



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 2, 2007

SUBJECT: Resolution to Certify Storm Drain Ballot

Report in Brief

Final results of the Storm Drain Drainage Fee Increase ballot should be certified by the October 2, 2007 meeting. The final numbers will be reported verbally to the Council and a Resolution should be adopted at that time. It is not anticipated the figures will change dramatically, nor will the outcome.

Staff recommends that the City Council approve Resolution _____ certifying the final results of the Storm Drain Ballot.

Background

Ballots for the proposed Storm Drain Ballot were distributed to citizens at the last known address on the Assessment Roll as required by law beginning on August 10, 2007. As ballots were returned with address changes or property owner changes, staff contacted the County of Yolo to determine a new address and new ballots were sent to the property owners. As well, those property owners who lost their ballot, did not receive a ballot or wished to change their vote were given a replacement ballot up until 4:55 p.m. on August 28, 2007, the final date for receipt of ballots.

Council had approved the fee increase at the recommendation of the Storm Drain Advisory Committee and set that increase initially to \$5.00, which is a \$4.52 increase from the current \$.48 per month.

The raw count on the increase was held during the latter part of the week of August 27 and completed on Wednesday, September 5, 2007. This initial raw count provided that 2,626 votes were cast in favor of the increase, with 3,658 opposed, thus failure to increase the fee.

Validation of the ballots has been ongoing as each of the received ballots must be manually checked against the verified list of property owners to insure they are valid. That process is a lengthy and tedious one.

Council, staff, the members of the Storm Drain Advisory Committee, and citizens have been involved and included in the process. Citizens were invited to observe the process of the raw vote count. Other than the press, staff and one gentleman who sat for less than one minute, no other observers were present. By law, individual citizens cannot have access to the ballots during the counting process other than from a distance.

Discussion

Council is required to certify the ballot results as reported and adopt the Resolution so certifying. While the raw results are unofficial, they are indicative of the overall outcome.

Council will need to direct staff regarding the next course of action on the fees as a means of covering the shortfall to the Fund and to repay the General Fund. Senior staff will be developing strategies to address this issue with the objective of presenting recommendations to the City Council as part of the fall retreat on Saturday, November 3.

Fiscal Impact

The immediate impact on the General Fund is estimated at \$800,000. As stated above, staff will present recommendations to address this issue on November 3. Until such time that the City Council provides direction on the expenditure reductions, most of the approximately 30 unfilled positions will be held open to generate some of the savings required to address the shortfall.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council approve Resolution _____ to certifying the final results of the Storm Drain Ballot.

Prepared by:
Sue Vannucci, City Clerk

Mark G. Deven
City Manager

Enclosure: Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND,
CALIFORNIA, DECLARING THE RESULTS OF A STORM DRAINAGE FEE
BALLOT PROPOSITION**

The City Council of the City of Woodland, California ("City Council") hereby finds, determines, resolves and orders as follows:

WHEREAS, on May 15, 2007, the City Council approved the recommendations of the Storm Drain Advisory Committee and directed staff to notice a public hearing for the express purpose of adopting a storm drainage fee increase, pursuant to the provisions of California Constitution Article XIII D;

WHEREAS, notification of the proposed rates and the public hearing was mailed to all affected property owners on or about May 25, 2007 and notice of the public hearing, set for July 10, 2007, was placed in the Daily Democrat;

WHEREAS, at the July 10, 2007 public hearing, the City Council heard and considered all written and oral protests to the proposed Storm Drainage Fees and, upon determining that no majority protest existed, directed staff to hold an election on the proposed Storm Drainage Fees, with ballots due to the City Clerk at least 45 days after the July 10, 2007 public hearing but no later than 5:00 pm on August 28, 2007;

WHEREAS, approximately 13,920 ballots were mailed to affected property owners on August 10, 2007, with approximately 112 unopened ballots returned to the Public Works Department;

WHEREAS, 6,284 ballots were received prior to 5:00 pm on August 28, 2007 and tabulated by the City Clerk beginning on August 31, 2007, the results of which are illustrated below:

Yes: 2,626
No: 3,658

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Woodland:

Section 1 Following notice duly given, the City Council held a full and fair public hearing on July 10, 2007, at which time it considered all oral and written statements, protests and communications made or filed by interested persons and, upon determining that a majority protest did not exist, directed staff to hold an election on the proposed Storm Drainage Fees.

Section 2 The tabulation of the Storm Drainage Fee ballots submitted, and not withdrawn, prior to the August 28, 2007 deadline indicates that a majority protest against the proposed Storm Drainage Fees does exist.

Section 3 The results of the tabulation of the Storm Drainage Fee ballots submitted, and not withdrawn, prior to the August 28, 2007 deadline, is hereby confirmed and made a public record.

Section 4 This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 2nd day of October, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David M. Flory, Mayor

Sue Vannucci, City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle, City Attorney