

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

DEPT: Chief Executive Office

BOARD AGENDA # \*B-2

Urgent  Routine

AGENDA DATE June 9, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Equally Share with the City of Modesto the Cost to Place a "Measure M" Sewer Advisory Vote for 15 Unincorporated County Island Areas on the November 3, 2015 Ballot

STAFF RECOMMENDATIONS:

Approval to reimburse the City of Modesto for 50% of those costs associated to place a "Measure M" vote for future potential sewer connectivity in eligible County Islands on the November 3, 2015 ballot from the Community Development Fund, up to an amount of \$45,410.

FISCAL IMPACT:

On May 12, 2015, the City of Modesto City Council approved staff's recommendation to place a "Measure M" vote for 15 of 19 unincorporated County Islands (unincorporated county pockets) on the November 3, 2015 ballot. Measure M, the "Citizens Advisory Growth Management Act of 1995" requires the City Council to hold an advisory vote of the citizens of Modesto prior to extending sewer trunk service lines to areas outside of the current sewer service area.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2015-253

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

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

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: Elizabeth A. King  
ELIZABETH A. KING, Assistant Clerk

Approval to Equally Share with the City of Modesto the Cost to Place a "Measure M" Sewer Advisory Vote for 15 Unincorporated County Island Areas on the November 3, 2015 Ballot

**FISCAL IMPACT: Continued**

Based on the initial estimates received from the Clerk Recorder-Registrar of Voters, the cost to place an advisory measure on the ballot ranges from \$18,164 to \$90,820. Of the total amount the City and County would share equally in the election costs to place the measure on the ballot. With the Board of Supervisors approval, 50% of the cost is estimated to range from \$9,082 to \$45,410. The County will not be responsible to pay for the City's base election costs for those races regularly scheduled, but only for those costs associated with adding a "Measure M" advisory vote on the November ballot. Funding for the advisory vote is recommended to be funded out of the Community Development Fund which has a current uncommitted balance of \$1,043,937. If the use of \$45,410 Community Development Funds is approved, the uncommitted balance would be \$998,527.

At this time, staff recommends the Board of Supervisors approve funding up to \$45,410 to place 15 County Islands (unincorporated county pockets) on the November 3, 2015 ballot as an advisory measure. At the close of the final filing period, the candidates and measures to be placed on the ballot will be determined. Staff recommends that any potential unused funding approved to place these 15 unincorporated islands on the November 3, 2015 ballot to remain in the Community Development Fund for future project use. Since one ballot measure will be used to address the 15 different areas, it is recommended the County share be funded equally from District 3, 4 and 5 Community Development Fund balances.

**DISCUSSION:**

The City of Modesto recently developed an updated Urban Growth Review (UGR) report. The UGR assess the inventory of vacant residential, industrial and commercial land and is a tool for the City Council to determine the feasibility of new growth. If the City Council determines if any sewer trunk extensions are needed, as defined by the "Modesto Citizens' Advisory Growth Management Act of 1995," then an advisory vote will be necessary. The "Modesto Citizens' Advisory Growth Management Act of 1995" requires advisory votes to be conducted for all sewer improvements. These advisory votes are a mechanism to bring the public's voice into decisions concerning whether or not to allow urban expansion and are commonly referred to as "Measure M" votes.

Stanislaus County and the City of Modesto have been working to facilitate sewer service for the remaining County islands for some time. Staff from the City and County Departments continues to meet to discuss coordination of this effort. Both jurisdictions continue to develop long term strategies to prioritize and develop these areas which include baseline criteria for facilities (roadways, sidewalks, curb and gutter) as well as sewer service infrastructure and connectivity.

Currently, there are 27 County island areas (unincorporated county pockets). Eight of the 27 areas have already received a positive vote and four areas are not developed with residential land use. On May 12, 2105, the Modesto City Council held a hearing to

Approval to Equally Share with the City of Modesto the Cost to Place a "Measure M" Sewer Advisory Vote for 15 Unincorporated County Island Areas on the November 3, 2015 Ballot

hold a Measure M vote in November 2015 for 16 areas. Subsequent conversations with City staff has revealed one of the areas originally identified as needing an advisory vote will not require such a vote and, consequently, will not be included as part of the November 2015 advisory ballot measure. Therefore, only 15 County Islands will be included in the Measure M process, allowing the prioritization of development time lines and improvements to be formalized. A comprehensive Measure M vote in November 2015 will result in one less hurdle the City must navigate once the extension of sewer service is deemed necessary. Of the 15 areas receiving a vote, seven are in Supervisor District 3, three are in Supervisor District 4 and five are in Supervisor District 5.

As part of their May 12, 2015 meeting, the Modesto City Council passed a resolution for a Measure M vote for ten unincorporated areas. The ten areas referenced in the resolution are the same 15 unincorporated County island areas identified to receive a vote. The 15 individual areas were consolidated, where possible, to ten areas with a single question extended to voters to address all islands. At this time, staff recommends the Board of Supervisors approve funding to place the 15 County Islands on the November 3, 2015 ballot, with the cost of this advisory ballot measure to be funded equally (50/50) between the County of Stanislaus and the City of Modesto.

The cost to place an advisory measure on the ballot ranges from \$18,164 to \$90,820. It is recommended the County share, \$9,082 to \$45,410, be funded from the Community Development Fund. The Community Development Fund which has a current uncommitted balance of \$1,043,937. If the use of \$45,410 Community Development Funds is approved, the uncommitted balance would be \$998,527. Since one ballot measure will be used to address the 15 different areas, it is recommended the County share be funded equally from District 3, 4 and 5 Community Development Fund balances.

**POLICY ISSUES:**

While the election itself has no direct impact on addressing infrastructure needs in the 15 identified County Islands, it would satisfy the City's requirements that a Measure M election be held and that the County participate in funding the costs associated with the election. As future funding is identified, the phased development of infrastructure improvements in County Islands would support the Board's priority of a Well Planned Infrastructure System, A Healthy Community, A Safe Community, and the Efficient Delivery of Public Services.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item.

**CONTACT PERSON:**

Keith D. Boggs, Assistant Executive Officer, Telephone: 525-6333



**OFFICE OF COUNTY CLERK-RECORDER  
& REGISTRAR OF VOTERS  
ELECTIONS DIVISION**

**LEE LUNDRIGAN**  
*Clerk-Recorder, Registrar of Voters &  
Commissioner of Civil Marriage*

*Elections: 1021 "I" Street, Suite 101, Modesto, CA 95354  
Telephone: 209.525.5200  
Facsimile: 209.525.5802*

## **COST ESTIMATE**

**2015 Unified District Election Law (UDEL)  
Consolidated District Election  
City of Modesto / Stanislaus County  
Joint Advisory Vote for Sewer Connection Measure**

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Number of Voters City of Modesto                      90,820                      90,820 – 92,000 (projected estimate)

- Printing**
- Publications**
- Polls**
- Personnel**
- Information Technology Support**
- Miscellaneous**

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- Estimate provided pursuant to request of Stanislaus County.
- Estimate includes cost to conduct a single joint City of Modesto / Stanislaus County advisory vote added to the existing citywide election addressing sewer connection to current County "islands" within the City.
- In the event the City adds other measure(s) to its November 3, 2015 ballot, the per voter cost will change and a newly calculated estimate may become necessary.

County ROV services to add a single page advisory measure to existing citywide election	
Nov. 3, 2015 scheduled citywide election	\$ .20 - \$1.00 per voter
Share apportioned to Stanislaus County	To be determined

(City of Modesto / Stanislaus County costs are dependent on and can increase contingent on the number of pages per measure submitted)

*Lee Lundrigan*      *May 29, 2015*  
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 Lee Lundrigan, County Clerk /Recorder /Registrar of Voters / May 29, 2015

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2015-157**

**A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER IMPROVEMENTS TO SPECIFIED RESIDENTIALLY DEVELOPED UNINCORPORATED AREAS FOR WHICH AN ADVISORY VOTE ON THE QUESTION OF SEWER SERVICE EXTENSIONS IS REQUIRED BY MEASURE M**

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens' Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election. Measure A defined "extension" as "the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan so as to require amendment of the General Plan." Thus, Measure A applies to properties that were designated Urban Reserve in the City's General Plan in effect at the time, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens' Advisory Growth Management Act of 1995 (Measure M), which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election. Measure M also applies to areas that were designated Urban Reserve in the City's General Plan in effect at the time, and

WHEREAS, the 1995 update to the City's General Plan eliminated the Urban Reserve designation, and

WHEREAS, since the voters approved Measure A and Measure M, the City has conducted multiple advisory elections regarding the properties affected by the measures.

An advisory vote has not yet occurred for a number of other properties to which Measure A and Measure M apply. The remaining properties are dispersed and not all contiguous. Among the properties for which an advisory vote has not occurred are a number of residentially developed unincorporated areas within the jurisdiction of Stanislaus County. Some of those are "islands" surrounded by the City, others about the City's jurisdictional boundaries, and all are within the City's sphere of influence. There may be vacant parcels within some of the residentially developed unincorporated areas, and

WHEREAS, in order to satisfy the requirements of Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 3, 2015, an advisory measure relating to the extension of sewer improvements to specified areas to which Measure M applies and for which an advisory vote has not yet been held. Those areas are primarily residentially developed unincorporated areas in which a small number of vacant parcels may be located,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. BALLOT MEASURE.

That pursuant to California Elections Code Section 9603 and as required by Measure M, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 3, 2015, an advisory measure relating to the extension of sewer improvements to specified residentially developed unincorporated areas to which Measure M applies and for which an advisory measure has not yet been held. As

specified below, the areas that are the subject of the advisory measure will be described in and shown on a map to be included in the sample ballot/voter information pamphlet for the November 3, 2015, election.

SECTION 2. INFORMATION TO BE INCLUDED IN SAMPLE BALLOT / VOTER INFORMATION PAMPHLET.

In the sample ballot/voter information pamphlet for the November 3, 2015, election shall be printed a description of the residentially developed unincorporated areas that are the subject of the advisory measure, including a map depicting the areas. The Planning Division of the Community and Economic Development Department is authorized and directed to prepare the summary and map, and the City Clerk is authorized and directed to forward the summary and map to the Stanislaus County Registrar of Voters. The summary shall be in addition to the City Attorney's impartial analysis, any primary or rebuttal arguments filed, and any other material required by law to be included in the sample ballot/voter information pamphlet.

SECTION 3. FORM OF BALLOT.

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

MEASURE \_\_\_ City of Modesto Sewer Service Extension Advisory Measure.

Do you want the City Council of the City of Modesto to extend sewer improvements to ten (10) specified residentially developed unincorporated areas, which may include undeveloped parcels, to which Measure M applies and for which an advisory vote has not yet been	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

conducted? The areas that are the subject of this advisory measure are described in and depicted on a map included in the sample ballot / voter information pamphlet.		
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SECTION 4. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 5. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

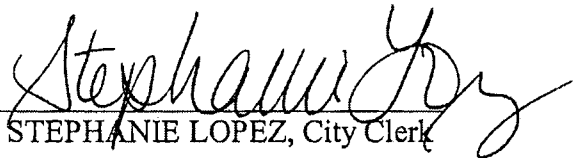


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of May, 2015, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

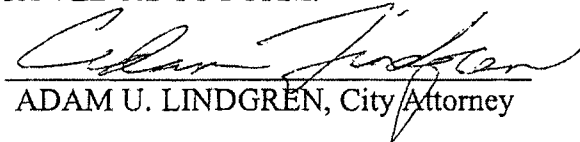
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney