect to the Improvements they will be charged a special connection fee, which the District will use to benefit the original owners within the Assessment District through the prepayment of debt and reduction of Assessments.

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

ANNUAL ADMINISTRATION ASSESSMENT

As provided in Streets and Highways Code Section 10204(f), an additional assessment will be levied annually on each parcel within the Assessment District to pay costs associated with the administration of the Assessment District and the associated debt service reserve.

Each parcel within the Assessment District shall be allocated a share of these annual costs apportioned based on the annual fees paid. The exact amount of these charges will be established each year by the County of Monterey, and will be levied in an annual amount initially equal to a maximum of \$6,250 per year.

These annual assessments are separate from, and in addition to, (a) the per-parcel collection fee that may be added to each annual assessment under Streets and Highways Code Sections 8682 (to cover expenses of collection) and 8682.1 (to cover bond administration costs), and (b) any fees payable to the District in connection with Assessment pre-payments after the issuance of Bonds, apportionment of Assessments to reflect parcels splits or parcel mergers, and late charges and penalties for delinquent Assessment installments.

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

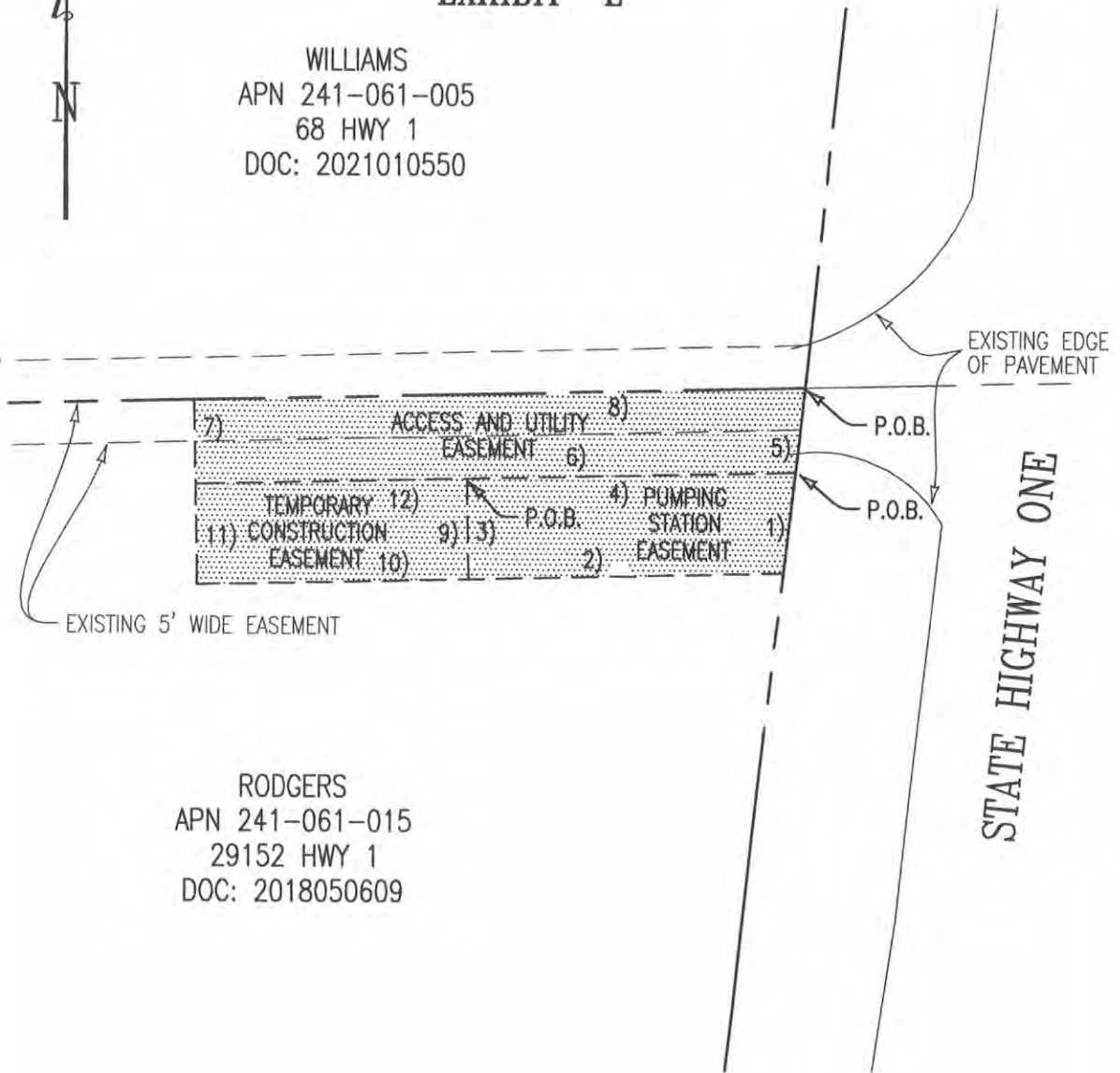
DESCRIPTION AND PLATS OF EASEMENTS AND OR LANDS TO BE ACQUIRED

Graphic Exhibits Attached

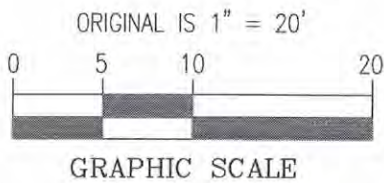
EXHIBIT "E"



WILLIAMS
APN 241-061-005
68 HWY 1
DOC: 2021010550



RODGERS
APN 241-061-015
29152 HWY 1
DOC: 2018050609



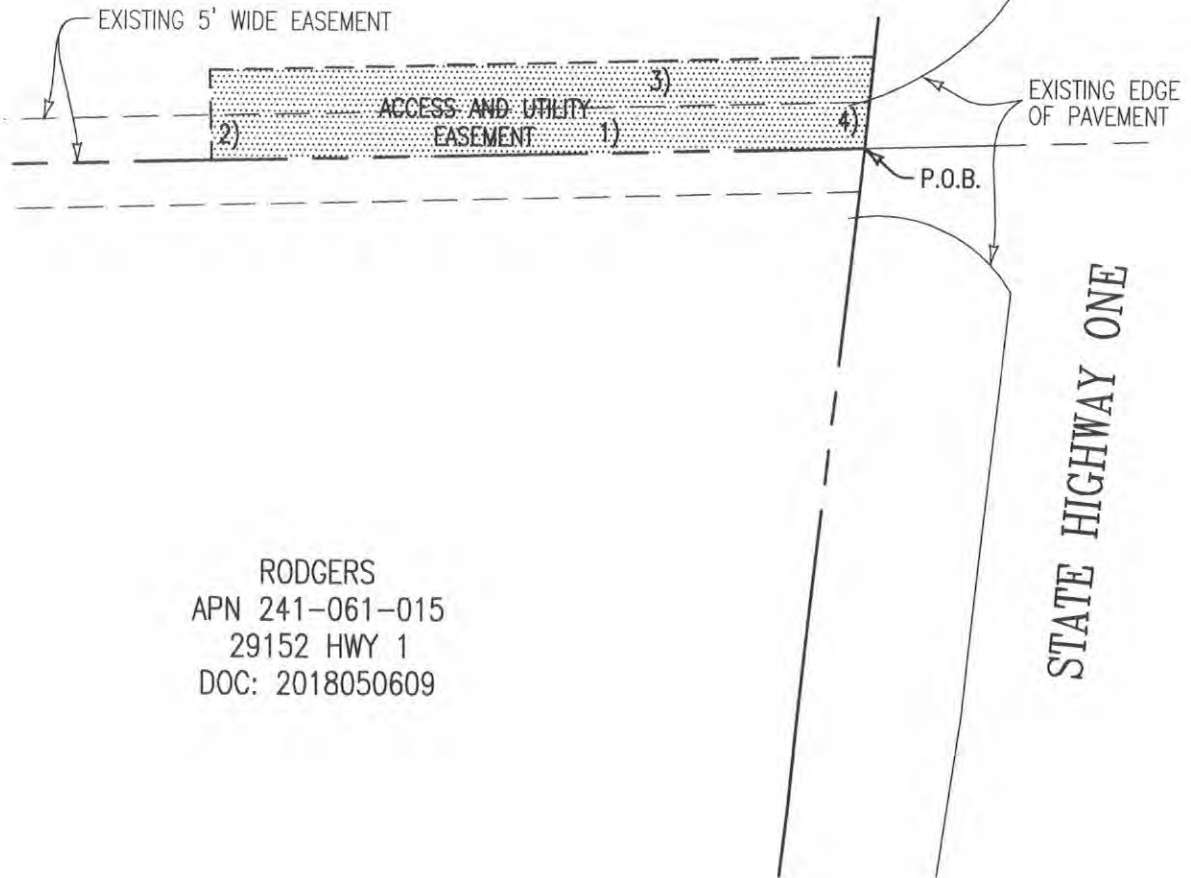
EASEMENT EXHIBIT
PREPARED FOR
THE CORONA ROAD SEWER PROJECT
CARMEL AREA WASTEWATER DISTRICT

PREPARED BY
MONTEREY BAY ENGINEERS, INC.
607 CHARLES AVENUE, SUITE B
SEASIDE, CA 93955
(831) 899-7899

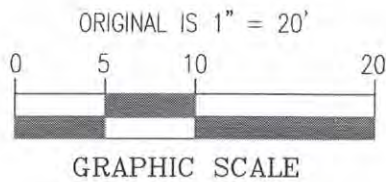
EXHIBIT "C"



WILLIAMS
APN 241-061-005
68 HWY 1
DOC: 2021010550



RODGERS
APN 241-061-015
29152 HWY 1
DOC: 2018050609



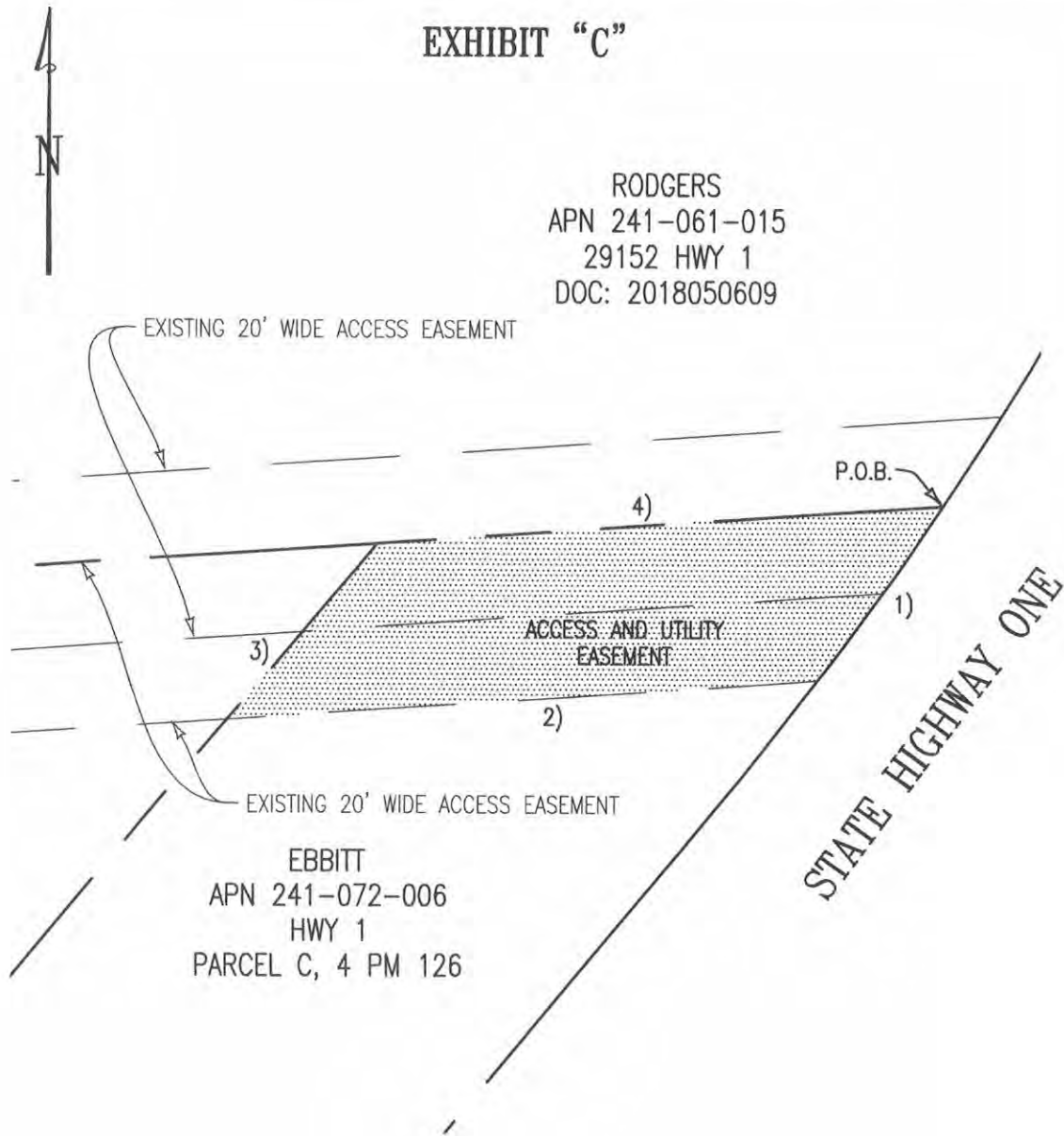
10/13/2023

EASEMENT EXHIBIT
PREPARED FOR
THE CORONA ROAD SEWER PROJECT
CARMEL AREA WASTEWATER DISTRICT

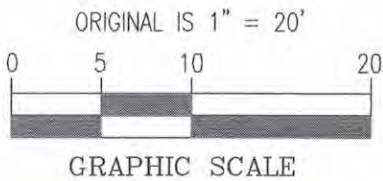
PREPARED BY
MONTEREY BAY ENGINEERS, INC.
607 CHARLES AVENUE, SUITE B
SEASIDE, CA 93955
(831) 899-7899

EXHIBIT "C"

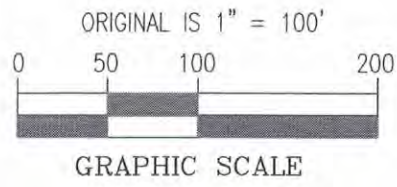
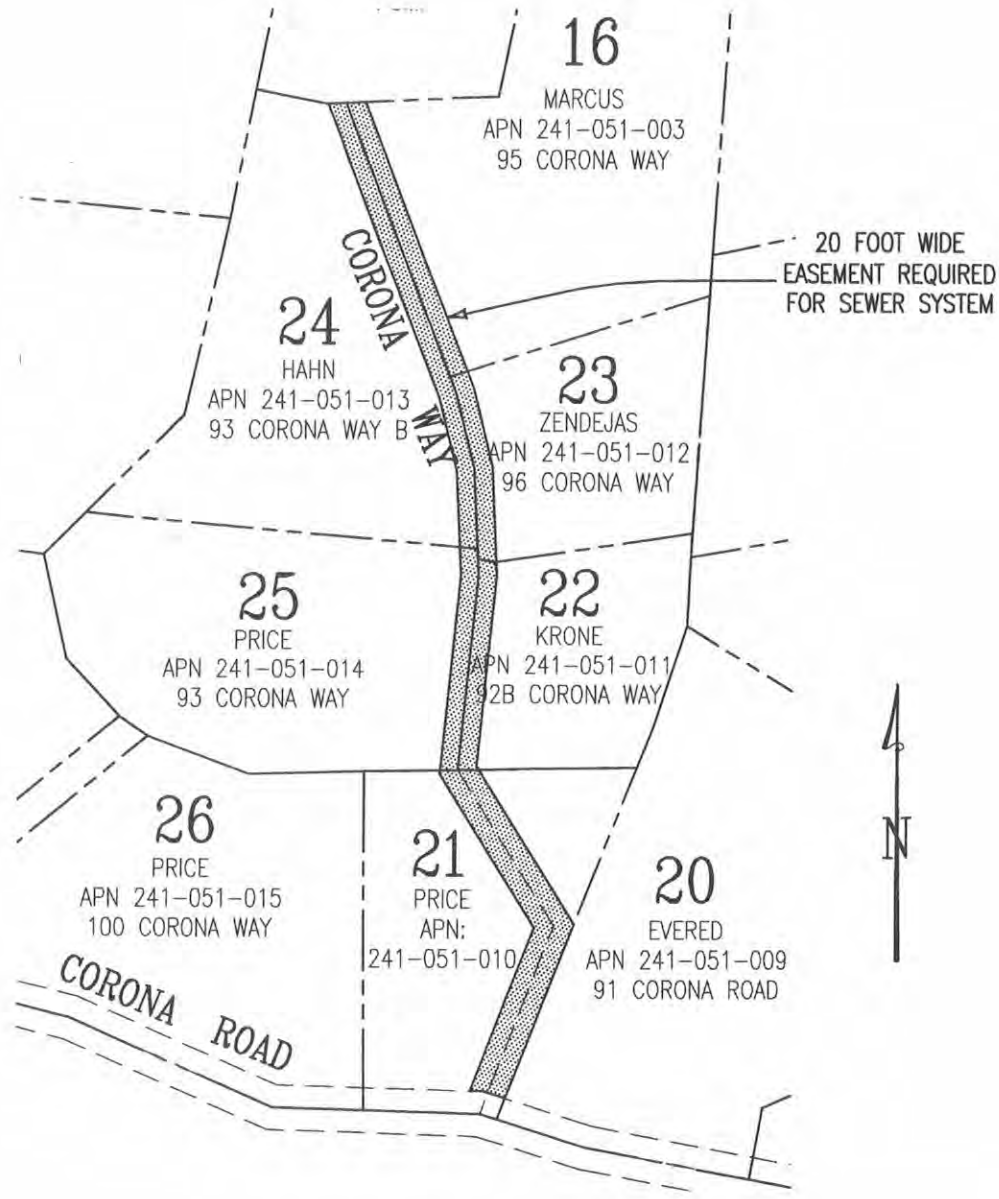
RODGERS
APN 241-061-015
29152 HWY 1
DOC: 2018050609



EBBITT
APN 241-072-006
HWY 1
PARCEL C, 4 PM 126



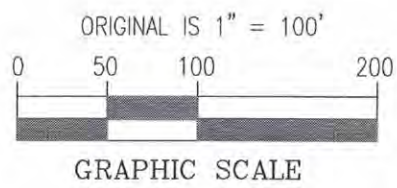
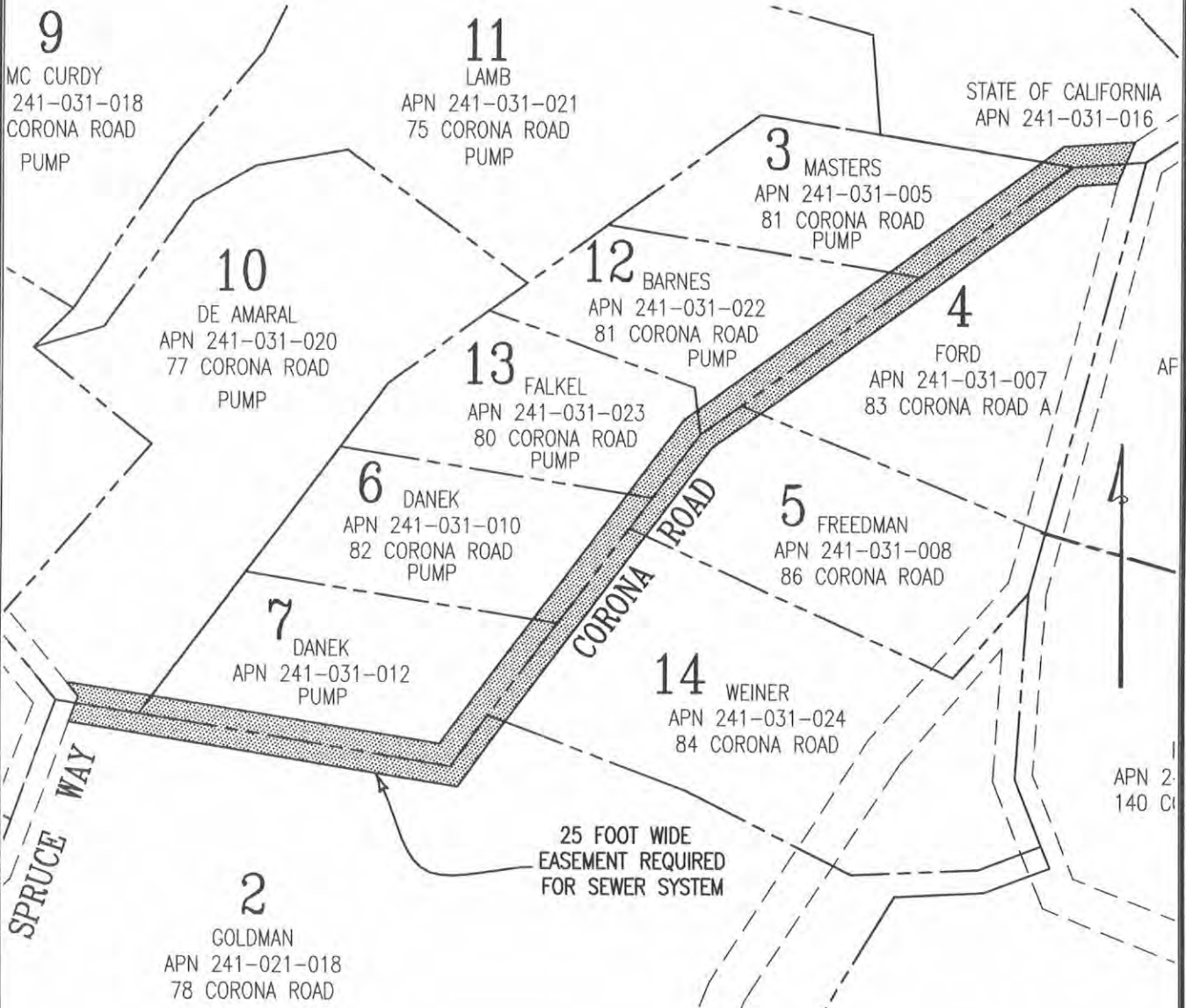
EASEMENT EXHIBIT
PREPARED FOR
THE CORONA ROAD SEWER PROJECT
CARMEL AREA WASTEWATER DISTRICT
PREPARED BY
MONTEREY BAY ENGINEERS, INC.
607 CHARLES AVENUE, SUITE B
SEASIDE, CA 93955
(831) 899-7899



**CORONA WAY
EASEMENT EXHIBIT**

PREPARED FOR
**THE CORONA ROAD SEWER PROJECT
CARMEL AREA WASTEWATER DISTRICT**

PREPARED BY
MONTEREY BAY ENGINEERS, INC.
607 CHARLES AVENUE, SUITE B
SEASIDE, CA 93955
(831) 899-7899



10/19/2023

**CORONA ROAD
EASEMENT EXHIBIT**

PREPARED FOR
**THE CORONA ROAD SEWER PROJECT
CARMEL AREA WASTEWATER DISTRICT**

PREPARED BY
MONTEREY BAY ENGINEERS, INC.
607 CHARLES AVENUE, SUITE B
SEASIDE, CA 93955
(831) 899-7899

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

CERTIFICATES

1. On October 26, 2023, the Assessment and Assessment Roll in this Engineer's Report, in the amounts set forth in Columns (1) of each, with the Assessment Diagram attached, was filed with me.

By _____ Board Clerk of the

Carmel Area Wastewater District

2. On February 22, 2024, the Assessment in this Engineer's Report, in the amounts set forth in Column (2) and the Assessment Diagram attached were confirmed and approved by the Carmel Area Wastewater District Board of Directors.

By _____ Board Clerk of the

Carmel Area Wastewater District

3. On February 22, 2024, the Assessment in this Engineer's Report and the Assessment Diagram attached, all as confirmed and approved by the Carmel Area Wastewater District Board of Directors, were recorded in the office of the District General Manger.

By _____ Board Clerk of the

Carmel Area Wastewater District

4. On _____, 2024, an Assessment Diagram was filed in the office of the County Recorder of Monterey County, California.

By _____ Board Clerk of the

Carmel Area Wastewater District

5. On _____, 2024, a Notice of Assessment was recorded in the office of the County Recorder of Monterey County, California.

By _____ Board Clerk of the

Carmel Area Wastewater District

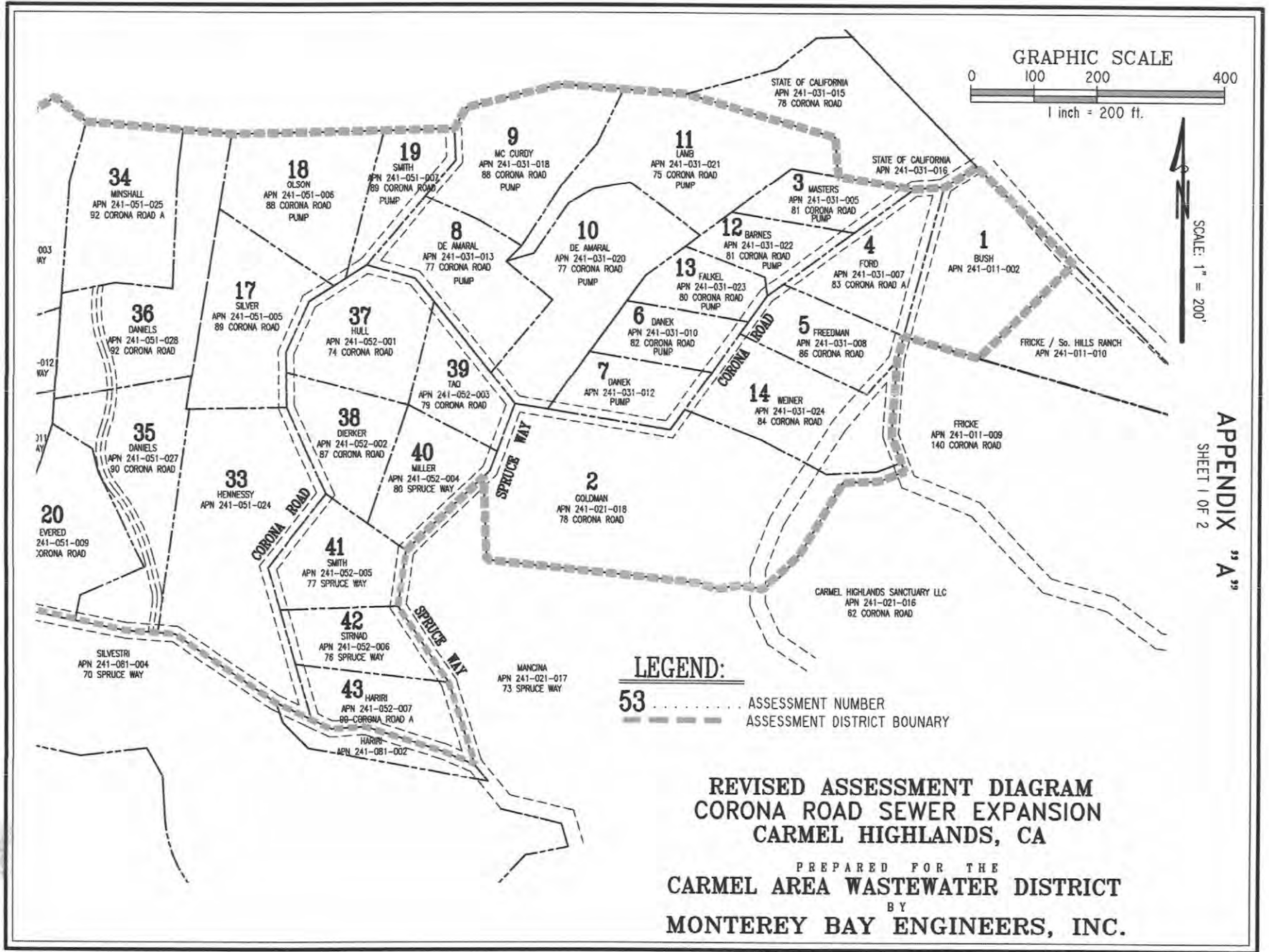
CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

ASSESSMENT DIAGRAM

A reduced copy of the Assessment Diagram of the Assessment District is attached hereto in Appendix "A" of this Report. Full Size copies of the Assessment Diagram are on file in the office of the Secretary of the Board of Directors.

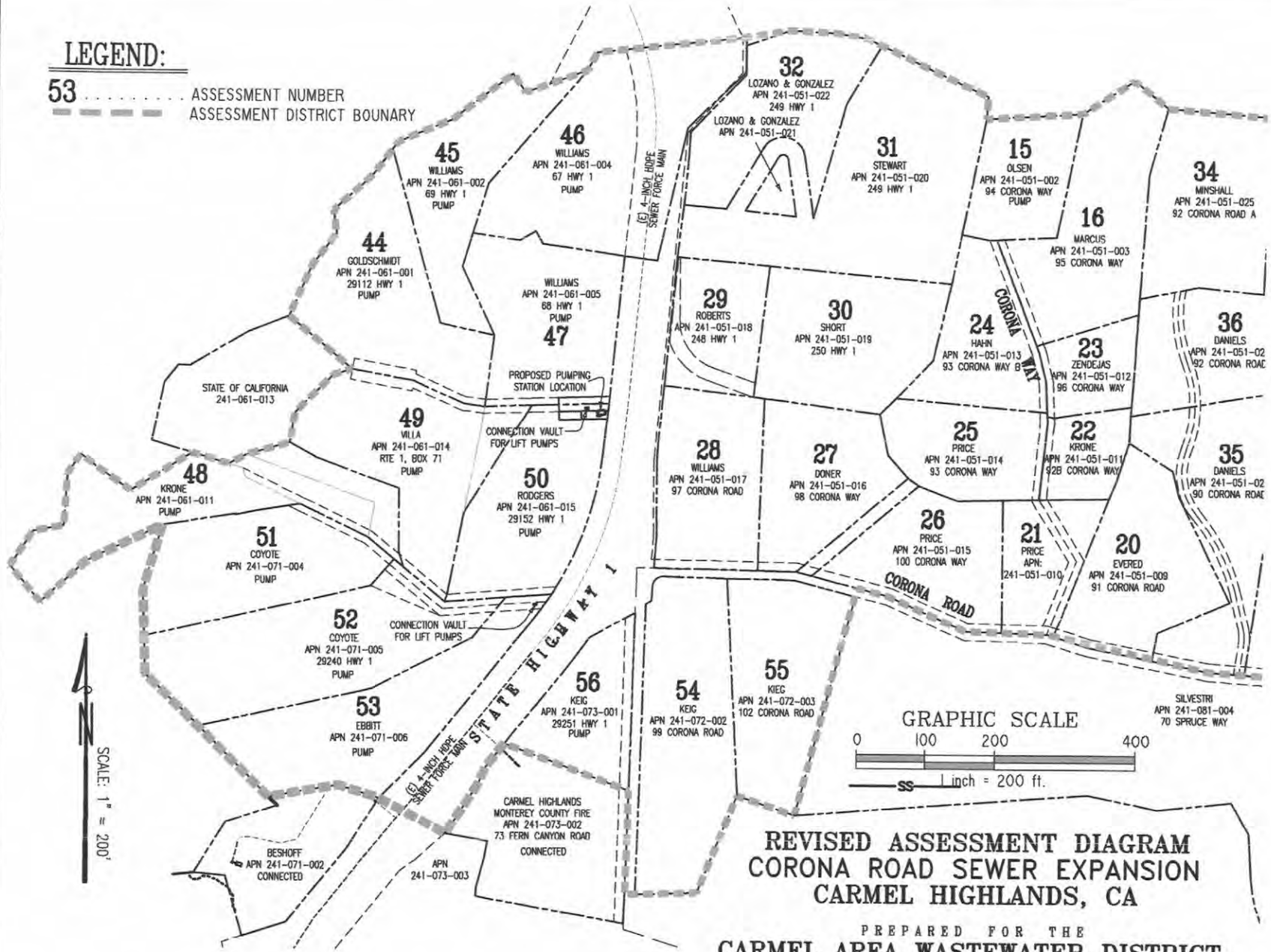
As required, the Assessment Diagram shows the exterior boundaries of the Assessment District that contains the parcels shown on the Assessment Roll.

The Assessor's Parcel Numbers correspond to the Assessment District, as they existed at the time of the passage of the Resolution of Intention, and are hereby referenced to the Assessor's Parcel maps of the County of Monterey for the boundaries and dimensions of each parcel of land.

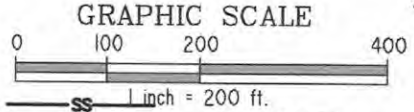


LEGEND:

53 ASSESSMENT NUMBER
 - - - - - ASSESSMENT DISTRICT BOUNDARY



APPENDIX "A"
 SHEET 2 OF 2



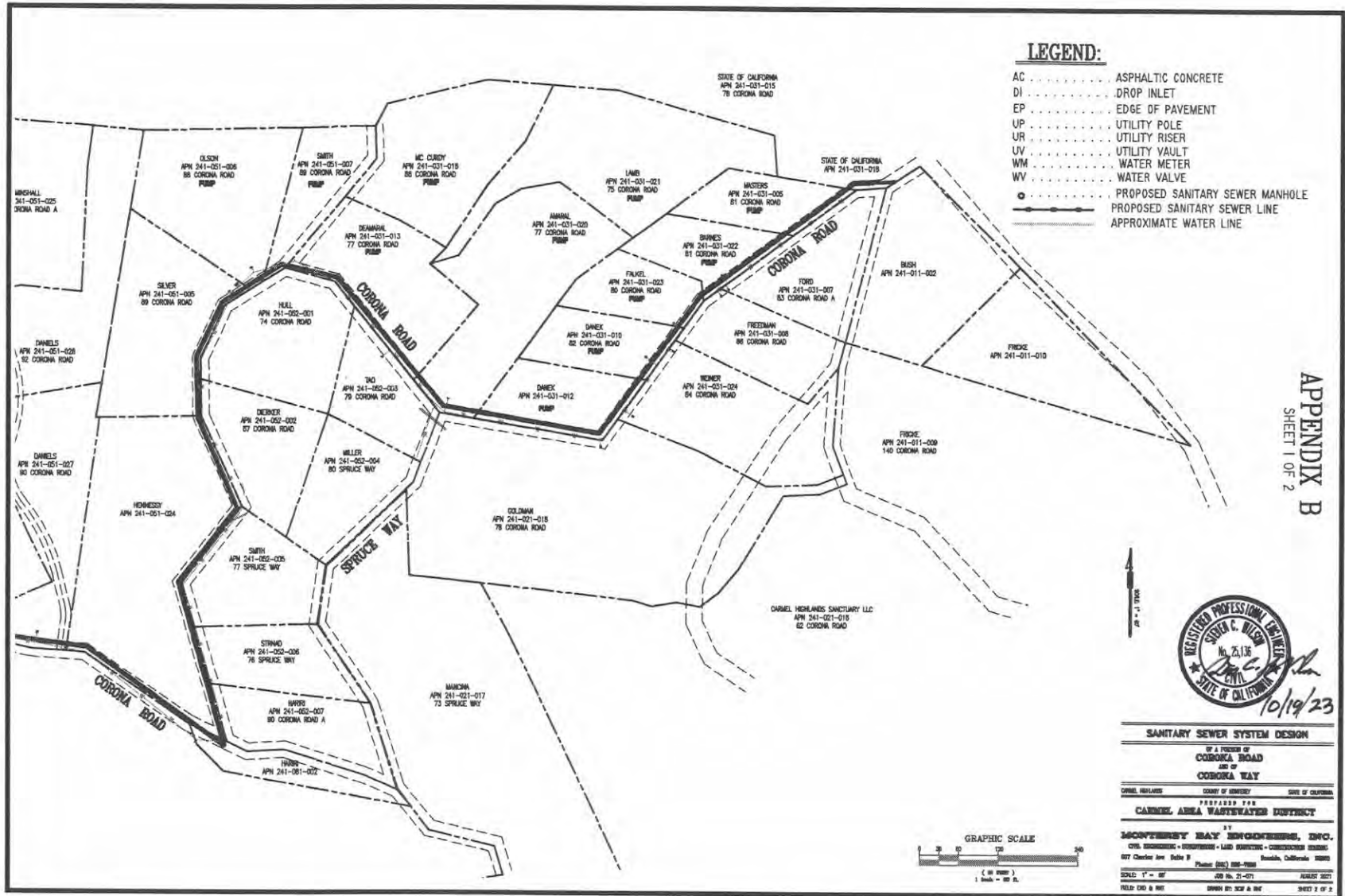
**REVISED ASSESSMENT DIAGRAM
 CORONA ROAD SEWER EXPANSION
 CARMEL HIGHLANDS, CA**

PREPARED FOR THE
CARMEL AREA WASTEWATER DISTRICT
 BY
MONTEREY BAY ENGINEERS, INC.

CARMEL AREA WASTEWATER DISTRICT
ASSESSMENT DISTRICT NO. 23-01
(CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

PLANS

A reduced copy of the Construction Plans is attached hereto in Appendix "B" of this Report. Full Size copies of the Construction Plans are on file in the office of the Secretary of the Board of Directors.



LEGEND:

- AC ASPHALTIC CONCRETE
- DI DROP INLET
- EP EDGE OF PAVEMENT
- UP UTILITY POLE
- UR UTILITY RISER
- UV UTILITY VAULT
- WM WATER METER
- WV WATER VALVE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- - - - - APPROXIMATE WATER LINE

APPENDIX B
SHEET 1 OF 2



10/19/23

SANITARY SEWER SYSTEM DESIGN

OF A PORTION OF
CORONA ROAD
AND
CORONA WAY

COUNTY OF SAN DIEGO STATE OF CALIFORNIA

PREPARED FOR
CARNEL AREA WASTEWATER DISTRICT

BY
MONTGOMERY WAT ENGINEERING, INC.
CIVIL ENGINEERING • SURVEYING • LAND SURVEYING • CONSTRUCTION RECORDS
8177 Cheshire Ave. Suite # 9 Phone: (619) 444-9988 Escondido, California 92026

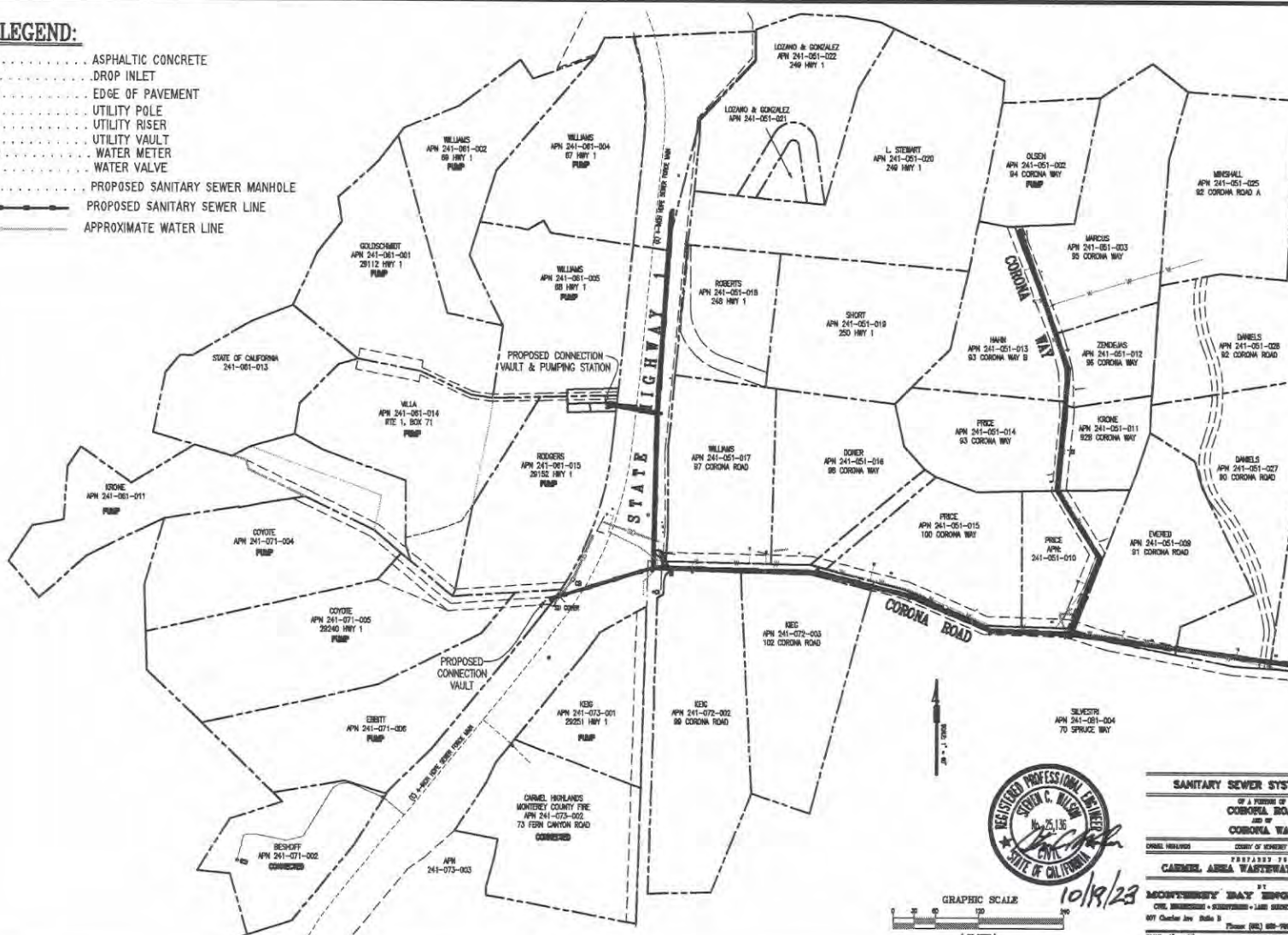
SCALE: 1" = 60' JOB No. 21-071 AUGUST 2021

FIELD: CAG & BNF DESIGN: SCF & BNF SHEET 2 OF 2



LEGEND:

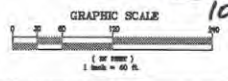
- AC ASPHALTIC CONCRETE
- DI DROP INLET
- EP EDGE OF PAVEMENT
- UP UTILITY POLE
- UR UTILITY RISER
- UV UTILITY VAULT
- WM WATER METER
- WV WATER VALVE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- — — APPROXIMATE WATER LINE



APPENDIX B
SHEET 2 OF 2



10/19/23



SANITARY SEWER SYSTEM DESIGN	
OF A PORTION OF CORONA ROAD AND OF CORONA WAY	
CARMEL HIGHLANDS	SITE OF CALIFORNIA
PREPARED FOR CARMEL AREA WASTEWATER DISTRICT	
BY MONTGOMERY BAY ENGINEERS, INC. CIVIL, MECHANICAL & ELECTRICAL ENGINEERS • LAND SURVEYORS • CONSTRUCTION DESIGN	
807 Cheshire Ave. Suite 3	San Jose, California 95128
Phone: (408) 882-9999	FAX: (408) 882-9999
SCALE: 1" = 40'	JOB NO. 23-071
FIELD: 09/08 & 09/10	DRAWN BY: SCW & PHL
DATE: 09/20/23	SHEET 1 OF 2

RESOLUTION NO. 2024-08

A RESOLUTION ADOPTING REVISED ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT AND ORDERING THE WORK AND ACQUISITIONS, AND DIRECTING ACTIONS WITH RESPECT THERETO FOR THE CARMEL AREA WASTEWATER DISTRICT ASSESSMENT DISTRICT NO. 23-01 (CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

-oOo-

WHEREAS, on October 26, 2023, the Board of Directors (the "Board") of the Carmel Area Wastewater District (the "District") adopted its resolution entitled "A Resolution of Intention to Make Acquisitions and Improvements for the Proposed Carmel Area Wastewater District Assessment District No. 23-01 (Corona Road Area Sanitary Sewer System Project)" (the "Resolution of Intention") under the Municipal Improvement Act of 1913 (Division 12 of the Streets and Highways Code of California (the "Act"), to initiate proceedings under the Act in and for the proposed Carmel Area Wastewater District Assessment District No. 23-01 (Corona Road Area Sanitary Sewer System Project) (the "Assessment District") for the making of certain public improvements (the "Improvements") as described in the Resolution of Intention; and

WHEREAS, the Resolution of Intention designated Monterey Bay Engineers, Inc., as engineer of work for the Assessment District (the "Engineer of Work") and directed the Engineer of Work to prepare and file with the Board Clerk, pursuant to the Act, a report (the "Engineer's Report") containing the information requested in the Resolution of Intention, to which reference is hereby made for further particulars; the Engineer's Report was duly made and filed, and duly considered by this Board and found to be sufficient in every particular, whereupon it was determined that the Engineer's Report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the Resolution of Intention; and

WHEREAS, pursuant to the Act, this Board ordered a public hearing to be held before this Board at 3945 Rio Road, Carmel, California, on February 22, 2024, at the hour of 2:00 p.m., for the purposes of this Board's (i) determining whether the public interest, convenience and necessity require the Improvements, whether the properties in the Assessment District are specially benefited by the Improvements, the tabulation of special assessment ballots and the existence of any majority protest, and (ii) taking final action upon the Engineer's Report and the assessments proposed therein.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of the District as follows:

Section 1. Public Hearing. Pursuant to the Act, notice of the public hearing was given as required by law, the public hearing was duly and regularly held, all persons interested desiring to be heard were given an opportunity to be heard, all matters and things pertaining to the Improvements were fully heard and considered by this Board, all protests, both written and oral, were duly heard and considered, and all assessment ballots submitted by property owners were received and tabulated.

Section 2. No Majority Protest; Protests Overruled. The Board hereby determines 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. This Board hereby overrules the protests, if any, written and oral, 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, or against the Assessment District or the extent thereof to be assessed for the costs and expenses of the 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 of the Improvements, in whole or in part.

Section 3. Public Interest. The public interest, convenience and necessity require that the Improvements be made and that the Assessment District be created.

Section 4. Assessment District Described. The Assessment District benefited by the Improvements and to be assessed to pay the costs and expenses of the Improvements, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Board Clerk of the Board of Directors (the "Board Clerk of the Board"), which is hereby incorporated by reference.

Section 5. Engineer's Report Approved. The Engineer's Report as a whole and each part thereof, as revised, is hereby approved and confirmed, to wit:

- (a) the plans and specifications for the proposed Improvements;
- (b) the maps and descriptions of the lands and easements to be acquired, if any;
- (c) the engineer's estimate of the itemized and total costs and expenses of the Improvements, and of the incidental expenses in connection therewith;

(d) the diagram showing the Assessment District and the boundaries and dimensions of the respective subdivisions of land within the Assessment District; and

(e) the assessment of the total amount of the costs and expenses of the proposed Improvements upon the several subdivisions of land in the Assessment District in proportion to the estimated benefits to be received by those subdivisions, respectively, from the Improvements, and of the expenses incidental to the Improvements.

Final adoption and approval of the Engineer's Report as a whole, as hereby determined and ordered, 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.

Section 6. Improvements Ordered, Assessment District Formed and Assessments Confirmed. This Board hereby orders that the Improvements described in the Resolution of Intention be made, that the Assessment District be formed, and that the assessment to pay the costs and expenses of the Improvements is hereby confirmed and levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution of Intention and the Engineer's Report.

Section 7. 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 (a) that each of said several subdivisions of land will be specially benefited by the Improvements at least in the amount, if not more than the amount, of the assessment apportioned against those subdivisions of land, respectively, and (b) that there is substantial evidence to support, and the weight of said evidence preponderates in favor of, this finding and determination as to special benefits.

Section 8. Recording Ordered. The Board Clerk of the Board shall promptly:

(a) Deliver the assessment (in the form of the final Engineer's Report) to the District's General Manager, 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 General Manager shall file the assessment and assessment diagram in her office in a suitable book to be kept for that purpose, and append thereto their certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

(b) Cause a copy of the assessment diagram and a notice of assessment, substantially the form provided in Section 3114 of the Streets and Highways Code of California, executed by the Board Clerk of the Board, to be filed and recorded, respectively, in the office of the County Recorder of the County of Monterey, such notice to be in substantially the form provided in Section 3114 of the Streets and Highways Code.

(c) Cause a certified copy of the assessment and assessment diagram to be recorded, in accordance with Section 10401 of the Streets and Highways Code, in the office of the official of the County who is the County Surveyor.

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 10 years from the date of recordation, or if bonds are issued to represent the assessments, then such liens shall continue until the expiration of 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 District are hereby authorized to take all actions and to pay any and all fees required by law in connection with the above.

Section 9. Cash Payment Ordered.

(a) Cash Payment. Under the Act, this Board hereby directs that the owners of property within the Assessment District shall be given written notice of the confirmation of the assessments and of the recording thereof in the office of the District's General Manager and of the opportunity of such owners to pay all or a portion of the assessments in cash for a period of not less than 30 days.

(b) Collection Officer. The District's General Manager is appointed Collection Officer (the "Collection Officer") for the assessments and the person to whom payment of the assessments shall be made, at the following address:

General Manager
Carmel Area Wastewater District
3945 Rio Road,
Carmel, California 93922
Attn: Collection Officer, Assessment District No. 23-01

(c) Mailed Notices. The Collection Officer shall cause notices to pay assessments to be mailed under Section 10404 of the Act, which shall state that bonds will be issued under the Improvement Bond Act of 1915 to represent any unpaid assessments.

The mailed notice shall be mailed to each owner of real property within the Assessment District at their last known address as the same appears on the tax rolls of the County, or on file in the office of or as known to the Board Clerk of the Board, or to both addresses if the address is not the same, or to the general delivery when no address so appears.

(d) Published Notice. The Collection Officer shall also cause the notice to be published once a week for two successive weeks (with at least five days intervening between the respective publication dates, not counting such dates) in a newspaper published and circulated in the Assessment District.

(e) Contents of Notices. Each mailed and published notice shall state:

(i) that the assessment has been recorded as provided in Section 10402 of the Streets and Highways Code,

(ii) the date of recordation,

(iii) that all sums assessed therein are due and payable immediately and payment thereof is to be made to the Collection Officer at the Collection Officer's office by the deadline specified in the notice (not less than 30 days after the date of recording the assessment), and

(iv) the effect of failure to pay within such time, including the fact that bonds will be issued pursuant to the Improvement Bond Act of 1915 to represent and upon the security of the assessments which are not paid within the cash payment period.

The mailed assessment notices shall contain a designation by street number or other description of the property assessed sufficient to identify that property and the amount of the assessment on that property.

(f) Proceeds of Collections. The Collection Officer shall establish a fund (the "Cash Payment Fund"), separate and distinct from other funds of the District, into which shall be deposited all sums received from the cash payments.

The Cash Payment Fund shall be designated:

“Carmel Area Wastewater District, Assessment District No. 23-01
Cash Payment Fund”

The Cash Payment Fund may be invested by the Collection Officer in lawful investments for the District; provided, however, that the Collection Officer shall be under no obligation to invest any or all of the amounts in the Cash Payment Fund.

If this Board issues bonds for the Assessment District, the moneys in the Cash Payment Fund shall be applied to the Improvements for the Assessment District and the Cash Payment Fund shall be closed. If the Board determines not to issue bonds to finance the Improvements, the Collection Officer shall return the amounts of each cash payment (with any interest thereon) to the persons responsible for paying that cash payment and the Cash Payment Fund shall be closed. The timing of such determinations shall be entirely at the discretion of the Board.

Section 10. Effective Date. This resolution shall be effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Carmel Area Wastewater District duly held on February 22, 2024, by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

Ken White, President of the Board

ATTEST:

Domine Barringer, Board Clerk

STAFF REPORT



To: Board of Directors

From: Barbara Buikema, General Manager

Date: February 22, 2024

Subject: Agreement for Legal Services with Jones Hall for Bond Counsel

RECOMMENDATION

It is recommended that the Board of Directors authorize the General Manager to execute an Agreement for Legal Services between the District and Jones Hall for bond counsel and disclosure services in connection with assessment district formation and bond issuance.

DISCUSSION

The original intention for the Corona Road Project was that all legal expenses would be reimbursed by the bond proceeds. This assumed that the bond election would be successful, which we now know to be in question. Although this item is within my signing authority, this legal agreement is being brought to the Board for approval to pay legal expenses incurred to date for full transparency.

Compensation is specifically detailed in Section 7.

District counsel has reviewed this agreement and issued their approval as to form.

FUNDING

Potentially \$35,000 from District Reserves.

ATTACHMENT

Jones Hall Legal Service Agreement

AGREEMENT FOR LEGAL SERVICES

BETWEEN THE CARMEL AREA WASTEWATER DISTRICT AND JONES HALL, A PROFESSIONAL LAW CORPORATION, FOR BOND COUNSEL AND DISCLOSURE COUNSEL SERVICES IN CONNECTION WITH ASSESSMENT DISTRICT FORMATION AND BOND ISSUANCE

This AGREEMENT FOR LEGAL SERVICES is entered into this 28th day of July, 2020, between the CARMEL AREA WASTEWATER DISTRICT (the "Client") and JONES HALL, A PROFESSIONAL LAW CORPORATION, San Francisco, California ("Attorneys").

B A C K G R O U N D :

1. The Client is conducting assessment district proceedings to form an assessment district under the Municipal Improvement Act of 1913 (the "Assessment District") to extend sanitary sewer service to the Corona Road neighborhood (the "Project").
2. The Client proposes to finance the costs of the Project by issuing limited obligation improvement bonds (the "Bonds") secured by the assessments levied within the Assessment District.
3. The Client has determined that Attorneys are specially trained and experienced to provide services for accomplishing such formation and financing, and Attorneys are willing to provide such services.

A G R E E M E N T :

In consideration of the foregoing and the mutual covenants contained in this Agreement, the Client and Attorneys agree as follows:

Section 1. Attorney-Client Relationship. Upon the date of this Agreement, the Client will be Attorney's client and an attorney-client relationship will exist between Client and Attorneys. Attorneys assume that all other parties will retain such counsel, as they deem necessary and appropriate to represent their interests in this transaction. Attorneys further assume that all other parties understand that in this transaction Attorneys represent only the Client, Attorneys are not counsel to any other party, and Attorneys are not acting as an intermediary among the parties. Attorneys' services as bond counsel are limited to those contracted for in this Agreement; the Client's execution of this Agreement will constitute an acknowledgment of those limitations. Attorneys' representation of the Client will not affect, however, our responsibility to render an objective Bond Opinion.

Section 2. Scope of Engagement – Assessment District Formation. Attorneys shall perform all of the following services as bond counsel in connection with the formation of the Assessment District for the purpose of providing financing for the Project:

a. Confer and consult with the officers and administrative staff of the Client and Client's assessment engineers and consultants as to matters relating to the assessment district formation proceedings.

b. Preparation of all legal proceedings for the formation of the Assessment District, including the resolutions of the governing board of the Client, and the various ballots, notices and certificates necessary to carry out the formation of the Assessment District.

c. Review the assessment engineer's report for legal sufficiency.

d. Participate in telephone and virtual conferences with the officers and administrative staff of the Client and Client's assessment engineers and consultants, and attend the public hearings held by the Client's governing board in connection with the Assessment District proceedings and ballot tabulation.

Section 3. Scope of Engagement – Bond Counsel. Attorneys shall perform all of the following services as bond counsel in connection with the issuance and sale of the Bonds for the purpose of providing financing for the Project:

a. Confer and consult with the officers and administrative staff of the Client and Client's consultants as to matters relating to the issuance of the Bonds.

b. Preparation of all legal proceedings for the authorization, issuance and delivery of the Bonds by the Client, including a resolution of the governing board of the Client authorizing the issuance and sale of the Bonds and approving related documents and actions, and all documents required for the closing of the issue; supervising the closing; and preparation of all other proceedings incidental to or in connection with the issuance and sale of the Bonds.

c. Advising the Client, from the time Attorneys are hired as Bond Counsel until the Bonds are issued, as to compliance with federal tax law as required to ensure that the interest payable on the Bonds and received by the investors is exempt from federal taxation.

d. Upon completion of proceedings to Attorneys' satisfaction, providing a legal opinion (the "Bond Opinion") approving the validity and enforceability of the proceedings for the authorization, issuance and delivery of the Bonds, and stating that the interest on the Bonds is excludable from gross income for purposes of federal income taxation and that such interest is exempt from California personal income taxation. The Bond Opinion will be addressed to the Client.

e. Reviewing the official statement or any other disclosure document with respect to the Bonds, which will be prepared by the Client's municipal advisor.

f. Such other and further services as are normally performed by bond counsel in connection with similar financings.

The Bond Opinion will be delivered by Attorneys on the date the Bonds are exchanged for their purchase price, will be based on facts and law existing as of its date, will cover certain matters not directly addressed by such authorities, and will represent Attorneys' judgment as to the proper treatment of the Bonds for federal income tax purposes. Attorneys' opinion is not binding on the Internal Revenue Service ("IRS") or the courts. Attorneys cannot and will not give any opinion or assurance about the effect of future changes in the Internal Revenue Code of 1986 (the "Code"), the applicable regulations, the interpretation thereof or the enforcement thereof by the IRS. Client acknowledges that future legislation, if enacted into law, or clarification of the Code may cause interest on the Bonds to be subject, directly or indirectly, to federal income taxation, or otherwise prevent investors from realizing the full current benefit of the tax status of such interest. Attorneys will express no opinion regarding any pending or proposed federal tax legislation.

In rendering the Bond Opinion, Attorneys will rely upon the certified proceedings and other certifications of public officials and other persons furnished to Attorneys without undertaking to verify the same by independent investigation, and Attorneys will assume continuing compliance by the Client with applicable laws relating to the Bonds.

Section 4. Scope of Engagement – Disclosure Counsel. Attorneys shall perform all of the following services as disclosure counsel in connection with the offering and sale of the Bonds for the purpose of providing financing for the Project:

a. Review the Official Statement (both preliminary and final) or other disclosure document of the Client to be used in connection with the offering and sale of the Bonds, which will be prepared by the Client's municipal advisor.

b. Confer and consult with the officers and administrative staff of the Client as to matters relating to the Official Statement.

c. Participate in telephone and virtual conferences with the officers and administrative staff of the Client and Client's consultants at which the Official Statement is to be discussed, deemed necessary by Attorneys for the proper exercise of their due diligence with respect to the Official Statement.

d. On behalf of the Client, review the purchase contract pursuant to which the Bonds will be sold to the underwriter.

e. On behalf of the Client, prepare a continuing disclosure certificate of the Client to assist the underwriter with complying with its obligations under Securities and Exchange Commission Rule 15c2-12.

f. Subject to the completion of proceedings to the satisfaction of Attorneys, provide a letter of Attorneys addressed to the Client and the underwriter of the Bonds that, although Attorneys are not passing upon and do not assume any responsibility for the accuracy, completeness or fairness of the statements contained in the Official Statement and make no representation that Attorneys have independently verified the accuracy, completeness or fairness of any such statements, no facts have come to Attorneys' attention that cause Attorneys to believe that the Official Statement (except for any financial and statistical data and forecasts, numbers, estimates, assumptions and expressions of opinion, information concerning any bond insurer and its bond insurance policy, and information concerning the Depository Trust Company and the book-entry system for the Bonds, contained or incorporated by reference in the Official Statement and the appendices to the Official Statement, which Attorneys will expressly exclude from the scope of this sentence) as of the date of the Official Statement or the date of such letter, contains any untrue statement of a material fact or omits to state any material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading.

Section 5. Excluded Services. Our duties in this engagement are limited to those expressly set forth above in Section 2, except as expressly set forth in a written amendment to this Agreement. Among other things, our duties do not include:

a. Preparing requests for tax rulings from the Internal Revenue Service, or "no-action" letters from the Securities and Exchange Commission.

b. Preparing blue sky or investment surveys with respect to the Bonds.

c. Drafting state constitutional or legislative amendments.

d. Representing the Client in any litigation, including without

limitation legal challenges to the Assessment District formation proceedings or the Bonds.

e. Making an investigation or expressing any view as to the creditworthiness of the Client or the Bonds.

f. Representing the Client in Internal Revenue Service examinations, audits or inquiries, or Securities and Exchange Commission investigations.

g. Reviewing or opining on the business terms of or validity of any investment agreement that the Client may choose as an investment vehicle for the proceeds of the Bonds, unless the Client and Attorneys agree on the terms of such review and compensation for such review.

h. Addressing any other matter not specifically set forth above that is not required to render our Bond Opinion.

Section 6. Conflicts; Prospective Consent. Attorneys represent many political subdivisions, investment banking firms and financial advisory firms. It is possible that during the time that Attorneys are representing the Client, one or more of Attorneys present or future clients will have transactions with the Client. It is also possible that Attorneys may be asked to represent, in an unrelated matter, one or more of the entities involved in the issuance of the Bonds. Attorneys do not believe such representation, if it occurs, will adversely affect Attorneys' ability to represent you as provided in this Agreement, either because such matters will be sufficiently different from the issuance of the Bonds so as to make such representations not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of the issuance of the Bonds. Execution of this Agreement will signify the Client's consent to Attorneys' representation of others consistent with the circumstances described in this paragraph.

Section 7. Compensation.

a. For the Assessment District formation services set forth in Section 2 above, the Client will pay Attorneys compensation in the amount of \$10,000. Payment of such compensation shall be due and payable upon the issuance of the Bonds or a final determination by the Client's governing board to abandon the Assessment District formation proceedings.

b. For the bond counsel services set forth in Section 3 above, the Client will pay Attorneys compensation in the amount of \$25,000. In addition, the Client shall reimburse Attorneys for closing costs and expenses in an amount not to exceed \$2,000, other than legal publication costs, if any, incurred by Attorneys, which will be fully reimbursed.

For the disclosure counsel services set forth in Section 4 above, the Client will pay Attorneys compensation in the amount of \$10,000.

Payment of compensation for bond and disclosure counsel services shall be entirely contingent, shall be due and payable upon the issuance of the Bonds and shall be payable solely from the proceeds of the Bonds and from no other funds of the Client.

The compensation of Attorneys is not set by law but is negotiable between Attorneys and the Client.

Section 8. Responsibilities of the Client.

(a) General. The Client will cooperate with Attorneys and furnish Attorneys with certified copies of all proceedings taken by the Client, or otherwise deemed necessary by Attorneys to render an opinion upon the validity of the proceedings for the formation of the Assessment District and the issuance of the Bonds. During the course of this engagement, Attorneys will rely on Client to provide Attorneys with complete and timely information on all developments pertaining to any aspect of the Bonds and their security.

(b) Federal Tax Law-Related Responsibilities. The Code imposes various restrictions, conditions and requirements relating to the exclusion from gross income for federal income tax purposes of interest on obligations such as the Bonds. As a condition of Attorneys issuing their opinion, you will be required to make certain representations and covenants to comply with certain restrictions designed to insure that interest on the Bonds will not be included in federal gross income. Inaccuracy of these representations or failure to comply with these covenants may result in interest on the Bonds being included in gross income for federal income tax purposes, possibly from the date of original issuance of the Bonds. Attorneys' opinion will assume the accuracy of these representations and compliance with these covenants.

Attorneys will not undertake to determine (or to inform any person) whether any actions taken (or not taken) or events occurring (or not occurring) after the date of original issuance of the Bonds may adversely affect the value of, or the tax status of interest with respect to, the Bonds. In this regard, Client agrees to familiarize itself with the relevant requirements and restrictions necessary for the Bonds to qualify for exemption from federal income taxation and to exercise due diligence both before and after the original issuance of the Bonds in complying with these requirements.

Section 9. Independent Contractor. Attorneys will act as an independent contractor in performing the services required under this Agreement, and under no circumstances shall Attorneys be considered an agent, partner, or employee of the Client.

Section 10. Assignment. Attorneys may not assign their rights or delegate their obligations under this Agreement, in whole or in part, except with the prior written consent of the Client.

Section 11. Termination of Agreement.

(a) Termination by Client. This Agreement may be terminated at any time by the Client with or without cause upon written notice to Attorneys.

(b) Termination by Attorneys. This Agreement may be terminated by Attorneys upon 15 days' written notice to Client if Client fails to follow written legal advice given by Attorneys.

(c) Termination Upon Issuance of Bonds. This Agreement shall terminate upon the issuance of the Bonds.

(d) Consequences of Termination. In the event of termination, all finished and unfinished documents shall at the option of the Client become its property and shall be delivered to the Client by Attorneys.

IN WITNESS WHEREOF, the Client and Attorneys have executed this Agreement as of the date first above written.

CARMEL AREA WASTEWATER DISTRICT

Barbara Buikema, General Manager

**JONES HALL, A PROFESSIONAL LAW
CORPORATION**

Scott R. Ferguson
Vice President

RESOLUTION # 2024-09

A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT FOR LEGAL SERVICES BETWEEN THE DISTRICT AND JONES HALL FOR BOND COUNSEL AND DISCLOSURE SERVICES IN CONNECTION WITH ASSESSMENT DISTRICT NO. 23-01 CORONA ROAD AREA SANITARY SEWER SYSTEM FORMATION AND BOND ISSUANCE.

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WHEREAS, the Board of Directors understands that the original intention on the Corona Road Assessment District No. 23-01 was for all costs to be covered by the Assessment District; and

WHEREAS, it is currently unknown whether the project will move forward and issue a bond to cover project costs; and

WHEREAS, the Board of Directors agrees that the District will be responsible for any costs not covered by the Corona Road Assessment District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carmel Area Wastewater District that the General Manager may sign a contract with Jones Hall for bond counsel and disclosure services in connection with this assessment district formation and bond issuance.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Carmel Area Wastewater District duly held on February 22, 2024 by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

Ken White, President of the Board

ATTEST:

Domine Barriner, Board Clerk

Adjournment