

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

DEPT: Public Works

BOARD AGENDA #: *C-1

AGENDA DATE: May 10, 2016

SUBJECT:

Approval to Adopt the Results of the Proposition 218 Ballot Procedure Determining that a Majority Protest exist in Opposition to the Annexation of 192 parcels into County Service Area 27-Empire

BOARD ACTION AS FOLLOWS:

No. 2016-236

On motion of Supervisor O'Brien, 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:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. CSA-27-6

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

Urgent

Routine

BOARD AGENDA #: *C-1

AGENDA DATE: May 10, 2016



CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval to Adopt the Results of the Proposition 218 Ballot Procedure Determining that a Majority Protest exist in Opposition to the Annexation of 192 parcels into County Service Area 27-Empire

STAFF RECOMMENDATIONS:

1. Adopt the Results of the Proposition 218 Assessment Ballot Procedure (Support: 41.930, Protest: 47.005, Incomplete: 6.12) held on April 26, 2016 for the approval to annex 192 parcels into CSA 27-Empire.
2. Declare that a majority protest exists because a simple majority of the assessment ballots submitted, weighted according to the proportional financial obligation of the affected property, were in opposition to the proposed annexation of 192 parcels into County Services Area 27-Empire.

DISCUSSION:

On March 1, 2016, the Board of Supervisors adopted a resolution initiating proceedings for the annexation of 192 parcels into County Service Area (CSA) 27-Empire. On March 8, 2016, the Board set a date of April 26, 2016 for the matter to be considered at a public hearing. Prior to, and in conjunction with the public hearing, a Proposition 218 assessment ballot procedure was conducted to determine if owners of the properties within the CSA and proposed annexation area would support the proposal.

A simple majority of the assessment ballots received were in opposition to the proposal. In summary, there were 41.930 votes cast in support; 47.005 votes cast in protest, and 6.12 incomplete ballots (see Attachment "A", memo from the Clerk of the Board of Supervisors to the Chairman of the Board).

The special benefit services and assessments to be levied for this district are intended to provide a revenue source for all the maintenance of the service area's storm drain system but not limited to the materials, equipment, labor, and administrative expenses. As a result of the protest of the annexation, the services will be limited to the area within the legal boundary of CSA 27-Empire set in 2009.

The Empire Storm Drainage Infrastructure Project was proposed to be funded by Community Development Block Grants (CDBG) funds contingent upon the results of the CSA 27-Empire ballot procedure. As a result of the majority protest, CDBG funds are available to be used for

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the Airport Neighborhood Sewer Infrastructure Project in accordance with the approved Stanislaus Urban County Consolidated Plan 2015-2020 and subsequent Annual Action Plans. Authorizations needed for the transfer of CDBG funds allocated to Empire Storm Drainage Infrastructure Project, along with close out of the Project as a CDBG eligible project, will be presented to the Board of Supervisors on a later agenda.

POLICY ISSUE:

California Government Code sections 25210 through 25338 authorize the County's Board of Supervisors to form County Service Areas within the county to finance public facilities and services. California Constitution Article XII D prohibits a public agency from imposing an assessment if a majority protest exists against the proposed assessment.

FISCAL IMPACT:

The Board of Supervisor's approved the use of Community Development Funds in the amount of \$20,000 on September 9, 2014 for the costs associated with the annexation of CSA 27-Empire to cover staff time for the ballot procedure, Engineer's Report, and public meetings. Actual costs totaled \$12,908.88.

Cost of recommended action:		\$12,908.88
Source(s) of Funding:		
	\$ 12,908.88	
Funding Total:		12,908.88
Net Cost to County General Fund		\$ -
Fiscal Year:	2016-2017	
Budget Adjustment/Appropriations needed:	No	
Fund Balance as of		

BOARD OF SUPERVISORS' PRIORITY:

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:

There is no staffing impact as this adoption of the ballot procedure concludes staffs efforts on this project.

CONTACT PERSON:

Matt Machado, Public Works Director

Telephone: (209) 525-4153.

Approval to Adopt the Results of the Proposition 218 Ballot Procedure Determining that a Majority Protest exist in Opposition to the Annexation of 192 parcels into County Service Area 27-Empire

ATTACHMENT(S):

Memo from the Clerk of the Board to the Chairman of the Board – Ballot Results

ATTACHMENT 1

Memo from the Clerk of the Board to the Chairman of the Board – Ballot Results



CLERK OF THE BOARD OF SUPERVISORS

Elizabeth A. King

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

BOARD OF SUPERVISORS

2016 MAY -5 A 10: 27

May 5, 2016

TO: Dick Monteith, Chairman


FROM: Elizabeth King, Clerk of the Board

RE: Ballot Results for the Annexation of Parcels into County Service Area No. 27 – Empire, the Proposed Method of Calculating the Amount of the Annual Assessment, and the Levy of the Annual Assessment

We have completed our count of the sealed ballots regarding the annexation of parcels into County Service Area (CSA) No. 27 – Empire, the proposed method of calculating the amount of the annual assessment, and the levy of the annual assessment. On May 10, 2016, the results will be presented to the Board of Supervisors. These votes have been counted and verified by staff. During the verification process it was discovered that one ballot incorrectly calculated the weighted vote for that ballot. The results reflect the corrected weighted vote tally and based on that tally, a majority protest against the assessment was received.

We present the results from the ballot process for your certification:

Weighted ballots cast in support of the annexation	41.930
Weighted ballots cast in protest of the annexation	<u>47.005</u>
Total Weighted Ballots Counted	88.935
Weighted incomplete ballots not counted	6.120


 Elizabeth A. King, Clerk of the Board of Supervisors

5/5/2016
 Date



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE, LS
Director, County Surveyor

Chris Brady, PE
Deputy Director - Design/Survey/Fleet Maintenance

David Leamon, PE
Deputy Director - Construction Administration/Operations

Andrew Mailzla, PE
Supervisor - Development/Traffic

Kathy Johnson
Assistant Director - Finance/GIS/HR/Transit

www.stancounty.com/publicworks

MEMORANDUM

TO: **Liz King, Clerk of the Board**
FROM: **David Leamon, Deputy Director Public Works**
DATE: **May 5, 2016**
SUBJECT: **Results of Proposition 218 Ballot Procedure for CSA 27-Empire**

On Tuesday, April 26, 2016, Public Works and the Clerk of the Board counted the ballots for the Empire CSA-27 annexation vote. The preliminary results indicated 70.244 weighted ballots in support of annexation, and 47.005 weighted ballots in protest, with 6.12 incomplete weighted ballots. Based on the initial tabulation, the Modesto Bee was advised that the ballot procedure passed. The Modesto Bee reported those results online on April 26, 2016, and in the April 27, 2016 print edition.

As part of the validation process all ballots and calculations were rechecked. During the review and recheck of the ballots, a math error was identified on one ballot prepared by Public Works. The ballot error reflected an incorrect weighted vote of 31.46, but should have been 3.146. The error was caused by an incorrect conversion from acreage to EBU (equivalent benefit unit) ballot weighting and appears to be a decimal place error. As a result, the revised weighted counts are 47.005 votes in protest and 41.930 votes in support of the annexation, with 6.12 incomplete ballots. A total of 88.935 weighted ballots were counted. The ballot procedure fails to support the annexation.