



## Legislation Text

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**File #:** 17-070, **Version:** 1

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**SUBJECT:** Assessment Ballot Proceeding Voting Results - Oakmont #3, Campus North, and Mansionette Maintenance Districts

### REPORT IN BRIEF

Accept ballot results on the proposed increase in assessments to property owners in the Oakmont #3, Campus North, and Mansionette Maintenance Districts

### RECOMMENDATION

**City Council** - Adopt a motion:

- A. Accepting assessment ballot proceeding results for the Oakmont #3, Campus North, and Mansionette Maintenance Districts; and,
- B. Approving annual increase in assessment levy to Oakmont #3 Maintenance District, from \$70.03 to \$89.75, subject to annual Consumer Price Index adjustments; and,
- C. Approving no increase in assessment levies to the Campus North and Mansionette Maintenance Districts.

### ALTERNATIVES

- 1. Accept ballot results, approving increase in annual levy to Oakmont #3, and no increased assessments to Campus North and Mansionette Maintenance Districts; or,
- 2. Authorize another assessment ballot proceeding for Campus North and Mansionette; or
- 3. Refer back to staff with specific direction.

### AUTHORITY

Chapter 26 of Part 3 of Division 7 of State of California Streets and Highways Code provides the applicable general law for Maintenance Districts; and,

Article I (alternative method for the levy of benefit assessments) of Title 13, Division VIII, of the Merced Municipal Code dealing with Maintenance Districts, provides for subsequent modification to existing Maintenance Districts; and,

Initiative Measure (Proposition 218, Sections 2,3,4,5, and 6) approved at the November 5, 1996 election, and also known as, the "Right to Vote on Taxes Act" provides for assessment ballot proceedings.

## BACKGROUND

The Public Works Department determined the Oakmont #3, Campus North, and Mansionette Maintenance Districts do not have sufficient Fund balances to cover operation and maintenance service costs necessary to maintain the District.

A summary of the current and proposed assessment amounts required to maintain the current level of service are listed below:

<u>District Name</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>
Oakmont #3	\$70.03	\$89.75
Campus North	\$31.30	\$142.45
Mansionette	\$1.14	\$66.35

In order to increase levies an assessment ballot proceeding must be held to obtain property owner approval in advance of any increase in annual assessment levy.

Therefore, the City Council adopted Resolution # 2016-63, on Monday, December 5, 2016, authorizing an assessment ballot proceeding for these identified Districts.

Council opened and concluded the Public Hearing February 6, 2016, and authorized staff to tabulate the ballots and report the results at its Tuesday, February 21, 2017 scheduled Council meeting.

## DISCUSSION

The City Clerk's office tallied the ballots on Tuesday, February 7, 2017, in the Sam Pipes Room of the Merced Civic Center, which was open to the public for viewing and the results are as follows:

<b>DISTRICT NAME</b>	<b>BALLOT RESULTS FAILED/PASSED</b>	<b>APPROVED</b>	<b>OPPOSED</b>
Oakmont #3	PASSED	65.8%	34.2%
Campus North	FAILED	41.9%	58.1%
Mansionette	FAILED	7.8%	92.2%

The Fiscal Year 2017/2018 Oakmont #3 annual budget will increase to \$27,554, as approved by the property owners of the District.

Campus North and Mansionette Maintenance Districts annual budgets will remain at the currently approved amount of \$11,000 and \$1,446, respectively for Fiscal Year 2017/2018 due to the failure to obtain voter approval.

In addition, the ballot preparation and mailing notice costs are not reimbursable to the General Fund from Campus North (\$1,002.52) and Mansionette (\$415.86) due to the failed ballot.

However, \$928.29 is reimbursable from Oakmont #3 for ballot expenses since the ballot proceeding

for this particular District was successful.

Maintenance service levels will continue to match existing revenues resulting in minimum turf mowing, edging, pesticide application, shrubbery pruning, storm drain pump inspections, maintenance, and repairs.