

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

DEPT: Public Works

BOARD AGENDA #: \*C-4

AGENDA DATE: March 1, 2016

**SUBJECT:**

Approval to Adopt a Resolution Initiating Proceedings for the Annexation of Parcels into County Service Area 27-Empire

**BOARD ACTION AS FOLLOWS:**

**No.** 2016-106

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien  
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:

  
CHRISTINE FERRARO TALLMAN, Clerk

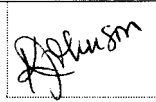
File No. CSA-27-5

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

DEPT: Public Works

Urgent

Routine



BOARD AGENDA #: \*C-4

AGENDA DATE: March 1, 2016

CEO CONCURRENCE: \_\_\_\_\_

4/5 Vote Required: Yes  No

---

**SUBJECT:**

Approval to Adopt a Resolution Initiating Proceedings for the Annexation of Parcels into County Service Area 27-Empire

---

**STAFF RECOMMENDATIONS:**

1. Adopt a resolution initiating proceedings for the annexation of 192 parcels into County Service Area 27-Empire.
2. Direct the Public Works Department to prepare and file the required amended Engineer's Report.

**DISCUSSION:**

In March 2006, the Board of Supervisors authorized the County to enter into a contract with Stantec Consulting Inc. to provide design, surveying and general engineering services to develop plans and specification for the Empire Infrastructure Improvement project. The design process was the first step toward the realization of storm drain infrastructure in Empire and is funded by the Community Development Block Grant (CDBG) Program and the Stanislaus County Redevelopment Agency. On July 21, 2009, the Board adopted the plans and specifications for the Empire Improvement Project Phase 1A and related actions including environmental exemption. On September 15, 2009, a resolution to initiate proceedings to form a CSA was approved by the Board. On December 8, 2009, the ballot results in support of the formation of the CSA were adopted and CSA 27 – Empire was formed.

Prior to the elimination of the Redevelopment Agency (RDA) in 2011, the plan was to connect the town of Empire to the Modesto Irrigation District outfall near the Santa Fe Bridge that crosses the Tuolumne River. The cost of the traditional storm drainage system that was contemplated in the Stantec plans would have cost approximately \$15 million.

The Planning and Community Development Department in conjunction with the Department of Public Works developed an alternative storm drainage project because of the funding constraints caused by the elimination of the RDA in 2011. The Empire Community Storm Drainage Report (Report) was the result of that effort.

In an effort to identify a lower-cost option to complete the remaining phases of the project, a feasibility study for a Low Impact Development (LID) swale storm water drainage system was

## Approval to Adopt a Resolution Initiating Proceedings for the Annexation of Parcels into County Service Area 27-Empire

---

completed. The LID system was presented at a February 17, 2015, community meeting; however, it was not supported by the Empire residents.

Instead, Empire residents favored a targeted storm drain project that would include traffic safety improvements such as sidewalks for safe routes to school for children and general pedestrian use.

A second community meeting was held on March 30, 2015, to obtain input on targeted storm drain solutions and sidewalk locations. Based on the feedback received at the second community meeting, a conceptual plan for a targeted storm drain system that included sidewalks had been developed. The County then held a third community meeting on September 22, 2015, to present the conceptual plan and funding options. The proposed improvements supported were a roundabout at A Street and 3<sup>rd</sup> Street, sidewalks that will link Empire Elementary School and Glick Middle School along 2<sup>nd</sup> Street, including at grade railroad improvements and targeted storm drainage solutions where the flooding was reported and needed.

Exhibit A shows the scope and location of the proposed improvements and how they relate to the proposed annexation. Construction of proposed improvements will be contingent upon success of the proposed CSA 27-Empire annexation. Funding for capital improvements will come from CDBG funds, built in phases as funding becomes available.

Anticipated construction phasing and schedule is as follows:

Phase 1	\$1.33 Million	FY 15/16
Phase 2	\$1.33 Million	FY 17/18
Phase 3	\$1.33 Million	FY 19/20

The proposed area to be annexed to the County Service Area is located in the unincorporated town of Empire and encompasses those parcels that will receive special benefit from the recommended improvements. The purpose of this annexation to the County Service Area is to provide for the ongoing maintenance and operation of the storm drain system and other improvements once the infrastructure has been constructed.

The special benefit 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, sidewalks and roundabout including but not limited to the materials, equipment, labor, and administrative expenses. These special benefit services may include but are not limited to monthly or bi-monthly street sweeping and storm water system maintenance to ensure maximum service life of the system. The annexed parcels will also receive sidewalk maintenance in addition to the services already outlined for the existing parcels in CSA 27. If the annexation to the CSA is approved, the first year's assessment for the new parcels is anticipated to be approximately \$84.54 per equivalent benefit unit, which is the same amount as Fiscal Year 2015/2016 for the existing parcels. This assessment would begin when improvements are built.

The annexation of a County Service Area is a multiple action process:

Approval to Adopt a Resolution Initiating Proceedings for the Annexation of Parcels into County Service Area 27-Empire

Board of Supervisors to consider adopting a resolution initiating proceedings for the annexation to County Service Area 27-Empire	March 1, 2016
Public Works prepares an Engineer's Report to describe expanded services and spread the cost of the improvements over the benefitting parcels	March 8, 2016
Board of Supervisors to consider approving the Engineer's report and to set a public hearing	
Public Works to send mail-in ballots to affected landowners	March 15, 2016
The Board of Supervisors hold a Public Hearing; affected landowners will be given an opportunity to speak for or against the annexation or the proposed assessment	April 26, 2016
At the conclusion of the public hearing, the Chairman of the Board will request that the Clerk of the Board open and tally the Ballots	
Board of Supervisors adopts the results of the election	May 10, 2016
If the results are positive for annexation, the Board may adopt a resolution ordering the annexation to County Service Area 27-Empire contingent upon approval of the annexation of the County Service Area by the Local Agency Formation Commission	

Exhibit A shows the boundary of the proposed annexation into County Service Area 27-Empire.

Information regarding the Empire Improvement Project and the proceedings associated with formation of county service areas has been shared with the community through the three public meetings held at Empire Elementary School on February 17, March 30 and September 22, 2015. Such updates will continue as necessary through the construction and formation process to ensure open communication with the community on this infrastructure project.

**POLICY ISSUE:**

Government Code Section 56000 et. seq. guides the process for annexation of parcels into, and changes in services provided by a County Service Area. Approval of this resolution will initiate the process by which these changes may ultimately be made.

**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 to CSA 27. Community Development Funds already appropriated will cover staff time for the ballot procedure, Engineer's Report, and public meetings.

Approval to Adopt a Resolution Initiating Proceedings for the Annexation of Parcels into County Service Area 27-Empire

---

**Cost of recommended action:**

N/A

**Source(s) of Funding:**

**Funding Total:**

\_\_\_\_\_ \$ \_\_\_\_\_

**Net Cost to County General Fund**

\_\_\_\_\_

**Fiscal Year:**

<b>No</b>

**Budget Adjustment/Appropriations needed:**

**Fund Balance as of**

**BOARD OF SUPERVISORS' PRIORITY:**

This action is consistent with the Board's priorities of A Safe Community and A Well-Planned Infrastructure System by building storm drainage and sidewalks for the Empire Community.

**STAFFING IMPACT:**

The project will be overseen by existing Public Works staff.

**CONTACT PERSON:**

Matt Machado, Public Works Director. Telephone: 209 525-4153.

**ATTACHMENT(S):**

1. Resolution
2. Proposed Annexation to County Service Area #27 (Map)

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: March 1, 2016

2016-106

On motion of Supervisor Chiesa Seconded by Supervisor O'Brien  
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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*C-4

**Resolution to Initiate Ballot Proceedings for the Jurisdictional Boundary Modification and  
Annexation to County Service Area 27**

WHEREAS, the Stanislaus County Department of Public Works has, by previous resolutions or other proceedings, formed a County Service Area (CSA 27) to provide extended storm drainage facilities to the community of Empire under the provisions of the Government Code Section 25210; and

WHEREAS, there is a need for extending the existing service area to provide a safe and orderly extension of storm drainage services to 192 parcels in the Empire community; and

WHEREAS, the Public Works Department shall be directed to prepare and file the required amended Engineer's Report for CSA 27; and

WHEREAS, the Engineer's Report for CSA 27 shall describe the expanded services and determining the distribution of the costs of the improvement over the benefitting parcels; and

WHEREAS, Staff will request the Board of Supervisors approve the engineer's report and to set a public hearing; and,

WHEREAS, the Department of Public Works will send out mail-in ballots to affected landowners; and

WHEREAS, the ballots will be tabulated after the public hearing for the annexation of the 192 parcels into CSA 27; and

WHEREAS, the affected landowners will be given an opportunity to speak for or against the annexation or the proposed assessment at the public hearing; and


WHEREAS, the Chairman of the Board will request that the Clerk of the Board open and tally the Ballots; and

WHEREAS, a proposal for change in organization or reorganization may be made by adoption of a "Resolution of Application" by the Board of Supervisors under Government Code section 56654; and

WHEREAS, the Board may adopt a Resolution of Application ordering the annexation to the CSA 27-Empire to be approved upon adoption of the tallied ballots and contingent on approval of the annexation of the CSA by the Local Agency Formation Commission;

NOW, THEREFORE, BE IT RESOLVED that the Board Of Supervisors Of Stanislaus County does hereby direct the Public Works Department to initiate the proceedings of the annexation of additional parcels in to County Service Area 27-Empire.









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

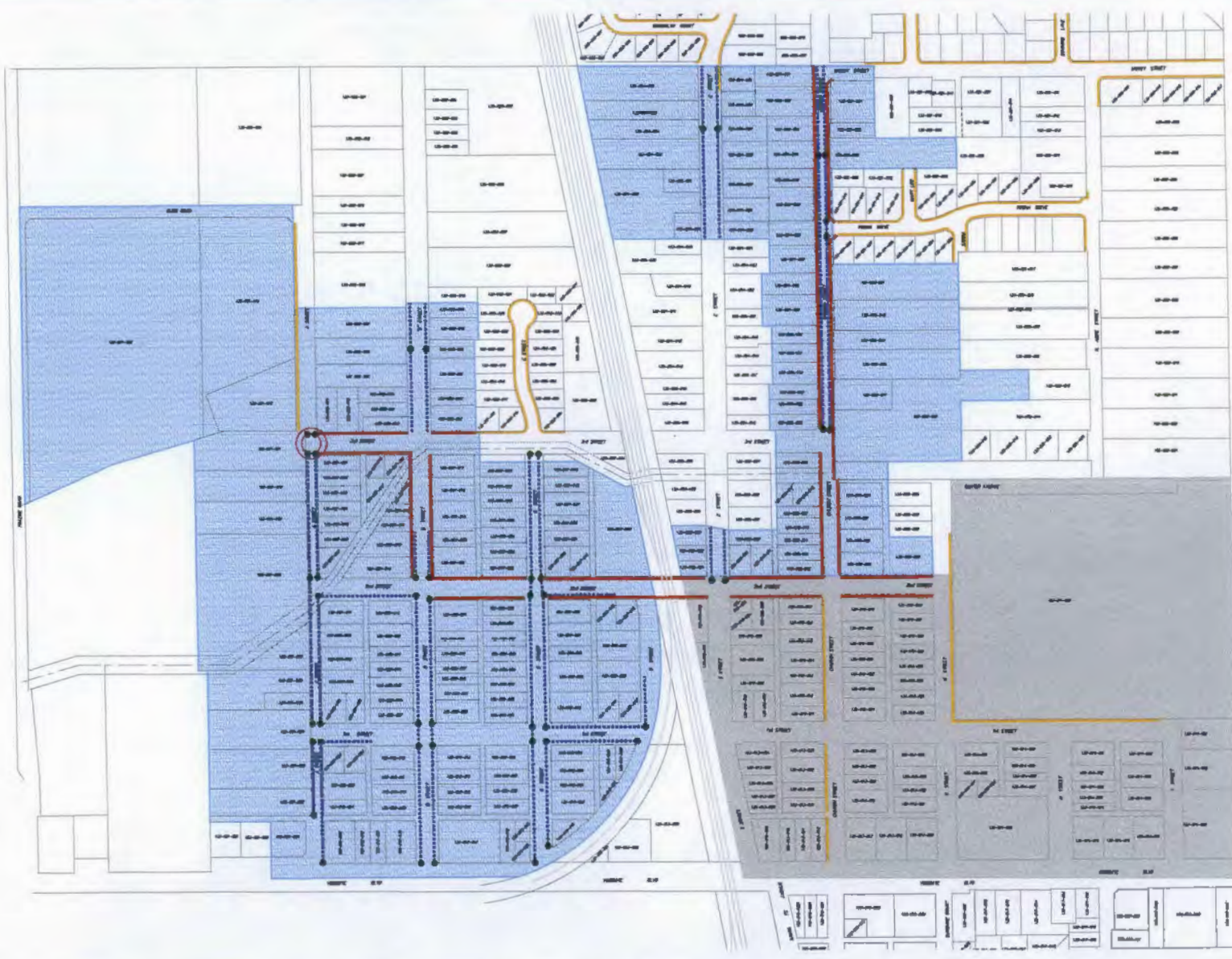
  
\_\_\_\_\_

File No. CSA-27-5

SCALE: 1" = 100'

LEGEND

-  AREA OF PROPOSED IMPROVEMENTS
-  EXISTING CSA 27
-  EXISTING SIDEWALK
-  PROPOSED SIDEWALK
-  24" PROPOSED CONCRETE VALLEY GUTTER
-  DRAIN INLET / CATCH BASIN
-  1.35-007-009 ASSESSORS PARCEL NUMBER
-  ROUNDABOUT



Proposed Annexation to County Service Area #27 -- 2016  
Empire, CA

DR. BY:	C. JOHNSON
PROJECT:	000000
DATE:	01-27-16
SHEET NO:	1 OF 1

