

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

DEPT: Public Works *mkd*

BOARD AGENDA # *C-4

Urgent Routine

AGENDA DATE July 19, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Results of the Proposition 218 Assessment Ballot Procedure that Protested the Proposed Formation of County Service Area (CSA) No. 29 Bangs Summit, the Levy of an Annual Special Benefit Assessment; and the Dissolution of CSA No. 20 Summit

STAFF RECOMMENDATIONS:

1) Adopt the Results of the Proposition 218 Assessment Ballot Procedure (Supporting votes: 1196.16; Protest votes: 4956.86; and Incomplete Ballots: 231.82) that proposed the formation of County Service Area (CSA) No. 29 Bangs Summit, the levy of an Annual Special Benefit Assessment; and the dissolution of CSA No. 20 Summit.

(Continued on Page 2)

FISCAL IMPACT:

One-time costs associated with this proposal are estimated at \$10,000 and will be covered by the Public Works Department. Those costs include staff project time for the ballot procedure, Engineer's Report, and public meetings.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2011-443

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION: This Item was removed from the consent calendar for discussion and consideration.

ATTEST: *Christine Ferraro*
CHRISTINE FERRARO TALLMAN, Clerk

File No. CSA-20-5
CSA-29-3

Approval to Adopt the Results of the Proposition 218 Assessment Ballot Procedure that Protested the Proposed Formation of County Service Area (CSA) No. 29 Bangs Summit, the Levy of an Annual Special Benefit Assessment; and the Dissolution of CSA No. 20 Summit

STAFFING RECOMMENDATIONS (Continued):

- 2) Declare that a simple majority of the assessment ballots received Protested the proposed . formation of County Service Area (CSA) No. 29 Bangs Summit, the levy of an annual special benefit assessment; and the dissolution of CSA No. 20 Summit:
 - a. That there be no formation of the proposed County Service Area (CSA) No. 29 Bangs Summit and the levy of an annual special benefit assessment; and,
 - b. That CSA No. 20 Summit shall continue to exist and not be dissolved.

FISCAL IMPACT (Continued):

One-time start up costs for LAFCO fees of \$4,000 and State Board of Equalization fees of \$2,000 were approved for coverage through funding from the Community Development Fund (Initiate Proceeding on May 17, 2011 - Staff Recommendation #3 approved the use of up to \$6,000). These funds will not be expended due to the majority protest vote.

The failure to form County Service Area No. 29 Bangs Summit may adversely impact businesses, employees, and customers in future periods of heavy storm water runoff. Without funding to provide essential maintenance of the storm drain system in the Bangs Industrial Park area the potential for flooding, property damage, and roadway hazards and restrictions will remain a concern. The Public Works Department may be called upon to incur the expense of providing emergency relief.

DISCUSSION:

On May 17, 2011 the Stanislaus County Board of Supervisors initiated proceedings to consider the proposed formation of County Service Area (CSA) No. 29 Bangs Summit, the levy of an annual special benefit assessment; and the dissolution of CSA No. 20 Summit. On May 24, 2011 the Board set a date of July 12, 2011 for the matter to be considered at a public hearing; and on July 12, 2011 the Board held the public hearing. Prior to, and in conjunction with the public hearing, a Proposition 218 assessment ballot procedure was conducted to determine if owners of property located within the proposed CSA would support the proposal.

Because of the number of ballots cast was expected to be too large to quickly and efficiently count at the conclusion of the July 12, 2011 public hearing, the Board of Supervisors authorized the Clerk of the Board to oversee opening of the sealed assessment ballots, summarize the results of the count, and submit the results at the next scheduled Board meeting on July 19, 2011.

A simple majority of the assessment ballots received **protested** the proposal. In summary, there were 1196.16 votes cast in support; 4956.86 votes cast in protest, and 231.82 incomplete ballots (see Attachment "A", memo from the Clerk of the Board of Supervisors to the Chairman of the Board).

Approval to Adopt the Results of the Proposition 218 Assessment Ballot Procedure that Protested the Proposed Formation of County Service Area (CSA) No. 29 Bangs Summit, the Levy of an Annual Special Benefit Assessment; and the Dissolution of CSA No. 20 Summit

POLICY ISSUES:

State of California Government Code sections 25210 thru 25338 authorize the county's Board of Supervisors to be the governing body for County Service Areas within their county.

This action is consistent with the Board's priority of Efficient Delivery of Public Service by honoring the results of the ballot procedure in opposition of the formation.

STAFFING IMPACT:

Without funding to provide essential maintenance of the storm drain system in the Bangs Industrial Park area the potential for flooding, property damage, and roadway hazards and restrictions will remain a concern. Public Works staff may be called upon to provide emergency response in the event of roadway flooding.

CONTACT PERSON:

Mike Wilson, Senior Engineering Technician, Stanislaus County Public Works.
Telephone: 209-525-4190.

MW:lc

H:\SERVICES\Districts\CSA Formation\Bangs Summit Proposal\Agenda Items\Adopt Results Protesting Bangs Summit CSA



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

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

July 12, 2011

MEMO TO: Dick Monteith, Chairman

FROM: Christine Ferraro Tallman, Clerk of the Board

RE: **ASSESSMENT BALLOT FOR THE FORMATION OF COUNTY SERVICE AREA (CSA) NO. 29 BANGS SUMMIT AND THE LEVY OF AN ANNUAL SPECIFIC BENEFIT ASSESSMENT AND THE DISSOLUTION OF CSA NO. 20 SUMMIT**

We have completed our count of the formation of County Service Area (CSA) No. 29 Bangs Summit and the levy of an annual Specific Benefit Assessment and the dissolution of CSA No. 20 Summit ballot procedures. On July 19, 2011, 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	1,196.16
Weighted ballots cast in protest of the formation	4956.86
Weighted incomplete ballots	<u>231.82</u>
Total Weighted Ballots Received	6,384.84

Certified by:

Christine Ferraro Tallman
Clerk of the Board of Supervisors

07/012/2011
Date