

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

DEPT: Board of Supervisors

BOARD AGENDA # \*A-3

Urgent  Routine

AGENDA DATE June 14, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Authorize the Chairman of the Stanislaus County Board of Supervisors to Sign and Submit the Property Owner Ballot in Support of the Assessments Ballot for the Proposed County Service Area No. 29 Bangs Summit for Fiscal Year 2011-2012 for the Property Owned by Stanislaus County

STAFF RECOMMENDATIONS:

Authorize the Chairman of the Stanislaus County Board of Supervisors to sign and submit the Property Owner ballot in support of the Assessments Ballot for the Proposed County Service Area No. 29 Bangs Summit for Fiscal Year 2011-2012 for the property owned by Stanislaus County.

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

FISCAL IMPACT:

One ballot has been received. If the majority vote "Yes" on the method of calculation of the annual assessment formula then the new formula will take effect next fiscal year. The fiscal impact will be on the property owned by Stanislaus County. The parcel located on Galaxy Way in Modesto, CA has not been part of a County Service Area and the first year assessment will be \$16.42. The \$16.42 can be absorbed in the Public Works Department's budget.

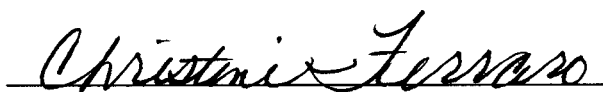
BOARD ACTION AS FOLLOWS:

No. 2011-352

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) X Approved as recommended
- 2) \_\_\_\_\_ Denied
- 3) \_\_\_\_\_ Approved as amended
- 4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.



# STANISLAUS COUNTY



## ASSESSMENT BALLOT INSTRUCTIONS

Use the enclosed Assessment Ballot to express support for or opposition to:

The proposed formation of County Service Area No.29 Bangs Summit, the levy of an annual assessment to pay for the services that will be provided; and the dissolution of County Service Area No.20 Summit.

**You will receive a separate ballot for each parcel you own within the District.**

### How To Vote Your Assessment Ballot

1. Use a pen to mark an "X" in one of the boxes to indicate either your support or protest, and sign and date the ballot certification.
2. Place the ballot in the enclosed envelope addressed to the Clerk of the Board of Supervisors and seal the envelope.
3. Deliver the ballot either by mail or in person by:
  - **Mail Delivery:** If by mail, mail with the required postage no later than July 7, 2011. Mailing later than this deadline creates a risk that the ballot may not be received in time to be counted.
  - **Personal Delivery:** If in person, deliver to the Clerk of the Board of Supervisors at any time prior to 5:00 p.m. on Monday, July 11, 2011, at 1010 Tenth Street, Sixth Floor, Modesto, California, or at the hearing itself at 9:05 a.m. on July 12, 2011, located in the Joint Chambers in the basement of the County/City Administration Building, 1010 10<sup>th</sup> Street, Modesto, California.

Regardless of which method of delivery is used, for it to be counted the Assessment Ballot must be received prior to the close of the public hearing on Tuesday, July 12, 2011. After an Assessment Ballot is submitted, it may be changed or withdrawn prior to the conclusion of the public testimony at the hearing on the proposed assessment by presenting identification with a picture to a county staff member designated at the start of the public hearing. If you need a replacement ballot for any reason please contact Stanislaus County Public Works Department, Mike Wilson, at (209) 525-4190 or (209) 525-4130 prior to the public hearing; or a replacement may be obtained at the public hearing by contacting the designated county staff member.

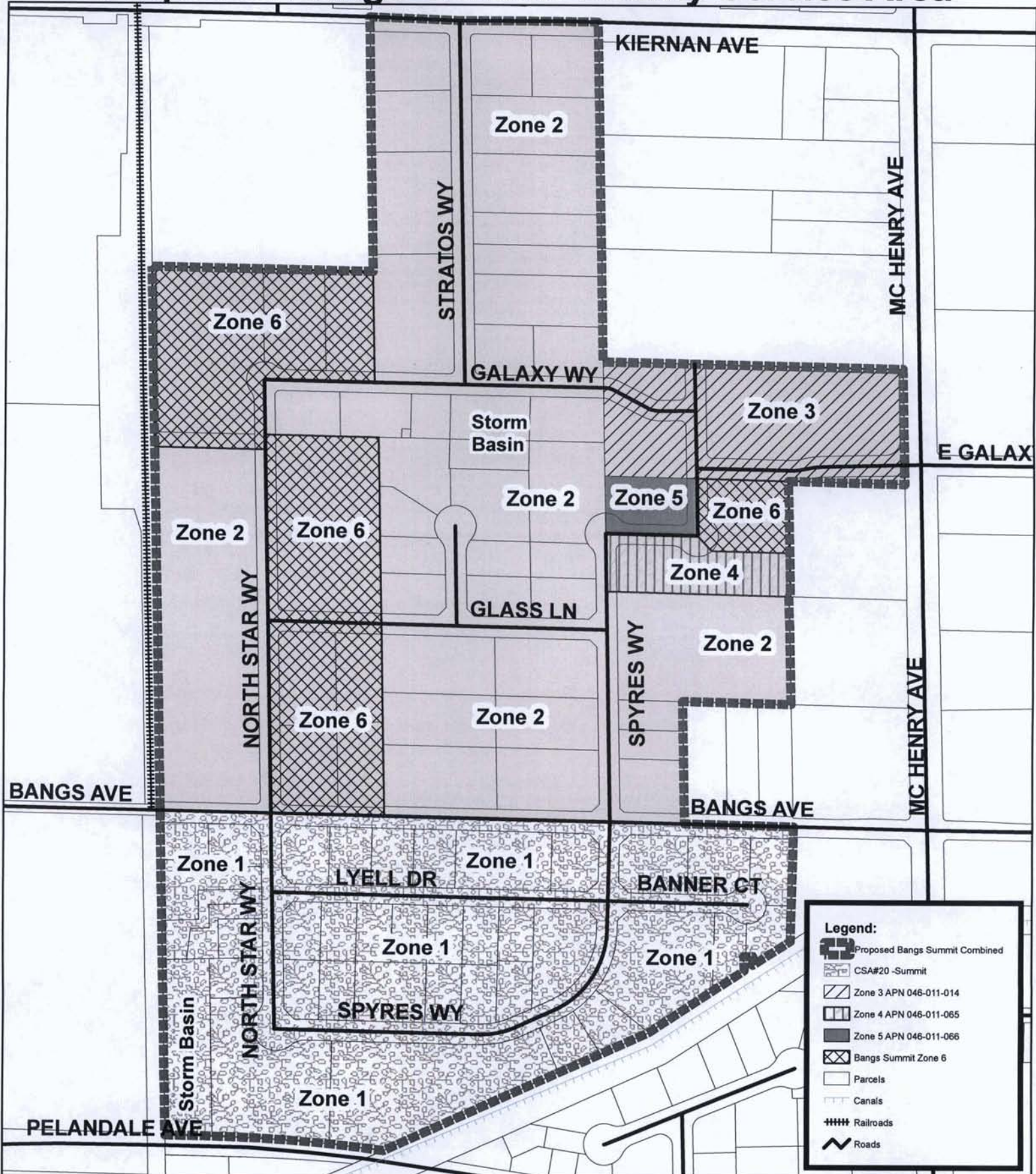
### MULTIPLE OWNERS OF ONE PARCEL

If there is more than one record owner of the identified parcel, the owners may either submit (a) one Assessment Ballot for all the owners of that parcel or (b) one Assessment Ballot from each of the record owners, in which case, each record owner's ballot will be weighted in proportion to that owner's percentage of ownership. If each record owner wants to submit an individual ballot, return the enclosed Assessment Ballot along with a list of names and addresses of all the record owners and each owner's percentage of ownership in the parcel. Separate Assessment Ballots will be issued to each record owner, who will be individually responsible for submitting his or her ballot.

If title to property is held wholly or partly by a single legal entity (such as a corporation, partnership or trust), that entity may submit only one Assessment Ballot; the separate owners of that entity may not submit separate ballots.

# Attachment "A"

## Proposed Bangs-Summit County Service Area



**Legend:**

- Proposed Bangs Summit Combined
- CSA#20 -Summit
- Zone 3 APN 046-011-014
- Zone 4 APN 046-011-065
- Zone 5 APN 046-011-066
- Bangs Summit Zone 6
- Parcels
- Canals
- Railroads
- Roads



0                      500                      1,000 Feet





# STANISLAUS COUNTY



## NOTICE OF PUBLIC HEARING, ASSESSMENT BALLOT PROCEDURE, AND BALLOT REGARDING

**THE PROPOSED FORMATION OF COUNTY SERVICE AREA (CSA) NO.29 BANGS SUMMIT, THE LEVY OF AN ANNUAL ASSESSMENT TO PROVIDE FUNDING FOR MAINTENANCE AND OPERATION OF THE COUNTY SERVICE AREA, AND DISSOLUTION OF COUNTY SERVICE AREA NO. 20 SUMMIT**

**You Are Hereby Notified**, pursuant to Government Code section 53753 (b), that the Board of Supervisors of the County of Stanislaus has set a public hearing for 9:05 a.m., or as soon thereafter as the matter may be heard, on July 12, 2011, located in the Joint Chambers in the basement of the County/City Administration Building, 1010 10<sup>th</sup> Street, Modesto, California.

### PROPOSAL

The proposal being considered is the formation of County Service Area (CSA) No 29 Bangs Summit; the adoption of a formula for calculating the levy of an annual assessment to provide funding for maintenance and operation costs; and the dissolution of County Service Area (CSA) No 20 Summit. Because you are the owner of a parcel located within the proposed County Service Area you are being provided an assessment ballot along with this notice. Please use the enclosed assessment ballot to vote your support or protest of this proposal. The assessment ballot procedure will be concluded at the end of the public hearing.

The extended services to be provided within the proposed County Service Area will maintain the existing gravity flow, storm drainage system. Those services are generally described as:

- Street sweeping to prevent materials from entering and impairing the drainage system.
- Drain cleaning to remove materials that are impairing the drainage system.
- Maintaining 2 Storm Drain Basins and 12 trench drains. Curb & gutter repair.
- Administration of budget and services.

### REASON FOR PROPOSED ASSESSMENT AND BALLOT

The purpose of the proposed assessment is to establish a continued source of funding for the services to be provided by County Service Area No. 29 Bangs Summit. Annual assessments may increase or decrease as needed to provide funds to cover operating and maintenance costs. If operation and maintenance costs are less than expected, the CSA'S fund balance will be carried forward to reduce the amount needed to be collected in the next Fiscal Year. To fund the extended services and associated operating and maintenance costs for the County Service Area there must also be a corresponding assessment for the property owners located within the service area that benefit from the services. Pursuant to Proposition 218, the formation of a new County Service Area and levy of an annual assessment has to be approved by those property owners through an assessment ballot procedure and public hearing.

### AMOUNT OF PROPOSED ASSESSMENT

If the County Service Area's landowners approve this proposal, the annual assessment will be :

- **The CSA's Total Annual Assessment = \$17,295.06** chargeable to the entire CSA for the 2011-2012 Fiscal year.
- **Your Individual Parcel Assessment** = Is listed in upper right hand box of your assessment ballot which is included with this notification. Your assessment ballot also lists your parcels weighted vote.

## **BASIS FOR ASSESSMENT**

The basis for the proposed assessment is the equitable distribution of the total cost of the service being provided by the County Service Area among all 92 parcels within the service area. This is accomplished through calculation of the following formulas to arrive at the individual parcel assessment.

**CSA's Total Annual Assessment** = Estimated Operating, Maintenance, & Administrative Costs For Current Year (+ plus) Operating Reserve Requirements and Capital Improvement Reserve Requirements (- minus) Fund Balance From Previous Year.

**Individual Parcel's Total Weighted EBU's** = Parcel's EBU (x times) Parcel's Acreage.

**Assessment Rate Per EBU** = District's Total Assessment (/ divided by) Total Weighted EBU's for all Parcels.

**Individual Parcel Assessment** = Assessment Rate Per EBU (x times) Individual Parcel's Total Weighted EBU's.

**Equivalent Benefit Unit (EBU)** is a value that represents the degree of special benefit that each property type receives from the services provided. Some examples of property type include: developed commercial/industrial, vacant, and residential. A developed parcel will receive more benefit than an undeveloped parcel and therefore have a higher EBU. Each parcel may have a different assessment levied upon them due to their EBU and acreage.

**Reserve Requirements** includes a 6-month Operating Reserve equal to ½ of annual operating, maintenance, and administrative expenses and a Capital Improvement Reserve to cover basin excavation and/or and trench drain replacement.

The proposed County Service Area is divided into 6 zones according to facility infrastructure and level of service as well as to properly assign benefits, costs, and annual assessments. Boundaries of the 6 zones are identified on the enclosed map.

**Zone 1 Summit** – this zone is the same territory previously covered by CSA No.20 Summit. It has its own drainage system, facilities, and infrastructure and will be assessed on that basis. This area will also benefit from the use of unused reserve funds from the dissolution of CSA No. 20. Those funds will be used to reduce the assessments for this zone.

**Zone 2 Bangs** – this zone comprises the remainder of the new CSA with the exception of the parcels that comprise zones 3 through 6. This zone has a separate drainage system, facilities, and infrastructure than Zone 1. Beyond the assessment for administration, maintenance, and operating expenses, this zone is being assessed to build an operating reserve. The required reserve will be spread over the first 5 years after formation to level the assessment and avoid levying the full amount the first year.

**Zones 3, 4, & 5** – the runoff from these three zones flows to trench drains only and they are therefore not assessed for drainage basin maintenance. However, trench drains require maintenance and the properties in these zones will benefit from the additional maintenance and street sweeping proposed. Also, the trench drains in these zones will need improvement and replacement in the future. The assessments for Zones 3, 4, and 5 will cover the costs of the increased maintenance, build an operating reserve, and to build capital reserve to finance replacement of the trench drains:

- Zone 3 APN 046-011-014 is the largest of the 3 parcels and contains 10 trench drains.
- Zones 4 & 5 APN 046-011-065 & 066 contains 1 trench drain each.

**Zone 6** –the parcels in this zone maintain their own storm water facilities. These parcels will benefit only from street sweeping, and will only be assessed for that service, as well as administrative costs, and to build an operational reserve for its street sweeping service. The portion of the assessment corresponding to the required reserve will be spread over the first 5 years after formation to level the assessment and avoid levying the full reserve amount the first year.

<b>Services Provided To Zones</b>	<b>Frequency</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	<b>Zone 6</b>
Catch Basin/Drop Inlet cleaning	2 per year	X	X	X	X	X	N/A
Curb and Gutter repair	As Needed	X	X	X	X	X	N/A
Drain System Pipe cleaning and maintenance	As Needed	X	X	N/A	N/A	N/A	N/A
Storm Basin maintenance*	As Needed	X	X	N/A	N/A	N/A	N/A
Street Sweeping	26 per year	X	X	X	X	X	X
Trench Drain Cleaning & Maintenance	As Needed	N/A	N/A	X	X	X	N/A

\*Storm Basin Maintenance includes erosion control, weed control, silt removal, and fence repair.

N/A = Not Applicable

### **EFFECT AND DURATION OF APPROVAL OR DISAPPROVAL**

If approved, it is anticipated the proposal would take effect with the start of the new 2011-2012 Fiscal Year. The annual assessment for your parcel would continue indefinitely and may decrease or increase from year to year, depending upon remaining fund balances and on the amount of money needed to pay for operation and maintenance costs.

If the proposal is not approved County Service Area No. 29 would not be formed and County Service Area 20 Summit would continue to serve the Summit Business Park area.

### **PUBLIC HEARING & BALLOT TABULATION**

At the public hearing on the proposal, the Board of Supervisors will consider all objections or protests, if any, to the proposal. Any interested person may present written or oral testimony at the public hearing. After conclusion of the public hearing, the submitted Assessment Ballots will be tabulated to determine if a majority protest exists, and the results posted by the Clerk of the Board of Supervisors. All Assessment Ballots submitted are public information and subject to inspection by request under the Public Records Act.

### **PROTESTS**

The proposal will not be approved if there is a majority protest. A majority protest exists if a simple majority of Assessment Ballots submitted are opposed to the proposal. The Assessment Ballots are weighted according to the proportional financial obligation of the affected property.

In addition to the Assessment Ballots in favor of or in opposition to the proposal, the Board of Supervisors also will consider any other protests to the proposed assessments at the public hearing. Any protest about the validity of the assessment or the regularity or sufficiency of the proceedings shall be in writing and shall clearly and specifically set forth the alleged irregularity or defect. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing shall be deemed waived.

The Board of Supervisors retains all authority conferred by law, including the extent of services to be provided, and in the amount of the assessment (including the amounts of any individual assessments) provided, however, that the assessment shall not be increased beyond that specified by this notice without a new notice and proceedings in compliance with all laws.

### **ADDITIONAL INFORMATION**

For further information, contact the Stanislaus County Department of Public Works, Mike Wilson (209) 525-4195, or (209) 525-4130, located at 1716 Morgan Road, Modesto, Ca 95358.

# ASSESSMENT BALLOT

FOR PROPOSED COUNTY SERVICE AREA No.29 BANGS SUMMIT  
FISCAL YEAR 2011/2012

**Attention Landowner:**

Parcel #:046-011-011  
Site: Galaxy Way Modesto Ca 95356

**Owner:** Stanislaus County Of  
1010 10th St Ste 3500  
Modesto, 10th St Ste 3500 95354

**Fiscal Year 2011-2012 Parcel Assessment**

\$16.42

Your Weighted Vote Equals = 16.42

**This Ballot requires one box to be marked and a signature to be valid. Mark one box only:**



I/we **SUPPORT** the proposed formation of County Service Area No. 29 Bangs Summit, the levy of an annual assessment to pay for the services provided, and the dissolution of County Service Area No.20 Summit.

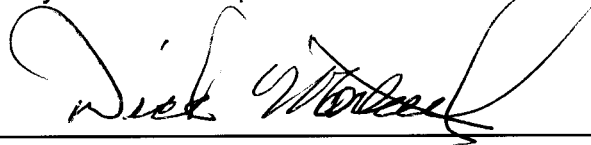


I/we **PROTEST** the proposed formation of County Service Area No. 29 Bangs Summit, the levy of an annual assessment to pay for the services provided, and the dissolution of County Service Area No. 20 Summit.

The undersigned certifies under penalty of perjury under the laws of the State of California that he/she submits this assessment ballot as owner or as the duly authorized representative of the owner/owners of the above-referenced parcel.

Dated: JUN 14 2011

(Signature)



Dick Monteith Chairman of the Board

(Type or print name and representative capacity, if any.)

**Return to:** Clerk of Board of Supervisors, 1010 10th Street, Suite 6700, Modesto, CA 95354  
Please use enclosed envelope.