

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

DEPT: Clerk-Recorder

BOARD AGENDA # B-8

Urgent ☐

Routine ☒

AGENDA DATE February 14, 2012

CEO Concurs with Recommendation YES ☒ NO ☐
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Acceptance of the Clerk-Recorder's Certified Statement of the Results of the Stanislaus County Veterans Memorial District Formation Petition and Approval to Set a Public Hearing on March 6, 2012 at 9:10 am to Consider the Formation of the Stanislaus County Veterans Memorial District

STAFF RECOMMENDATIONS:

1. Accept the Clerk-Recorder's Certified Statement of the results of the Stanislaus County Veterans Memorial District Formation Petition.
2. Find that the petition complies in all respects with the statutory requirements for the petition to be certified by the county elections official.
3. Set a Public Hearing on March 6, 2012 at 9:10 am to consider the matter of the formation of the Stanislaus County Veterans Memorial District.
4. Direct the Clerk of the Board to publish a notice of the Public Hearing once a week for three successive weeks in a newspaper of general circulation.

FISCAL IMPACT:

The Board of Supervisors, under historic State laws dating from World War II, may allow the voters to consider the creation of a Veterans Memorial District (District). The law also allows a District to request voter approval to collect a tax on all taxable property, not to exceed three-tenths of one cent (\$0.003) on each dollar of assessed valuation, to support the District's efforts to provide facilities and related services to support Veterans. The District may also incur, through the Board of Supervisors, bonded indebtedness for the purpose of exercising any powers of the District.

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BOARD ACTION AS FOLLOWS:

No. 2012-069

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

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

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:

ATTEST:

Christine Ferraro Tallman, Deputy
CHRISTINE FERRARO TALLMAN, Clerk

File No. DV-01-02

FISCAL IMPACT (Continued):

The formation, management, bonds, facilities and annexations of a Veterans Memorial District is governed by California Military & Veterans Code (M&V) sections 1170 through 1259.

M&V section 1179 outlines the election process for the formation of a Veterans Memorial District. Since the supporting petition was certified on February 3, 2012, the District measure may be consolidated with the June 5, 2012 Presidential Primary Election. The approximate cost is anticipated to be \$.25 to \$1.00 per voter, the cost which would be paid for by the County. The total cost is estimated to be approximately \$56,250 to \$225,000. If the measure is not consolidated with the June 5, 2012 Presidential Primary Election, it will create a special county-wide election which would cost approximately \$2.50 to \$3.75 per voter, or a total cost of \$562,500 to \$843,750. Stanislaus County currently has approximately 225,000 registered voters.

Pursuant to M&V section 1195, if the formation measure is approved by the voters, all future District elections will coincide with odd year Uniform District Election Law (UDEL) elections. At this time the cost of inclusion in a UDEL election would range between \$.50 to \$1.25 per voter.

DISCUSSION:

A Veterans Memorial District is a special District established by the vote of the people to provide comprehensive support to veterans with a focus on providing and maintaining memorial halls, assembly halls, or other meeting places for the use of veterans and others.

On October 11, 2005 the Board of Supervisors accepted a presentation by representatives of several veterans groups regarding the potential for a Veterans Memorial District and voted to approve the following staff recommendations:

1. Approve the County-wide Veterans Memorial District and Facilities Master Plan.
2. Support the request by the Stanislaus County Veterans Memorial District Committee to proceed to collect signatures of local voters for the formation of a Veterans Memorial District and the election of District Officers for possible inclusion on the June 2006 Primary Election ballot.
3. Direct the staff to return to the Board of Supervisors upon the collection of 7,985 valid signatures to qualify this measure for the ballot as certified by the County Clerk-Recorder as prescribed by law from both the incorporated city territories and the unincorporated areas of the County.

Acceptance of the Clerk-Recorder's Certified Statement of the Results of the Stanislaus County Veterans Memorial District Formation Petition and Approval to Set a Public Hearing on March 6, 2012 at 9:10 am to Consider the Formation of the Stanislaus County Veterans Memorial District
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Veteran representatives independently organized the Veterans Memorial District Committee to petition a county-wide ballot initiative for the creation of a new Stanislaus County Veterans Memorial District and for the election of a new, five-member Board of Directors. The broad purpose of the proposed Veterans Memorial District will be to plan new veterans' facilities, to allow for the coordinated delivery of services to veterans, and to seek a source of funding in the future to pay for the proposed facilities.

The Military and Veterans code addresses the process for placing a District initiative on the ballot. A petition must be filed with the County Clerk-Recorder that contains at least eight (8) percent of the number of votes cast in the proposed District (Stanislaus County) for the office of Governor at the last general election at which a Governor was elected for both the incorporated and unincorporated areas. In the November 2, 2010 Gubernatorial Election 120,330 total votes were cast for the office of Governor in Stanislaus County. In the unincorporated area 25,585 votes were cast of which 2,055 sufficient signatures were received which is over the eight percent required. In the incorporated area 94,745 votes were cast of which 8,893 sufficient signatures were received which is also over the eight percent required. (see attached)

Local veteran organizations circulated and filed the required number of signatures as of February 3, 2012 to bring the proposed formation of a Stanislaus County Veterans Memorial District before the Board of Supervisors. The County Clerk-Recorder has certified that the petition contains more than the minimum requirement of at least 9,627 valid signatures (7,580 from the incorporated area and 2,047 from the unincorporated area) in order for the Board of Supervisors to call for an election to vote on the question of forming the special district and the election of five (5) officers of the District. The election requires a simple majority vote to pass.

Upon the Board's determination of sufficiency of the petition, it shall set the time and place of a hearing to take place not less than 20 nor more than 40 days from February 14, 2012 and direct the Clerk of the Board to publish a notice once a week for three successive weeks in a newspaper of general circulation. At the Public Hearing, the Board of Supervisors may:

- Call for a special election to vote to approve formation of the proposed district and elect five District board members (M&V section 1178);
- Exclude any territory that in the Board's opinion is not benefited by inclusion in a district (M&V section 1177.6); or
- The Board may adopt an order abandoning the creation of a district (M&V section 1178).

Acceptance of the Clerk-Recorder's Certified Statement of the Results of the Stanislaus County Veterans Memorial District Formation Petition and Approval to Set a Public Hearing on March 6, 2012 at 9:10 am to Consider the Formation of the Stanislaus County Veterans Memorial District
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It is anticipated that, in future years, the District's Board may develop a specific plan for facilities and return to the voters to seek a property tax levy to fund the capital project effort. Any future property tax assessment would require a two-thirds majority approval of Stanislaus County voters at that time. The special District may also incur, through the Board of Supervisors, bonded indebtedness for the purpose of exercising any powers of the District. Until such revenue generating actions are implemented, the cost of holding county-wide bi-annual odd year elections must be borne by the County General Fund.

POLICY ISSUE:

The Board of Supervisors is asked to determine whether approval of this agenda item to accept the Clerk Recorder's certified statement of the results of the Stanislaus County Veterans Memorial District Formation Petition and set a public hearing on the matter of the formation of a memorial District is consistent with the Board of Supervisors' priority of Effective Partnerships.

STAFFING IMPACT:

The Military and Veterans Code requires the County Treasurer-Tax Collector to levy and collect District property tax assessments; the County Auditor is required to draw warrants against funds held by the County Treasurer-Tax Collector to pay District bonds and debts; the County District Attorney is required to provide legal advice and assistance in all district matters; the County Clerk Recorder is required to record a complete certified copy of the statement of election results and the petition for formation.

CONTACT: Lee Lundrigan, Stanislaus County Clerk-Recorder – Elections – 525-5211



REGISTRAR OF VOTER'S CERTIFICATE OF INITIATIVE PETITION

I, LEE LUNDRIGAN, CLERK / RECORDER / REGISTRAR OF VOTERS of the County of Stanislaus, State of California, do hereby certify:

That the initiative petition referred to as the **Stanislaus County Veterans Memorial District Formation Petition** was delivered to this office between the dates of **8/17/09 and 2/3/12** and that said petition consists of a combined total of **2,135** sections;

That each section contains signatures purporting to be signatures of qualified electors of the County;

That attached to this petition at the time it was received was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition I verified the required number of signatures by examining the records of registration in this County, current and in effect at the respective purportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent: **12,646**
2. Number of signatures **VERIFIED: 12,646**
 - A. Total number of signatures found **SUFFICIENT: 10,948**
 1. Incorporated Territory: **8,893**
 2. Unincorporated Territory: **2,055**
 - B. Number of signatures found **NOT SUFFICIENT: 1,698**
 1. Not sufficient due to **duplicate signatures: 1,069**



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

this 3rd day of February, 2012.

LEE LUNDRIGAN/ REGISTRAR OF VOTERS

BY:

NOTICE OF PUBLIC HEARING
FORMATION OF THE STANISLAUS COUNTY
VETERANS MEMORIAL DISTRICT

NOTICE IS HEREBY GIVEN that on March 6, 2012, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th Street, Modesto, CA to conduct a public hearing to consider placing on the June 5, 2012 Presidential Primary Election ballot a measure regarding the formation of the Stanislaus County Veterans Memorial District, and the election of a new, five-member Board of Directors for said District. A Veterans Memorial District is a special district established by the vote of the people to provide comprehensive support to veterans with a focus on providing and maintaining memorial halls, assembly halls, or other meeting places for the use of veterans and others.

ADDITIONAL NOTICE IS GIVEN that the territory proposed for the Veterans Memorial District is the entire incorporated and unincorporated territory of the County of Stanislaus. For further information, contact Doris Foster in the Stanislaus County Chief Executive Office, (209) 525-6333 or at 1010 10th Street, Suite 6800, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, any interested party may appear and give testimony either for or against the said proposal.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: February 14, 2012

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

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Feb 18, 2012, Feb 25, 2012, Mar 03, 2012

**NOTICE OF PUBLIC HEARING
FORMATION OF THE STANISLAUS
COUNTY VETERANS
MEMORIAL DISTRICT**

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NOTICE IS FURTHER GIVEN that at the said time and place, any interested party may appear and give testimony either for or against the said proposal. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: February 14, 2012. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates Feb 18, 25, Mar 3, 2012

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

March 5th, 2012

(By Electronic Facsimile Signature)

