



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/8/2016

Agenda Placement: 6W

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: John Tuteur - Registrar of Voters
Elections

REPORT BY: John Tuteur, Assessor-Recorder-County Clerk - 253-4459

SUBJECT: Request for Board of Supervisors to call a Special Parcel Tax Election on behalf of San Francisco Bay Restoration Authority and consolidate that election with the June 7, 2016 Statewide Primary Election

RECOMMENDATION

Registrar of Voters requests adoption of a resolution calling a special election of the San Francisco Bay Restoration Authority for Measure "AA" to impose a parcel tax of \$12 per year for twenty years; consolidating that special election with the statewide primary election to be held on June 7, 2016 and directing the Registrar of Voters to conduct the election.

EXECUTIVE SUMMARY

The San Francisco Bay Restoration Authority ("Authority") Governing Board adopted Resolution 13 on January 13, 2016 calling a Special Parcel Tax Election pursuant to Government Code 66700 et seq. on the question of whether an annual parcel tax of \$12.00 per year be applied to each parcel in the nine Bay Area counties for twenty years. The resolution requested that the Board of Supervisors of the nine Bay Area counties including Napa County call the special election pursuant to Government Code 66704.05(a). The Authority Governing Board also adopted Resolution 14 on January 13, 2016 asking the Board of Supervisors to consolidate the Special Parcel Tax Election with the June 7, 2016 Statewide Primary Election pursuant to Elections Code 10403. On January 25, 2016, the Authority timely filed its resolutions with the Board of Supervisors with a copy to the Registrar of Voters. Copies of both Resolutions are attached to this agenda item as supporting documents. The question has been designated as Measure "AA" by the Registrars of Voters in each of the nine Bay Area counties. To be approved, Measure AA must achieve a 2/3 majority of all voters in the entire jurisdiction of the Authority. All nine counties will be bound by the results of the election whether or not Measure AA passes by a 2/3 majority in each county.

Pursuant to Government Code 66704.5(h) the Authority will reimburse the Napa County Election Division for the

"incremental costs" incurred in conducting the consolidated special election.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Estimated revenues to be reimbursed by the San Francisco Bay Restoration Authority are budgeted in the 2015-2016 Election Division budget
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	None. A separate request for consolidation must be filed for every type of election.
Consequences if not approved:	The Board of Supervisors will have failed to comply with Government Code section 66704.05(a) in which the California legislature mandates that the Board of Supervisors call and consolidate the special election. Failure to follow that mandate could lead to litigation.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action consolidating the parcel tax election with the statewide election on June 7, 2016, 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)]. Additionally, consolidating this election is a ministerial act which is exempt from CEQA [14 CCR 15268; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165; *San Bernardino Associated Governments v. Superior Court* (2006) 135 Cal.App.4th 1106].

BACKGROUND AND DISCUSSION

The San Francisco Bay Restoration Authority ("Authority") Governing Board adopted Resolution 13 on January 13, 2016 calling a Special Parcel Tax Election pursuant to Government Code 66700 et seq. on the question of whether an annual parcel tax of \$12.00 per year be applied to each parcel in the nine Bay Area counties for twenty years. The resolution requested that the Board of Supervisors of the nine Bay Area counties including Napa County call the special election pursuant to Government Code 66704.05(a). The Authority Governing Board also adopted Resolution 14 on January 13, 2016 asking the Board of Supervisors to consolidate the Special Parcel Tax Election with the June 7, 2016 Statewide Primary Election pursuant to Elections Code 10403. On January 25, 2016, the Authority timely filed its resolutions with the Board of Supervisors with a copy to the Registrar of Voters. Copies of both Resolutions are attached to this agenda item as supporting documents. The question has been designated as Measure "AA" by the Registrars of Voters in each of the nine Bay Area counties. To be approved, Measure AA must achieve a 2/3 majority of all voters in the entire jurisdiction of the Authority. All nine counties will be bound by the results of the election whether or not Measure AA passes by a 2/3 majority in each county.

Pursuant to Government Code 66704.5(h) the Authority will reimburse the Napa County Election Division for the "incremental costs" incurred in conducting the consolidated special election.

SUPPORTING DOCUMENTS

- A . Board Resolution Calling and Consolidating Election
- B . Bay Restoraton Authority Resolutions

CEO Recommendation: Approve

Reviewed By: Helene Franchi