



Agenda Date: 11/20/2007
Agenda Placement: 6T

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Westmeyer, Robert - County Counsel
County Counsel
REPORT BY: Robert Westmeyer, County Counsel, 259-8245
SUBJECT: Request to consolidate the Napa Valley Community College bond election with the February 5, 2008 Presidential Primary Election

RECOMMENDATION

County Counsel requests adoption of a resolution authorizing consolidation of the Napa Valley Community College District bond election with the February 5, 2008 Presidential Primary Election.

EXECUTIVE SUMMARY

The Napa Valley Community College District desires to consolidate its bond election with the statewide presidential primary election to be held on February 5, 2008. The Board of Trustees of the Napa Valley Community College District has adopted Resolution No. 07-15, ordering the bond election and requesting the consolidation of the bond election with the statewide presidential primary election. The Napa Valley Community College District timely filed Resolution No. 07-15 on November 7, 2007 with the Board of Supervisors, with a copy to the Napa County Registrar of Voters, as required by Elections Code section 10403.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	The estimated cost of the February election is appropriated in the Assessor-Recorder-County Clerk Department Election Division FY 07/08 budget. Costs incurred by the Election Division for conducting this bond election will be fully reimbursed by the Napa Valley Community College District.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	It is unlikely that the Napa Valley Community College District is in a position to

conduct its own election. The California Education and Elections Codes authorize any community college or school district to request the Registrar of Voters of the County in which the district is located to conduct these types of elections.

Is the general fund affected?

No

Future fiscal impact:

If the State of California reimburses Napa County for a portion of the costs of the February 5, 2008 Presidential Primary Election in the FY 08/09 fiscal year, said reimbursement, if any, could be less because of the inclusion of this bond election on the ballot. However, the inclusion of Measure K Stanly Lane Deli Initiative on the ballot has already reduced the amount of possible reimbursement, if any.

Consequences if not approved:

Community College Districts almost never conduct elections. They have neither the personnel nor expertise to do so. Nor can the Napa Valley Community College District consolidate its bond election with the statewide election without the consent of the Board of Supervisors. For these reasons, the Napa Valley Community College District would incur substantially higher costs if it were required to conduct this special bond election rather than having the Napa County Registrar of Voters do it for the Napa Valley Community College District.

Additional Information:

None.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

The Napa Valley Community College District desires to consolidate its bond election with the statewide presidential primary election that will be held on February 5, 2008. The Board of Trustees of the Napa Valley Community College District adopted Resolution No. 07-15 on November 5, 2007, a copy of which may be found as a supporting document to this agenda item, ordering an election on the question of whether \$178,400,000 of bonds should be authorized to be issued and sold. The authority for this bond election may be found in subdivision (b) of section 1 of Article XIII A and subdivision (b) of section 18 of Article XVI of the California Constitution. The ballot question has been designated Measure "L" by the Napa County Registrar of Voters.

If this bond proposition is approved by at least 55% of the registered voters voting on the proposition the Napa Valley Community College District will be authorized to issue and sell bonds up to \$178,400,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in Exhibit "B" of Resolution No. 07-15.

As a practical matter, approval of this bond proposition by the voters is needed if the Napa Valley Community College District is to complete many of the projects identified in Attachment "B" of Resolution No. 07-15. Resolution 07-15 indicates at Page B-3 that "in the absence of State matching funds the District may not be able to complete some of the projects listed above".

Proceeds from the sale of the bonds may only be used for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities (the "Bond Projects"). The California Constitution expressly prohibits the bond proceeds from being utilized for teacher or administrative salaries, school operating expenses or other purposes not directly related to the Bond Projects. However, proceeds of the bonds may be used to pay or reimburse the Napa Valley Community College District for the costs the Napa Valley Community College District incurs when staff is performing work on the Bond Projects.

Elections Code sections 10400 et seq., provide that school or community college bond elections may be consolidated with a statewide election when ordered by the Board of Supervisors. If a community college district wishes to consolidate its election with a statewide election, Elections Code section 10403 requires the District to file with the Board of Supervisors, at least 88 days prior to the election, a resolution ordering the election and requesting consolidation. A copy of the resolution must also be filed with the Registrar of Voters at least 88 days prior to the election. The resolution must set forth the exact form of the question to be voted upon at the election.

Both of these requirements have been met in a timely manner by the Napa Valley Community College District. On November 7, 2007, the Napa Valley Community College District timely filed Resolution 07-15 ordering the election and requesting consolidation of the bond election with the statewide presidential primary election to be held on February 5, 2008 with the Napa County Registrar of Voters. On that same date Resolution 07-15 was filed with the Clerk of the Napa County Board of Supervisors. The form of the ballot question is attached to Resolution 07-15 as Exhibit "A" and the form and length of the question meets the requirements of the Elections Code.

Elections Code section 9401 requires that a tax rate statement be mailed to the voters with the sample ballot for the bond election. This tax rate statement must be filed with the Registrar of Voters not later than the 88th day prior to the election. The 88th day prior to the election is November 9, 2007. The Napa Valley Community College District filed the required tax rate statement with the Registrar of Voters on November 7, 2007. The District has agreed to reimburse the County in full for services performed in conducting the election.

Staff recommends the Board adopt the attached consolidation resolution authorizing consolidation of the Napa Valley Community College District bond election with the statewide presidential primary election to be held on February 5, 2007.

SUPPORTING DOCUMENTS

- A . Consolidation Resolution
- B . NVCCD Resolution and Exhibits

CEO Recommendation: Approve

Reviewed By: Maiko Klieman