

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-3

Urgent Routine

AGENDA DATE July 2, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Consolidate the City of Waterford Special Municipal Election with the Consolidated District Election (UDEL) on November 5, 2013

STAFF RECOMMENDATIONS:

Approve the consolidation of the Special Municipal Election for the City of Waterford with the Consolidated District Election (UDEL) on November 5, 2013.

Contact person: Christine Ferraro Tallman, Clerk of the Board Telephone: 525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2013-308

On motion of Supervisor Withrow, Seconded by Supervisor De Martini

and approved by the following vote,

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

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.



Phone 209.874.2328

101 "E" Street
P.O. Box 199
Waterford, CA 95386

www.cityofwaterford.org

Charlie Goeken
Mayor

Jose Aldaco
Vice-Mayor

Michael Van Winkle
Council Member

Ken Krause
Council Member

Murray Day
Council Member

BOARD OF SUPERVISORS

2013 JUN 17 A 11:41

June 12, 2013

Christine Ferraro Tallman, Clerk of the Board
Stanislaus County Board of Supervisors
1010 Tenth St., Ste 6500
Modesto, CA 95353

Re: City of Waterford Special Municipal Election – November 5, 2013

Dear Christine:

Enclosed is a certified copy of Waterford City Council Resolution # 2013-57 requesting the Board of Supervisors to consolidate the City of Waterford's Special Municipal Election with Stanislaus County's Consolidated District Election (UDEL) to be held on Tuesday, November 5, 2013.

The City of Waterford is requesting Stanislaus County Elections Division to render election services on behalf of the City of Waterford for their November 5, 2013 Special Municipal Election for the submission to the voters a question relating to the formation of Community Facilities District 2013-01.

The City of Waterford will be responsible to publish the Notice of Election, including the election date, election location, ballot question, passage requirement and argument and rebuttal deadlines. The City of Waterford respectfully requests the Stanislaus County Elections Division to furnish all other services, facilities, supplies and equipment. The City of Waterford will reimburse the County of Stanislaus for all actual costs for services performed relating to the conduct of the special municipal election.

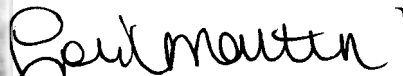
I have also enclosed the following documents for the County Elections Division:

- Waterford City Council Resolution 2013-56 – Calling for the Holding of a Special Municipal Election in the City of Waterford
- Full Text of Measure "W"
- Measure "W" Tax Rate Statement
- Measure "W" Impartial Analysis

In addition, I will provide a word version of the Full Text, Tax Rate Statement & Impartial Analysis via e-mail to the County Elections Division.

If you need any additional information, please feel free to contact me at your convenience.

Very truly yours,


Lori Martin, MMC
City Clerk

Cc: Lee Lundrigan, Stanislaus County Clerk-Recorder/Registrar of Voters

Enclosure(s)

**WATERFORD CITY COUNCIL
RESOLUTION #2013-57**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATERFORD,
CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS TO CONSOLIDATE A SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 5, 2013, WITH THE CONSOLIDATED
DISTRICT ELECTION (UDEL) TO BE HELD ON THE DATE PURSUANT TO
§ 10403 OF THE ELECTIONS CODE.**

WHEREAS, the City Council of the City of Waterford called a Special Municipal Election to be held on November 5, 2013; and;

WHEREAS, the City Council is submitting to the voters the question relating to the Formation of Community Facilities District 2013-01; and,

WHEREAS, it is desirable that the Special municipal election be consolidated with the Consolidated District Election (UDEL) election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Stanislaus canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATERFORD DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Stanislaus is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Consolidated District (UDEL) election on Tuesday, November 5, 2013.

SECTION 2. That a measure is to appear on the ballot as follows:

Shall the City of Waterford be allowed to levy a special tax every year within Community Facilities District No. 2013-1 (Public Services) to pay for landscape and lighting services and replace the Lighting and Landscaping Districts which are running deficits, according to the rates established by the City Council in the Resolution of Formation, beginning July 1, 2014, and shall the City be authorized to spend for these services all that it receives?	YES
	NO

SECTION 3. That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. That the City of Waterford recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 6. That the City Clerk is hereby directed to file a certified copy of this resolution

with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED by the Waterford City Council of the City of Waterford at a regular meeting this 6th day of June, 2013, by the following vote:

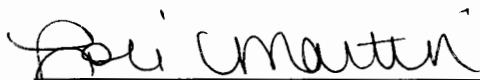
AYES: 5 Goeken, Aidaco, VanWinkle, Krause, Day
NOES: 0
ABSTAIN: 0
ABSENT: 0

CITY OF WATERFORD



CHARLIE GOEKEN, Mayor

ATTEST:



LORI MARTIN
City Clerk

APPROVED AS TO FORM:



CORBETT J. BROWNING
City Attorney

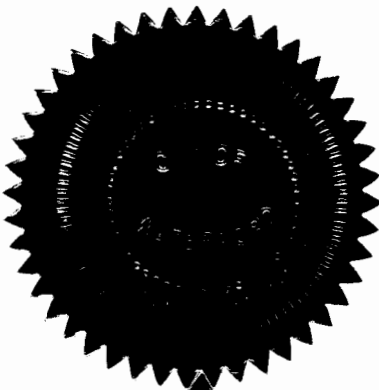
STATE OF CALIFORNIA)

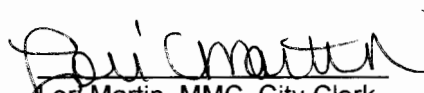
COUNTY OF STANISLAUS) ss.

CITY OF WATERFORD)

I, Lori Martin, City Clerk of the City of Waterford, County of Stanislaus, State of California do hereby certify that the foregoing Resolution No: 2013-57 was regularly adopted by the City Council of said City of Waterford at a regular meeting of said City Council held on the 6th day of June, 2013 by the following vote:

AYES: 5 Goeken, Aidaco, VanWinkle, Krause, Day
NOES: 0
ABSENT: 0
ABSTAINED: 0





Lori Martin, MMC, City Clerk
City of Waterford

**WATERFORD CITY COUNCIL
RESOLUTION #2013-56**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATERFORD,
CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, NOVEMBER 5, 2013 FOR THE SUBMISSION TO THE
VOTERS A QUESTION RELATING TO THE FORMATION OF COMMUNITY FACILITIES
DISTRICT 2013-01**

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Special Municipal Election shall be held on November 5, 2013; and,

WHEREAS, the City Council desires to submit to the voters at the election a question relating to the Formation of Community Facilities District 2013-01; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATERFORD, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Waterford, California, on Tuesday, November 5, 2013, a Special Municipal Election for the purpose of submitting to the voters a question relating to the Formation of Community Facilities District 2013-01.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the Special Municipal Election the following question(s):

Shall the City of Waterford be allowed to levy a special tax every year within Community Facilities District No. 2013-1 (Public Services) to pay for landscape and lighting services and replace the Lighting and Landscaping Districts which are running deficits, according to the rates established by the City Council in the Resolution of Formation, beginning July 1, 2014, and shall the City be authorized to spend for these services all that it receives?	YES
	NO

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to coordinate with the County of Stanislaus Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the

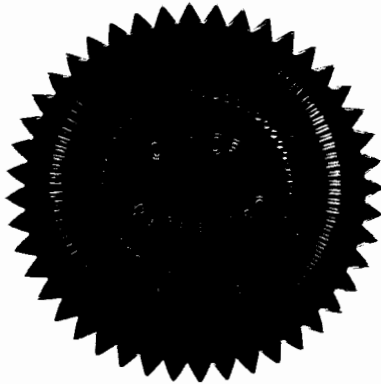
election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.


SECTION 10. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

PASSED, APPROVED, AND ADOPTED by the Waterford City Council of the City of Waterford, California at a regular meeting this 6th day of June, 2013, by the following vote:

AYES: 5 Goeken, Adaco, VanWinkle, Krause, Day
NOES:
ABSTAIN:
ABSENT:

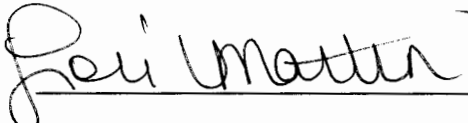


CITY OF WATERFORD



CHARLIE GOEKEN, Mayor

ATTEST:



LORI MARTIN
City Clerk

APPROVED AS TO FORM:

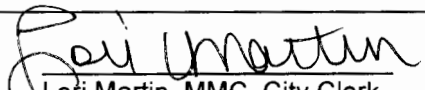


CORBETT J. BROWNING
City Attorney

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS) ss.
CITY OF WATERFORD)

I, Lori Martin, City Clerk of the City of Waterford, County of Stanislaus, State of California do hereby certify that the foregoing Resolution No: 2013-56 was regularly adopted by the City Council of said City of Waterford at a regular meeting of said City Council held on the 6th day of June, 2013 by the following vote:

AYES: 5 Goeken, Adaco, VanWinkle, Krause, Day
NOES:
ABSENT:
ABSTAINED:



Lori Martin, MMC, City Clerk
City of Waterford

FULL TEXT OF MEASURE W CITY OF WATERFORD

The City Council of the City of Waterford (the "City") did, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the "Act"), on May 2, 2013, adopt a resolution entitled the Resolution of the City Council of the City of Waterford Declaring Its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes (the "Resolution of Intention"). In the Resolution of Intention, the City Council expressly approved the direction to prepare a written Community Facilities District Report (the "Report"), for the proposed City of Waterford Community Facilities District No. 2013-1 (Public Services) (the "District"), and noticed a public hearing to consider the formation of a CFD for June 6, 2013. Thereafter on June 6, 2013, the City Council did hold a public hearing pursuant to the Act, and adopted a Resolution of the City Council of the City of Waterford Establishing the Formation of a Community Facilities District and approving the proposition of the levy of the special tax be submitted to the qualified electors of the District.

DESCRIPTION OF SERVICES

It is intended that the Community Facilities District will be eligible to fund all or a portion of the costs of the maintenance of medians, parkways, landscaping services, lighting, signals, and related appurtenances within or adjacent to the Community Facilities District.

The Community Facilities District may fund any of the following related to the maintenance of the services described above: obtaining, reconstructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services. It is expected that the services will be provided by the City, either with its own employees or by contract with third parties, or any combination thereof. The Community Facilities District may also fund reasonable administrative fees of the City related to the Community Facilities District.

BOUNDARIES OF DISTRICT

The proposed boundaries of the District are those parcels in which special taxes may be levied and collected to pay for the costs and expenses of the District services. The proposed boundaries of the District are coterminous with the boundaries of the City and are identified on the map of the District recorded in the Stanislaus County Recorder's Office on May 21, 2013, in Volume 5 at Page 16 as "5AM16" and Document # DOC-2013-0043722-00 of Maps of Assessment and Community Facilities Districts. The District map is on file with the City Clerk, to which reference is hereby made and a reduced copy of such map is set forth in Appendix A of this Report.

COST ESTIMATE

Initial Maximum Amount Proposed to be Expended

The annual budget presented below represents the initial maximum costs for providing the District services.

District Costs	2014/15 Maximum Amount
Landscape Maintenance	\$50,304
Lighting	14,700
Utilities	77,500
Administration	24,700
Reserve Contribution	5,566
Total Costs	\$172,770

Anticipated Maximum Special Tax Revenue

The initial maximum special tax rates are set forth in the Rate and Method of Apportionment for the District. Based upon anticipated development, the anticipated initial maximum special tax revenue is as follows:

Property Land Use	Assessor's Parcels	Residential Units	2014/15 Maximum Special Tax Amount	Total Revenue
Residential Property	2,304	2,687	\$60 per Residential Unit	\$161,220
Non-Residential Property	71	N/A	\$120 per Parcel	8,520
Rural, Farm & Agricultural Property	33	N/A	\$60 per Parcel	1,980
Undeveloped Property	35	N/A	\$30 per Parcel	1,050
Total	2,443	2,687		\$172,770

RATE AND METHOD OF APPORTIONMENT

All of the property located within the District, unless exempted by law or by the Rate and Method of Apportionment, shall be taxed for the purpose of providing necessary services for the District. Pursuant to Section 53325.3 of the Act, the tax imposed "is a special tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property." The special tax "may be based on benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel, or other reasonable basis as determined by the legislative body," though the special tax may not be apportioned on an ad valorem basis pursuant to Article XIII A of the California Constitution.

As shown in Appendix B, the adopted Rate and Method of Apportionment provides information sufficient to allow each property owner within the District to estimate the maximum special tax that he or she will be required to pay.

Term and Manner of Collection of Special Tax

The District special tax shall be levied as long as necessary to meet the annual special tax requirement. The annual special tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District, may directly bill the special tax, and may collect special taxes at a different time or in a different manner as necessary to meet its financial obligations.

APPENDICES

Boundary Map
Rate and Method of Apportionment

A
B

**TAX RATE STATEMENT
MEASURE W
CITY OF WATERFORD**

An election will be held in the County of Stanislaus on November 5, 2013 to authorize the City of Waterford to levy a Special Tax every year within the City of Waterford Community Facilities District No. 2013-1 (Public Services) ("CFD No. 2013-1"). A Special Tax as hereinafter defined shall be levied on each Assessor's Parcel of Taxable Property within the and collected each Fiscal Year commencing in Fiscal Year 2014-2015 in an amount determined by the City Council through the application of the appropriate Special Tax for Taxable Property as described below. All of the real property in CFD No. 2013-1, unless exempted by law or by the provisions hereof, shall be taxed for purposes of CFD No. 2013-1, to the extent and in the manner herein provided.

A. ASSIGNMENT TO LAND USE CATEGORIES

On, or around, July 1 of each Fiscal Year, all Assessor's Parcels will be classified as Exempt or Taxable Property. Next, all Assessor's Parcels of Taxable Property within CFD No. 2013-1 shall be classified as Residential Property, Non-Residential Property, Rural Farm & Agricultural Property or Undeveloped Property, and shall be subject to the levy of annual Special Taxes determined pursuant to Sections C and D below.

C. MAXIMUM ANNUAL SPECIAL TAX RATE

The Maximum Annual Special Tax for each Assessor's Parcel of Taxable Property shall be assigned according to the table below:

Property Land Use	2014-2015 Maximum Special Tax Amount
Residential Property	\$60.00 per Residential Unit
Non-Residential Property	\$120.00 per Parcel
Rural, Farm & Agricultural Property	\$60.00 per Parcel
Undeveloped Property	\$30.00 per Parcel

On July 1 of each Fiscal Year, commencing on July 1, 2015, the Maximum Annual Special Tax set forth in the table above shall increase by the Annual Inflation Factor.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2014-2015 and for each subsequent Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement and shall levy the Special Tax until the amount of Special Taxes equals the Special Tax Requirement.

The Special Tax shall be levied proportionately on each Assessor's Parcel of Taxable Property at a rate up to 100% of the applicable Maximum Annual Special Tax to satisfy the Special Tax Requirement.

Notwithstanding the above, under no circumstances will the Special Tax levied against any Assessor's Parcel of Residential Property be increased by more than ten percent (10%) above what it would have been levied had there been no delinquencies.

E. EXEMPTIONS

The CFD Administrator shall classify the following as Exempt Property: (i) Public Property; (ii) Open Space Property; (iii) Property for which the County deems tax exempt; and (iv) Assessor's Parcels with

public or utility easements making impractical their utilization for any use other than the purposes set forth in the easement.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

F. REVIEW/APPEAL COMMITTEE

Any landowner or resident who feels that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error. If following such consultation, the CFD Administrator determines that an error has occurred; the CFD Administrator may amend the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the CFD Administrator), the landowner or resident believes such error still exists, such person may file a written notice with the City appealing the amount of the Special Tax levied on such Assessor's Parcel. Upon the receipt of any such notice, the City shall establish as part of the proceedings and administration of CFD No. 2013-1 a special three-member review/appeal committee. The review/appeal committee may establish such procedures, as it deems necessary to undertake the review of any such appeal. The review/appeal committee shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals, as herein specified. The decision of the review/appeal committee shall be final and binding as to all persons.

G. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2013-1, may directly bill the Special Tax, and may collect Special Taxes at a different time or in a different manner as necessary to meet its financial obligations.

H. PREPAYMENT OF SPECIAL TAX

The Special Tax may not be prepaid.

I. TERM OF SPECIAL TAX

The Special Tax shall be levied, commencing in Fiscal Year 2014-2015, as long as necessary to satisfy the Special Tax Requirement.

Dated: June __, 2013

CORBETT J. BROWNING,
City Attorney, City of Waterford

Measure W Impartial Analysis

Pursuant to Government Code Section 53311, and subsequent sections, a General Law City may initiate efforts to establish a Community Facilities District to provide public services, including the operation, maintenance and administration of services and facilities related to medians, parkways, landscaping, lighting, signals, and related accessories and the funding therefore through a special tax collected in the same manner as an ordinary ad valorem property tax.

Assessments in the existing Districts:

The Lighting Assessment District, formed in 1920, assesses \$11.24 to 833 parcels. This district provides street lighting services to the downtown residential area, and pocket areas around the city. The Landscape and Lighting Assessment District, formed in 1991, assesses a total of 1,377 parcels divided into 2 benefit zones, with annual rates of \$52, and \$28.52. This district provides for the maintenance and operation costs of street lighting and landscaping services associated with medians, selected bicycle/pedestrian parkways, and improved cul-de-sac areas.

New improvements and cost escalations have left both districts operating at deficits for years, and both districts would terminate if Measure W is approved.

Measure "W" Proposed Special Tax Amount:

Residential Property	\$ 60.00 per Residential Unit
Non-Residential Property	\$ 120.00 per Parcel
Rural, Farm, & Agricultural Property	\$ 60.00 per Parcel
Undeveloped Property	\$ 30.00 per Parcel

The Ballot Measure and Levy, if approved, shall be effective July 1, 2014. Additionally, the above amounts would be subject to an annual increase, commencing on July 1, 2015, by the Annual Inflation Factor equal to the annual percentage change in the Consumer Price Index for the San Francisco-Oakland-San Jose Area calculated in February of each Fiscal Year.

Measure "W" provides that if the special tax is approved by a two-thirds (2/3) majority of the qualified voters voting on the issue, there shall be a continuing lien to secure each levy of the special tax attached to all non-exempt real property in the District and the services will be provided by the City, with its own employees or by contract with third parties, or any combination thereof.

A "yes" vote on Measure "W" would:

- Allow for the expiration of the 2 current assessment districts, eliminating the current rate structure
- Eliminate the current \$40,000 yearly deficit incurred upon the General Fund
- Eliminate Benefit Zones and apply an overall consistent rate to eligible parcels
- Cost \$5.00 per month per eligible Residential unit and Rural/Agricultural property
- Cost \$10.00 per month for a commercial property

A "no" vote on Measure "W" would:

- Allow the districts to operate as they currently are
- Would prohibit the City from implementing any of the changes described above

The above statement is an impartial analysis of the Ballot Measure pursuant to City Council Resolution 2013-55. If you desire a copy of the Resolution or Measure, please call the election official's office at (209) 874-2328 and a copy will be mailed at no cost to you.

CORBETT J. BROWNING,
City Attorney, City of Waterford