

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

DEPT: Public Works *Abuch*

BOARD AGENDA # *C-11

Urgent Routine

AGENDA DATE December 8, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Results of the Proposition 218 Ballot Procedure held on November 24, 2009 for County Service Area 27-Empire

STAFF RECOMMENDATIONS:

1. Adopt the results of the ballot procedure (Support: 45.594, Protest 10.978, Incomplete: 0) held on November 24, 2009, for the approval to levy assessments within the legal boundary of CSA 27-Empire.
2. Direct the Department of Public Works to file an application with the Local Agency Formation Commission per Government Code 56652
3. Set the 2011/2012 annual assessments at \$77.88 per Equivalent Benefit Unit (EBU).
4. Authorize the Auditor-Controller to add the annual assessment to the 2011/2012 Tax Roll.

FISCAL IMPACT:

The proposed annual budget to operate CSA 27 - Empire contains the following: \$5,530 for street sweeping, \$2,700 for drain cleaning and maintenance, administration cost of \$823, fund balance reserve of \$649, and a general benefit credit of \$1,266, for a total of \$8,436. Using the budget figures listed above, the levied amount for residential and commercial parcels within this district is proposed at \$77.88 and \$272.58 per acre, respectively.

BOARD ACTION AS FOLLOWS:

No. 2009-821

On motion of Supervisor Chiesa, Seconded by Supervisor Grover

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) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. CSA-27-2

Approval to Adopt the Results of the Proposition 218 Ballot Procedure held on November 24, 2009 for County Service Area 27-Empire

DISCUSSION:

County Service Area (CSA) 27 is located in the unincorporated town of Empire. The purpose of this CSA is to ensure the ongoing maintenance and operation of the storm drain system.

In March 2007, 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 Board of Supervisors awarded the contract to Granite Construction Company on November 3, 2009 for the construction of all the improvements.

CSA 27 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 special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance of the storm drain system including, but not limited to the materials, equipment, labor, and administrative expenses.

The services provided to the proposed CSA will only provide a special benefit to the parcels within the district. The Stanislaus County Department of Public Works provides limited street sweeping services (four times annually) as a general benefit to the unincorporated areas of the County to maintain the drainage infrastructure. The special benefit that is provided to county service areas is an additional twenty-two (22) sweeps annually for a total of twenty-six (26). Along with the additional sweeping, extensive preventative maintenance is provided to the infrastructure in order for it to operate and function as designed.

Proposition 218 was a statewide initiative approved by the voters in November, 1996. It required that the property owners of the proposed district or existing district, through a ballot procedure, approve specific benefit assessments and any increase of said assessment. The assessment ballot was mailed out with a notice of the proposed assessment. This notice described the specific benefit of the proposed district, the total amount thereof chargeable to the entire district, the amount chargeable to the owners' particular parcel, the duration of the payments, the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of the Public Hearing.

Approval to Adopt the Results of the Proposition 218 Ballot Procedure held on November 24, 2009 for County Service Area 27-Empire

The above-mentioned ballot procedures have been completed and the notices were mailed to the property owners. A Public Hearing was conducted to consider all objections or protests, if any, to the proposal on November 24, 2009 at 9:15 a.m. At the conclusion of the public hearing, the submitted assessment ballots were tabulated and determined that a majority protest did not exist. The results are included herein and have been posted by the Clerk of the Board of Supervisors. With Board approval, based on the results, the formation of the district and the levy of the annual assessments will occur. All assessment ballots submitted are public information and subject to inspection, by request, under the Public Records Act.

POLICY ISSUES:

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a healthy community, and a well-planned infrastructure system.

STAFFING IMPACT:

Stanislaus County Department of Public Works staff will manage the administration of County Service Area 27-Empire. No additional staffing will be needed at this time.

DF:jg
H:\Denny Ferreira\Proposals\Empire CSA\Board Items\Accept the Results

ATTACHMENTS AVAILABLE
FROM YOUR CLERK



November 24, 2009

MEMO TO: Jim De Martini, Chairman
FROM: Christine Ferraro Tallman, Clerk of the Board
RE: **FORMATION OF THE EMPIRE COUNTY SERVICE AREA - 27**

We have completed our count of the Empire County Service Area – 27 Formation ballot procedure. On December 8, 2009, the results will be presented to the Board of Supervisors. These votes have been counted and verified by staff.

We present the results from the ballot process for your certification.

Weighted Votes cast in support of the formation	45.594
Weighted Votes cast in protest of the formation	10.978
Weighted Incomplete ballots	<u>0</u>
Total Weighted Ballots Received	56.572

Certified by:

Christine Ferraro
Clerk of the Board of Supervisors

11/24/09
Date