

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

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent

Routine

AGENDA DATE May 18, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Results of the Ballot Procedure which Failed to Approve the Formation of County Service Area 28-Grayson in Compliance with Proposition 218

STAFF RECOMMENDATIONS:

Adopt the results of the ballot procedure which failed to approve the formation of County Service Area 28-Grayson in Compliance with Proposition 218 per the Weighted Ballots received (Support: 25.216, Protest: 29, Incomplete: 3, Arrived Too Late To Count : 2).

FISCAL IMPACT:

The initial formation and start-up costs for the said district were estimated to be \$20,000 and included the State Board of Equalization filing fee of \$1,500 and administration costs of \$18,500. The actual cost associated with formation of the proposed County Service Area 28-Grayson (CSA 28) was documented thoroughly, and is stated herein: \$7,667 for research, \$7,176 for mapping, and \$2,886 for the process to create and submit Board agenda items, for a total of \$17,729. Of that \$17,729, \$10,000 was allocated from the Community Development Fund and the remainder \$7,729 was absorbed by the Department of Public Works.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-302

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

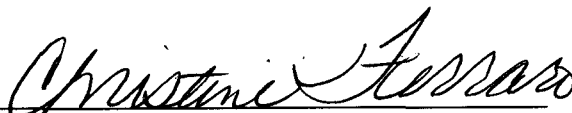
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. CSA-28-3

Approval to Adopt the Results of the Ballot Procedure which Failed to Approve the Formation of County Service Area 28-Grayson in Compliance with Proposition 218

FISCAL IMPACT (Continued):

The Department of Public Works will continue to provide the minimum maintenance required to keep the current storm drain system functioning. The cost of this general benefit is estimated to be approximately \$4,300 per year and will be absorbed into the Public Works Road Operations budget. Furthermore, the reconstruction project for Mary Street will not be initialized.

DISCUSSION:

The purpose of this County Service Area was to provide extended, ongoing maintenance and operation of the storm drain system. The special benefit assessments that were proposed to be levied for this district were intended to provide a revenue source for all the extended 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 would have included a monthly street sweeping and regular maintenance for the storm water system to ensure maximum service life of the system.

Included within the annual assessment was the cost of the reconstruction of Mary Street, estimated at \$250,000. This reconstruction project was to provide similar infrastructure and drainage capabilities consistent with that of the community. The reconstruction project would have provided approximately 1,300 linear feet of curb and gutter and resurfacing of the existing street. The initial cost of the improvements was to be funded through an internal loan from unsecuritized tobacco settlement funds. Funding for loan repayment was to be included in the property owner's annual assessment.

The use of Community Development Funds to partially cover the initial start-up costs associated with the formation of CSA 28-Grayson was 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."

Proposition 218 is 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.

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 May 4, 2010 at 9:05 a.m. At the conclusion of the Public Hearing, the submitted assessment ballots were tabulated and determined that a majority protest did exist. The results are included herein and have been posted by the Clerk of the Board of Supervisors.

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With the Board's approval of the staff's recommendations, based on the results, the formation of the district and the levy of the annual assessments will not 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:

There is no staffing impact involved with this item.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: 209-525-6550.

DF:lc

H:\Denny Ferreira\Proposals\Grayson Proposal\Board Items\Accept Results\Accept Results 5-18-10

ATTACHMENTS AVAILABLE
FROM YOUR CLERK



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

May 4, 2010

MEMO TO: Jeff Grover, Chairman

FROM: Christine Ferraro Tallman, Clerk of the Board

RE: **FORMATION OF THE GRAYSON COUNTY SERVICE AREA - 28**

We have completed our count of the Grayson County Service Area – 28 Formation ballot procedures. On May 18, 2010, 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 ballots cast in support of the formation	25.216
Weighted ballots cast in protest of the formation	29
Weighted incomplete ballots	3
Weighted ballots arrived too late to count	<u>2</u>
Total Weighted Ballots Received	59.216

Certified by:

Christine Ferraro Tallman
Clerk of the Board of Supervisors

5/4/2010
Date