

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works

BOARD AGENDA # *C-3

Urgent Routine

AGENDA DATE September 15, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt a Resolution Initiating Proceedings for the Formation of County Service Area 27-Empire

STAFF RECOMMENDATIONS:

1. Adopt a resolution initiating proceedings for the formation of County Service Area 27-Empire.
2. Direct the Public Works Department to prepare and file the required Engineer's Report.
3. Approve the use of up to \$5,000 of Community Development Funds for initial start up hard costs associated with the formation of County Service Area 27-Empire.
4. Direct the Auditor-Controller to increase appropriations as detailed in the Budget Journal Form.

FISCAL IMPACT:

Ongoing operation and maintenance of the County Service Area 27-Empire will be borne by the district once established. The initial formation and start-up costs for the said district are estimated to be \$17,000 and include the State Board of Equalization filing fee of \$1,200, Local Agency Formation Commission fee of \$3,000 and administration costs of \$12,800. Such costs are recommended to be covered through the combined use of Community Development Funds and the Public Works Road Operations budget.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-633

On motion of Supervisor Grover, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. CSA-27-1

Approval to Adopt a Resolution Initiating Proceedings for the Formation of County Service Area 27-Empire

Additionally, a request in the amount of \$6,000 is being made for funding from Stanislaus County Redevelopment Funds.

The Community Development Fund was established by the Board of Supervisors at \$1.5 million as part of the Final Budget during Fiscal Year 2007-2008. To date, four projects have been awarded funding from this source, the North Martin Luther King Jr. Drive Sidewalk Project (\$64,120), the County-wide Growth Management Strategy (\$100,000), the Keyes Sidewalk Incentive Program (\$60,000), and the Marshall Avenue Lighting District (\$3,200). The current uncommitted balance in the Community Development Fund is \$1,272,680. If the use of Community Development Funds for the County Service Area 27 is approved, the uncommitted balance would be \$1,267,680, not including interest earnings.

If the formation fails, the Department of Public Works will provide the minimum maintenance required to keep the storm drain system functioning however, it is anticipated that the system would fail before the maximum service life is realized. The cost of this minimum maintenance is estimated to be approximately \$5,000 per year and will be absorbed into the Public Works Road Operations budget.

The total estimated cost of construction for Phase 1A is \$2,494,000 with total Phase 1A project costs estimated not to exceed \$3,000,000. The project will be funded through a combination of Community Development Block Grant (approximately \$1.9 million) and Redevelopment Agency (\$1.1 million) funds.

DISCUSSION:

A signed resolution from the Board of Supervisors is required, per California Government Code Section 25211.3, in order to initiate proceedings in the establishment of a County Service Area.

In March 2006, the Board of Supervisors authorized the County to enter into a contract with Stantec Consulting Inc. to provide design, surveying and general engineering services to develop plans and specification for the Empire Infrastructure Improvement project. The design process was the first step toward the ultimate realization of storm drain infrastructure in Empire and is funded by the Community Development Block Grant (CDBG) Program and the Stanislaus County Redevelopment Agency. On July 21, 2009, the Board adopted the plans and specifications for the Empire Improvement Project Phase 1A and related actions including environmental exemption.

The project is to be constructed in three phases. Phase one (1) will provide infrastructure to approximately 44.52 acres that serve 80 parcels, Phase two (2) will include approximately 154 parcels, and Phase three (3) will include approximately 179 parcels. The total proposed improvements would serve approximately 152 acres within the unincorporated area of Empire.

Approval to Adopt a Resolution Initiating Proceedings for the Formation of County Service Area 27-Empire

Following the current schedule mandated by the funding mechanisms, Phase 1 of this project is due to be completed by June 30, 2010. The completion of phases two (2) and three (3) is anticipated for Fiscal Year 2012-2013. The overall completion time for all phases may be extended beyond the anticipated completion date dependent on the Redevelopment Agency and Community Development Block Grant program's ability to provide the funding mechanisms for the capital improvements. Phases two (2) and three (3) will be conditioned upon annexation into or formation of a county service area

The proposed County Service Area is located in the unincorporated town of Empire and encompasses those parcels that will receive special benefit from Phase 1 improvements. The purpose of this County Service Area is to provide for the ongoing maintenance and operation of the storm drain system once the improvements and infrastructure have been installed.

The boundary of CSA 27 is shown on Exhibit "A" and "B" that is attached hereto. Phase 1 is generally located:

- North of State Route 132
- East of the Santa Fe Railroad
- South of 2nd Street
- South of Center Avenue

The purpose of this County Service Area is to provide for the ongoing maintenance and operation of the storm drain system. The special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance of the service area's storm drain system including, but not limited, to the materials, equipment, labor, and administrative expenses. These special benefit services may include, but not be limited to, monthly or bi-monthly street sweeping, park and streetscape maintenance and storm water system maintenance to ensure maximum service life of the system. If the formation of the CSA is approved, the first year's assessment is anticipated to be approximately \$76 per parcel.

The formation of a County Service Area is a multiple action process:

- Adopt a resolution initiating proceedings for the formation of County Service Area 27-Empire;
- Prepare an Engineer's Report to describe services and spread the cost of the improvements over the benefitting parcels;
- Send a mail-in ballot to affected landowners with ballots tabulated after the public hearing;
- Affected landowners will be given an opportunity to speak for or against the formation or the proposed assessment at the public hearing;
- At the conclusion of the public hearing, the Chairman of the Board will request that the Clerk of the Board open and tally the Ballots; and,
- The Board may adopt a resolution ordering the formation of County Service Area 27-Empire be approved upon adoption of the tallied ballots and contingent upon approval of the formation of the County Service Area by the Local agency Formation Commission.

Approval to Adopt a Resolution Initiating Proceedings for the Formation of County Service Area 27-Empire

Attachments of Exhibits A & B show the proposed boundary of the proposed County Service Area 27-Empire.

The use of Community Development funds to cover the initial start-up hard costs associated with the formation of CSA 27-Empire is consistent with the Community Development fund goal of providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit." This funding approach was shared with Supervisor William O'Brien who indicated general support.

Information regarding the Empire Improvement Project and the proceedings associated with formation of county service areas has been shared with the community through the Empire Municipal Advisory Council through their regular meetings. Such updates will continue as necessary through the construction and formation process to ensure open communication with the community on this infrastructure project.

POLICY ISSUES:

The Board should consider if this recommended action is consistent with its priorities of providing a safe community and a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

DF/DH/RM:lc

H:\Denny Ferreira\Proposals\Empire CSA\Board Items\Initiate Proceedings\Empire Initiate Proceedings To Form 9-15-09

AUDITOR-CONTROLLER BUDGET JOURNAL



Balance Type	Budget	
Category	Budget - Upload	
Source		
Currency	USD	
Budget Name	LEGAL BUDGET	
Batch Name		BO#
Journal Name		
Journal description	Est budget for transfer of Community Devt Fund (CSA 27 Empire)	
Period	JUL-09 to JUN-10	
Organization	Stanislaus Budget Org	

Line	Coding Structure							Debit		Credit	Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6		incr appropriations decr est revenue	decr appropriations incr est revenue		
1	107	15292	85850		0	0	.0	5,000.00		increase trans out-CDF	
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Totals									6,000.00		

Est budget for transfer of Community Devt Fund (CSA 27 Empire)

Requesting Department	CEO	Auditors Office Only	
Sharon Andrews <i>[Signature]</i> Signature 9/4/09 Date	<i>[Signature]</i> Signature 9/8/09 Date	Prepared By <i>[Signature]</i>	Admin Approval (\$75K+) 9/4/09 Date

Contact Person & Phone Number

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: September 15, 2009

No. 2009-633

On motion of Supervisor Grover and approved by the following vote,
Seconded by Supervisor Monteith

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *C-3

THE FOLLOWING RESOLUTION WAS ADOPTED:

APPROVAL TO ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE FORMATION OF
COUNTY SERVICE AREA 27-EMPIRE

BE IT RESOLVED, that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

1. There is a need to provide on going funding to support the provision of the special benefit of a unified storm drain system in the unincorporated community of Empire. In order to promote health, safety and welfare of the residential and commercial area, and to accomplish that objective, the Board proposes the formation of County Service Area 27-Empire.
2. The area being included in the formation of the new county service area shall consist of all that land shown on the attached legal description (Exhibit "A") and map (Exhibit "B"), and shall be called "County Service Area 27-Empire".
3. The improvements to be constructed and maintained within County Service Area 27-Empire will consist of 5,630 linear feet of storm drain piping, 22 storm drain manholes, 10,600 linear feet of curb and gutter, and routine street sweeping to prevent build up of silt and other damaging materials to the storm drain system.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Engineer is ordered to prepare and file a report in accordance with the California Constitution Article XIII D Section 4(b).

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California

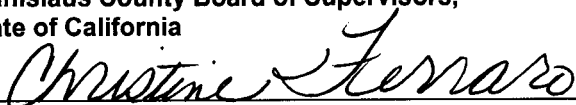


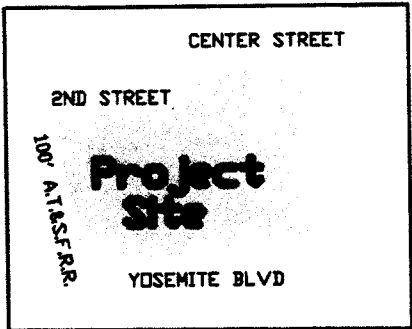
EXHIBIT "A"
CSA 27 FORMATION- EMPIRE

All that portion of real property located in Section 29 and 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian in the County of Stanislaus State of California Described as follows:

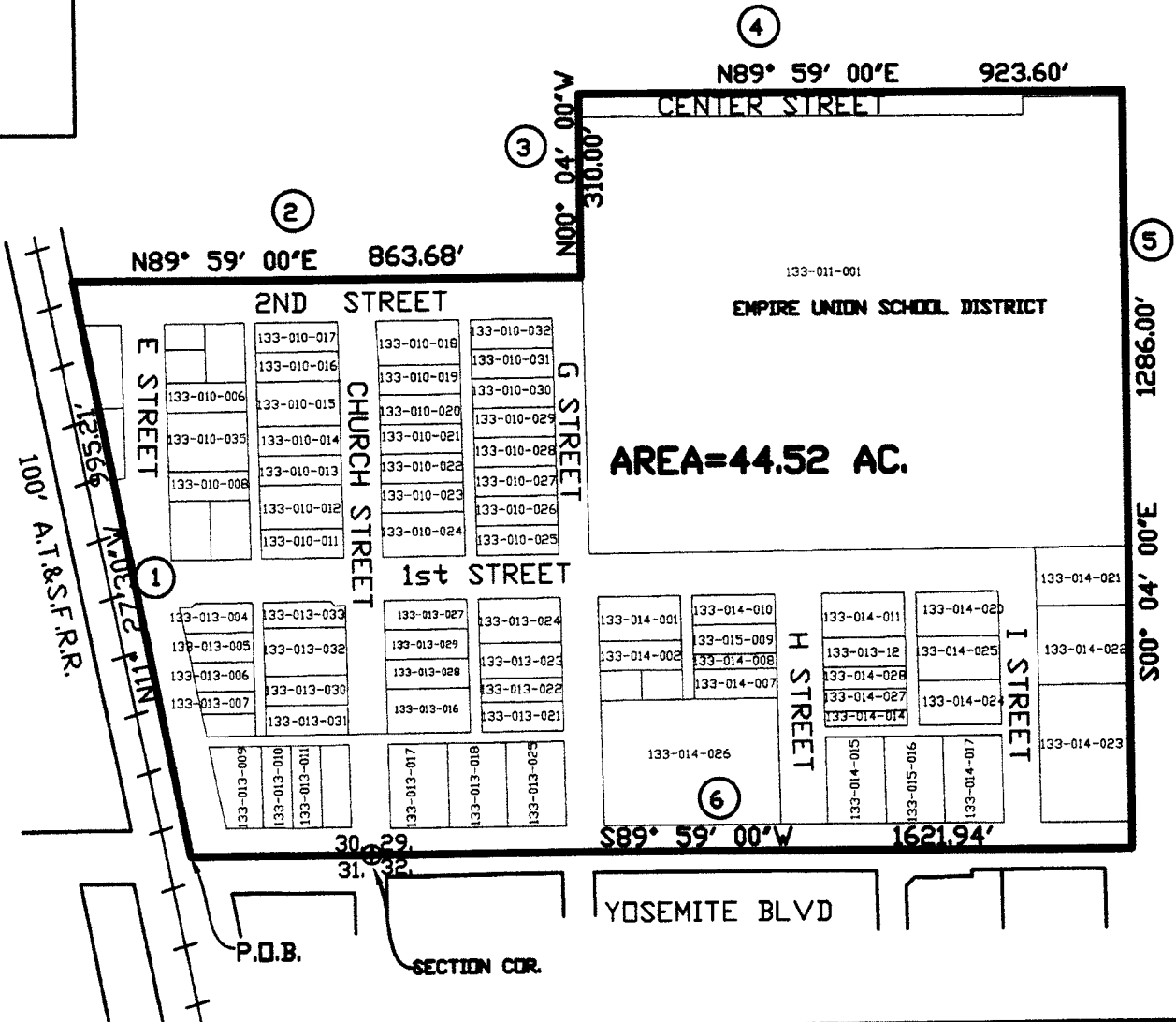
Commencing at the common section corner of Sections 30, 29, 31 and 32 of said Township and Range, thence South $89^{\circ}59'00''$ West a distance of 297.34 feet to the easterly right of way of Atchison Topeka and Santa Fe Railroad and being the **TRUE POINT BEGINNING OF THIS DESCRIPTION**. (1) thence North $11^{\circ}27'30''$ West a distance of 995.21 feet along the easterly line of said A.T.&S.F.R.R. to the northerly line of 2nd street. (2) thence North $89^{\circ}59'00''$ East along the north line of 2nd street a distance of 863.68 feet to the east right of way line of "G" Street (3) thence North $00^{\circ}04'00''$ West a distance of 310.00 feet to the north line of a 10 foot alley (4) thence North $89^{\circ}59'00''$ East a distance of 923.60 feet to the east line of Lot 1 of Block 1 of Map of the Root Addition recorded on Volume 9 of Maps, Page 40 Stanislaus County Records. (5) thence South $00^{\circ}04'00''$ East a distance of 1286.00 feet along the east line of Lots 1-11 of said Block 1 and its southerly extension to the south line of said section 29. (6) thence South $89^{\circ}59'00''$ West a distance of 1621.94 feet along the south line of said section 29 and 30 to the true point beginning of this description.

Containing an Area = 44.52 Acres

EXHIBIT 'B'



Vicinity Map
Not to Scale



CSA 27-EMPIRE FORMATION		DEPARTMENT OF PUBLIC WORKS STANISLAUS COUNTY	
BEING A PORTION OF SECTION 29 AND 30 TOWNSHIP 3 SOUTH, RANGE 10 EAST M.D.B.M.		DATE: 08-17-2009	SCALE: 1"=300'
		DRAWN BY: NCV CHECKED BY: LF	