

CITY OF YUBA CITY
STAFF REPORT

Date: February 20, 2018
To: Honorable Mayor & Members of the City Council
From: Administration
Presentation by: Darin E. Gale, Economic Growth & Public Affairs Manager

Summary

Subject: South Yuba City Annexation Election

Recommendation:

- A. Adopt a Resolution initiating annexation proceedings for the area known as South Yuba City, calling for a municipal election
- B. Approve an agreement with Sutter County to consolidate services for the election to be held on Tuesday, June 5, 2018
- C. Authorize the Finance Director to make a supplemental appropriation of \$40,000 to Account No.1710-62701(City Clerk – Elections) from unallocated Fund Balance

Fiscal Impact: Election costs and public outreach will be approximately \$40,000

Purpose:

Provide an opportunity for registered voters to vote for the proposed South Yuba City Annexation.

Background:

The South Yuba City unincorporated area includes about 1,382 developed and undeveloped parcels covering approximately 625 acres. A primary reason for this south Yuba City annexation is that the City nearly surrounds this area and to continue this mixing of local government responsibilities is inefficient government. As the area being annexed is nearly a County island, both Yuba City and Sutter County provide services in this vicinity that are almost overlapping. Secondly, the Walton Avenue area, which is adjacent to this area to the west and is within the City, still receives law enforcement from the Sheriff's Office. This is due to provisions within the tax exchange agreement between the City and County. Many of the citizens within the Walton area have requested City Police service. Per the tax exchange agreement, this transition will occur when the subject area is annexed into the City.

In April of 2016, the Council approved an annexation application and since that time LAFCO has held a variety of meetings to discuss the application. During this time the City has mailed a number of informational brochures and held numerous neighborhood and community meetings with residents to discuss the annexation. Through our community outreach efforts, it is apparent many residents have been told by those opposing the annexation that their taxes will increase and that they will be required to connect to City water and sewer services. These community meetings provided the City an opportunity to clarify the misinformation provided and answer the questions of residents.

Analysis:

The Government Code requires an election on such matters when more than 25% but no less than 50% of either registered voters within the area or property owners in the potentially annexed area protest the action. In this annexation application, staff requested that the process move forward with an election no matter the outcome of the protest.

This request was made because two City of Live Oak residents were leading an effort in opposition to the annexation. The two opponents were going door to door providing misinformation and requesting that residents sign written protests with the goal of reaching 50% of the area in opposition to the annexation. However, only 310 valid protests were submitted, well below the 50% needed to stop the annexation.

On May 24, 2017 the LAFCo Board adopted Resolution No. 17-0006 (attached) moving the annexation to a vote of registered voters only within the boundaries of the annexation area. The City now has one year from the day the LAFCo board approved the resolution to complete the process. Staff has met with Donna Johnston from the Sutter Elections Office and is recommending that her office oversee an election to be held within the June 5, 2018 primary election.

Fiscal Impact:

Election costs and public outreach will be approximately \$40,000

Alternatives:

1. Move forward with an election to be held at a later date
2. Withdraw the LAFCo application and submit a new application for LAFCo consideration

Recommendation:

- A. Adopt a resolution initiating annexation proceedings for the area known as South Yuba City, calling for a special municipal election
- B. Approve an agreement with Sutter County to consolidate services for the election to be held on Tuesday, June 5, 2018
- C. Authorize the Finance Director to make a supplemental appropriation of \$40,000 to Account No.1710-62701 (City Clerk – Elections) from unallocated Fund Balance

Attachments:

1. Resolution Initiating Annexation Proceedings
2. Election Services Agreement
3. LAFCo Resolution No. 17-006

Prepared by:

/s/ Darin Gale
Darin Gale
Economic Growth & Public Affairs Manager

Submitted by:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed by:

Finance
City Attorney

RB
TH by email

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
INITIATING ANNEXATION PROCEEDINGS FOR THE AREA KNOWN AS
SOUTH YUBA CITY, CALLING A PRIMARY MUNICIPAL ELECTION AND
REQUESTING AN AGREEMENT WITH SUTTER COUNTY TO
CONSOLIDATE THE SERVICES FOR THE ELECTION TO BE HELD ON
TUESDAY JUNE 5, 2018**

WHEREAS, On May 24, 2017, the Sutter County Local Agency Formation Commission (LAFCO) adopted Resolution No. 17-0006 making determinations and approving the Proposed Yuba City Reorganization No. 337, subject to confirmation of the voters; and

WHEREAS, it is the desire of the City Council of the City of Yuba City to enter into an agreement for a Primary Mail Ballot Municipal Election with the County of Sutter to be held on Tuesday, June 5, 2018 for the purpose of the said annexation proposal for the registered voters residing within the proposed annexation area; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows:

Section 1. This Council hereby calls a Primary mail ballot election to consider the measure described above, to be held on June 5, 2018.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code of the State of California, the City Council requests the Board of Supervisors of the County of Sutter to consolidate the Primary Mail Ballot Municipal Election with the Election being held on Tuesday, June 5, 2018.

Section 3. That the Sutter County Election Department is authorized to canvass the returns of the Primary Mail Ballot Municipal Election.

Section 4. That the Mayor is authorized to enter into an Agreement with Sutter County for the purpose of said election.

Section 5. The City Clerk is directed to forward a certified copy of this Resolution to the Board of Supervisors of Sutter County.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 20th day February 2018.

AYES:

NOES:

ABSENT:

ATTEST:

Preet Didbal, Mayor

Patricia Buckland, City Clerk

ATTACHMENT 2

AGREEMENT FOR ELECTION SERVICES

THIS AGREEMENT, made this 20th day of February, 2018 by and between the COUNTY OF SUTTER, a Political Subdivision of the State of California, hereinafter called "County" and the CITY OF YUBA CITY, a Municipal Corporation, hereinafter called "City."

WITNESSETH:

WHEREAS, Government Code Section 36503.5, as amended, calls for a Municipal Election to be held on the 5th day of June, 2018 in the City, and the City desires to make use of certain services, facilities, and equipment of the office of the County Clerk and to pay the County for its costs thereof, pursuant to the provision of the Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. County agrees to make no changes in precinct boundaries within sixty (60) days of the Primary Election on June 5, 2018.
2. County agrees that the County Clerk's office shall do the following:
 - a. Furnish the governing body of the City, upon request of the City Clerk, with as many copies as may be needed of the index of registration for the registered voters within the boundaries of the Proposed Yuba City Reorganization #337.
 - b. Address and mail self-mailer sample ballots and any other election matter required to be mailed to the voters.
 - d. Prepare a list of the number of registered voters within the boundaries of the Proposed Yuba City Reorganization #337.
 - e. Order such supplies as are necessary to conduct the mail ballot election.
 - g. Prepare the sample ballots, and any additional information to be supplied to voters; including Arguments in favor and against of the measure, and an Impartial Analysis of the proposed annexation.
 - k. Provide a copy of the official canvass of the results of the election to the City Council as required by law.
 - l. Perform such other reasonable election related services as may be required by the City.
 - m. The County and City agree that they will conduct said election and perform services as set forth in the California Election Code.
3. City agrees to pay County its reasonable costs for all services, facilities and equipment furnished by county to City in connection with said Municipal Election immediately upon receipt by City of a statement from the County Clerk setting forth the cost to County for services, facilities, supplies, and equipment so furnished. County shall charge only those expenses necessary to carry out the terms of this agreement.

IN WITNESS WHEREOF, the party hereto has hereunto set their hands and seals the day and year first above written.

Dan Flores
Chairman, Board of Supervisors
County of Sutter

ATTEST:

County Clerk & Ex-Office of Clerk
of the Board of Supervisors

Preet Didbal, Mayor
City of Yuba City

ATTEST:

Patricia Buckland, City Clerk
City of Yuba City

ATTACHMENT 3

**Resolution 17-0006 of the
Sutter Local Agency Formation Commission**

Making Determinations and Approving the Proposed Yuba City Reorganization #337 subject to confirmation of the voters

WHEREAS, on April 20, 2016 a Resolution of Application (Yuba City Resolution 16-024) was adopted and subsequently submitted to the Sutter Local Agency Formation Commission by the City of Yuba City Requesting a reorganization of territory to annex 625 acres more or less to the City and detachment of the land from County Service Area (CSA G) and the consolidated lighting district, and said application complied with all the requirements of law and the Commission; and,

WHEREAS, on September 22, 2016 the Sutter LAFCo approved this reorganization subject to terms and conditions and adopted LAFCo Resolution 2016-0001.

WHEREAS, Robert B. Renton submitted a petition of reconsideration pursuant to Government Code section 56895; and

WHEREAS, on December 22, 2017 Sutter LAFCo after consideration of each of the factors required by California Government Code Section 56668 and LAFCo policies adopted resolution 2016-0005 modifying resolution 2016-0001 and making determinations and conditionally approving the south Yuba City Reorganization #337 and detachment from CSA G and the consolidated street lighting district; and

WHEREAS, Included in adopted Resolution 2016-0005; Sutter LAFCo adopted Term and Condition #3 as follows: *In reviewing this application, the Commission finds that not all property owners in said territory consent to this reorganization and has authorized a conducting authority proceeding with a 45-day period for landowners and voters in the reorganization territory to submit written protests to LAFCo. An Election shall be ordered should the amount written protest be 50% or less of the qualified registered voters or 50% or less of the assessed value within the territory. This reorganization would then be effective upon a successful election and recordation of the certificate of completion. However, should written protests with a value of 50% or more of the qualified registered voters or an amount of 50% or more of the assessed value be received prior to the conclusion of the protest hearing, the LAFCo proceedings for this reorganization shall be terminated.*

WHEREAS, on January 3rd, 2017, LAFCo gave notice of a protest hearing to be conducted on Thursday February 23, 2016 to receive written protest against the authorization to annex 625 acres more or less and to detach territory from County Service Area (CSA) "G" and the Consolidated Lighting District.

WHEREAS, on February 26, 2017 the written protests received were delivered to the Sutter County Registrar of Voters.

WHEREAS, on March 7, 2017, the results of the written protests received were provided to Sutter LAFCo and are attached as Exhibit "A" to this resolution.

NOW, THEREFORE, the Sutter Local Agency Formation Commission determines the following:

- A. The territory includes 2,024 registered voters and is found to be inhabited (having more than twelve registered voters) as defined in §56046 of the Government Code.
- B. LAFCo received 310 approved signatures as included in Exhibit "A", which is less than the 50% threshold and an Election of Registered Voters will be required.

NOW THEREFORE, the Sutter Local Agency Formation Commission does hereby resolve and order the following:

Resolution 2017-0006
May 24, 2017
Sutter LAFCo

1. The proposal is approved, subject to confirmation of the voters and upon the terms and conditions stated in Resolution 2016-0005 of the Sutter Local Agency Formation Commission.
2. The City of Yuba City is hereby requested to conduct an election for this reorganization and provide LAFCo with certified results.
3. LAFCo shall not record the Certificate of Completion until the reorganization is approved by the registered voters and all terms and conditions stated in Resolution 2016-0005 are satisfied.

PASSED AND ADOPTED at a regular meeting of the Sutter Local Agency Formation Commission of the County of Sutter, State of California, on the 24th day of May 2017, by the following vote:

AYES: Commissioners Conant, Munger, Marler, Cochran and Jawanda

NOES: Commissioner Buckland

ABSENT: Commissioners Didbal and Ghag

ABSTAIN: None



Preet Didbal, Chair or Don Cochran, Vice-Chair
SUTTER LOCAL AGENCY FORMATION
COMMISSION

ATTEST:



John Benoit, Executive Officer

Resolution 2017-0006
May 24, 2017
Sutter LAFCo

EXHIBIT "A"

South Yuba City/Hwy 99 Reorganization No.337 LAFCO 16-001

<u>Results Description</u>	<u>Petition Results</u>
Total Signatures:	347
Approved:	310
Not Registered:	11
Out of District:	1
Duplicates signed more than once:	12
Registered at a Different Address:	10
No Residence Address Given:	1
Signature No Match:	2
 <u>Statistics Summary</u>	
Pages Processed:	61
Total Checked:	347
Signatures Valid:	310