




CITY COUNCIL

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Daniel Fox, City Manager 
TITLE: **FORMATION OF NEW LANDSCAPING ASSESSMENT DISTRICT NO. 39-2019 - RESCHEDULE PUBLIC HEARING TO AUGUST 6, 2019.**
STRATEGIC GOAL: *Responsible Stewardship of Public Resources*

RECOMMENDATION:

Adopt Resolution No. 2019-XX rescheduling the date of the public hearing for Landscaping Assessment District No. 39-2019 from July 16, 2019 to August 6, 2019.

FINANCIAL SUMMARY:

None.

BACKGROUND:

On May 21, 2019 the City Council adopted Resolution 2019-18 approving the Engineer's Report and setting the date of the public hearing on July 16, 2019 to conclude the formation process for Landscape Assessment District No. 39-2019. That resolution also directed that a Notice of Public Hearing and a ballot be sent to each property owner within the proposed District. Those notices and ballots were mailed on May 31, 2019.

On Monday, June 10, 2019 the City was made aware of an apparent error on the ballots. The City's District Consultant, SCI, confirmed that through a clerical error, the Zone A (176 parcels) and Zone C (99 parcels) designations in their data base had been switched resulting in different assessment amounts being identified on the ballot than originally stated in the approved Engineer's Report. The ballots for Zone B (969 parcels) had the correct proposed assessment printed on them and were not impacted.

This balloting process is being conducted pursuant to Proposition 218 which includes strict requirements for notices and ballots. Although the ballot is not required to have the proposed assessment amount printed on it, SCI recommended this feature as a further convenience to the property owner. It was this assessment amount that was in

error on the ballots for Zones A and C.

DISCUSSION:

City staff, the City Attorney and SCI believe that, although the notice contained no errors, the misprinted assessment amount on the ballot is an error that could cause some voter confusion and should be corrected. Therefore, the City, through its consultant, SCI, proposes to mail replacement ballots to all property owners in Zones A and C showing the corrected proposed assessment accompanied by a letter of explanation as to why property owners are being asked to re-vote. The property owners will be notified that the prior ballots are being disqualified as erroneous, and that only the replacement ballots will be counted. As before, all return envelopes will be postage-paid. This mailing can be completed within two days after this Council meeting.

The 45-day voting requirement would have been satisfied at the originally scheduled public hearing date on July 16, 2019. As of Thursday, June 13, 2019, approximately 200 ballots have been received. However, there is no way to determine which Zones those ballots are located within until they are opened and counted. Therefore, to fully comply with the 45-day noticing requirement, it is recommended that the Council reschedule the date for the public hearing to August 6, 2019 to ensure that the affected property owners have ample time to participate in the process. This would extend the time for all property owners within the District to submit their ballots. This later date will still provide sufficient time to submit the new assessments to the County Assessor/Controller, if approved by property owners, in time for the Fiscal Year 2019-20 tax bills.

In addition to the replacement ballots and letter of explanation to property owners in Zones A and C, SCI will mail letters to property owners in Zone B notifying them of the revised date of the public hearing and the extended time in which property owners will have to submit ballots. The following table summarizes the changes to Zone ballots.

District 39-2019	Correct Amount	Original Ballot	Revised Ballot
Zone A (176 parcels)	\$387.39	\$358.34	\$387.39
Zone B (969 Parcels)	\$377.70	\$377.70	N/A
Zone C (99 Parcels)	\$358.34	\$387.39	\$358.34

While this proposed procedure may be an inconvenience to some property owners, staff is of the opinion that full disclosure to the property owners of the error and extension of the time to resubmit a replacement ballot is necessary in order to avoid voter confusion, promote transparency, comply with the mailed ballot procedural and substantive requirements, and not waste the investment of time and effort made by both the City and the property owners toward this process. The costs associated with this issue will be covered by SCI.

LEGAL REVIEW:

City Attorney has reviewed and approved as to form.

PREPARED BY:

Anthony Santos

Anthony Santos, Assistant to the City Manager 6/18/2019

REVIEWED BY:

Ryan McLean

Ryan McLean, Assistant City Manager 6/13/2019

Attachments:

1. 8.1.a Resolution No. 2019-XX for District No. 39-2019