



Legislation Details (With Board Report)

File #: RES 17-050 **Name:** BOS EGCSO Elections
Type: BoS Resolution **Status:** Passed
File created: 4/25/2017 **In control:** Board of Supervisors
On agenda: 5/2/2017 **Final action:** 5/2/2017

Title: a. Adopt a resolution directing the Registrar of Voters to conduct a general election on August 29, 2017, wholly by mailed ballot on the questions of: 1) Shall the East Garrison Community Services District have a directly elected Board of Directors; 2) If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve; and 3) Shall the mailed ballot be used to conduct all future general district elections; and
b. Direct County Counsel to prepare an impartial summary.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Resolution, 3. Attachment B - EGCSO Resolution, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
5/2/2017	1	Board of Supervisors	adopted	Pass

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b. Direct County Counsel to prepare an impartial summary.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a) Adopt a resolution directing the Registrar of Voters to conduct a general election on August 29, 2017, wholly by mailed ballot on the questions of: 1) Shall the East Garrison Community Services District have a directly elected Board of Directors; 2) If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve; and 3) Shall the mailed ballot be used to conduct all future general district elections; and
- b) Direct County Counsel to prepare an impartial summary.

SUMMARY:

The State Legislature approved the creation of the East Garrison Community Services District (EGCSO) and named the Monterey County Board of Supervisors as the initial EGCSO Board of Directors. The State Legislature required that the Board of Supervisors call for an election to determine if the voters within the EGCSO wished to establish an independent board 10 years after formation or, earlier, if the Election Department certified the existence of 500 registered voters within the EGCSO. Although currently there are approximately 400 registered voters within the EGCSO, ten years have elapsed since formation. It is time to call for the election and staff is recommending that an all-mail ballot election be held on August 29, 2017, the earliest possible date for the required election. The legislation creating the EGCSO requires the Board of Supervisors to adopt a resolution, placing the question of having an elected board of directors on the ballot.

The law further requires that, at the same election, if a majority of voters choose to have an elected board of directors then the voters shall also elect 5 members to the EGCS D Board. Additionally, the Elections Code requires that on the first general district election conducted by all mailed ballot, the ballot shall also ask the question of whether all future general elections within the district should also be conducted by all mailed ballot. The EGCS D has requested that the Board of Supervisors adopt a resolution directing the Registrar of Voters to conduct this general district election.

DISCUSSION:

The EGCS D was created to provide and fund the provision of urban services to the East Garrison Community. The EGCS D is funded by a Mello-Roos Community Facilities Special Annual Tax imposed by the East Garrison Public Financing Authority. The EGCS D's maintenance and funding responsibilities are defined in the Urban Services Agreement, adopted between the County of Monterey, and the EGCS D, adopted in 2006 and amended on March 26, 2013. The primary responsibilities of the EGCS D are maintenance and operation of urban facilities, including open space, fencing, drainage facilities, roadway landscaping and Lincoln Park. The EGCS D is also required to reimburse the County for County provided services, namely Sheriff's Patrol and perimeter road operations and maintenance. The Fiscal analysis prepared by Kaiser Marston in 2013 identified EGCS D annual costs at full development, in 2012 Dollars, at approximately \$1.75 Million, of which about half was for County Sheriff services and County perimeter roads. EGCS D maintenance activities are currently being done by private contractors, under an interim maintenance agreement with the developer, Union Community Partners.

The Board of Supervisors has been acting as the governing board of the EGCS D since its inception. Delays in the development of East Garrison, due to the Great Recession, caused the East Garrison development to be considerably behind the stage of development originally envisioned when the EGCS D was formed. Due to staff turnover and inadvertence, these items were not placed on the November 2016 ballot. Nevertheless, the 10-year period has lapsed and staff has worked diligently and expeditiously to bring this matter forward as the required election must be held. If the voters of the EGCS D vote in favor of becoming an independent board, governing of the EGCS D will shift from the BOS to the newly elected board.

A decision to create an independent board will shift the governing and managing of the EGCS D to the independent board, but the Urban Services Agreement, currently in place, will remain an enforceable obligation of the parties, unless amended by mutual consent. The EGCS D would have to establish its own governance (adoption of by-laws, etc.) and management structure (financial, legal, risk management, purchasing, human resources, etc.) To date, the County has provided governance and the day-to-day management of the EGCS D has been absorbed into the on-going activities of a County Department, currently the RMA.

OTHER AGENCY INVOLVEMENT:

County Counsel's office has reviewed and approved the proposed resolution as to form and legality. The CAO's office supports the proposed resolution.

FINANCING:

According to the County Registrar of Voters, election costs will range from \$8 to \$ 10 per voter. With approximately 400 registered voters, the election will cost about \$4,000. Funds are budgeted and the EGCS D will reimburse the County for the cost of the election.

The financial impact upon the EGCS D is unknown at this time, but it is likely to be considerable, given that the EGCS D will have to establish its own governance and administrative function. Currently, these functions are

being handled by the County RMA, which absorbs these functions into the workload of existing staff. Even if the EGCSO was to contract with the County for the general management of the EGCSO, the District would still have to establish and maintain the governance and management function to oversee the contract.

Approval of the independent board, could also have a financial impact on the County since over half of the Special Tax receipts of the EGCSO funds services provided by the County, including Sheriff protection and public road maintenance and operations (over \$850,000, at full development, in 2012 Dollars). While the agreements currently in place, will remain enforceable obligations unless changed or rescinded by mutual consent of the EGCSO and the County, the process will require the interaction with an independent party and could, potentially, result in conflicts and timing issues.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Efficient EGCSO operations enhance the economic well-being of Monterey County residents by providing for attractive, well maintained public infrastructure and improved public safety. Effective public infrastructure was an objective in East Garrison. A properly functioning CSD will enhance and maintain East Garrison's infrastructure. The EGCSO is expected to contribute to the public safety of East Garrison and the County by bearing its fair share of Sheriff protection.

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of Board:

Attachment A - Resolution

Attachment B - Resolution by East Garrison Community Services District Board of Directors