

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

Call



FROM: Registrar of Voters

SUBMITTAL DATE:
July 8, 2010

SUBJECT: Approval of Election Services

RECOMMENDED MOTION: That the Board approve election services for the August 24, 2010 Southern Coachella Valley Community Services District Special Measure Mail Ballot Election.

BACKGROUND: California Elections Code § 10002 allows jurisdictions to request that the Board of Supervisors approve the Registrar of Voters to conduct elections by submitting a resolution requesting these services. The Southern Coachella Valley Community Services District has complied with this requirement and requests the Registrar of Voters to conduct their election. The department has the resources to conduct this election. The jurisdiction will reimburse the department based on associated direct costs.

Department of Registrar of Voters

Attachments: Resolution No. 2010-02

Barbara Dunmore

BARBARA DUNMORE
Registrar of Voters

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
[Signature]
BY
Robert Tremaine

County Executive Office Signature

Dept't Recomm.:
 Per Exec. Ofc.:
 Consent Policy
 Consent Policy

Prev. Agn. Ref.:

District:

Agenda Number:

3.62

RESOLUTION NO. 2010-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHERN COACHELLA VALLEY COMMUNITY SERVICES DISTRICT CALLING AND GIVING NOTICE OF A SPECIAL MAILED BALLOT ELECTION ON AUGUST 24, 2010, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF WHETHER TO INCREASE A SPECIAL TAX; REQUESTING ELECTION SERVICES OF THE RIVERSIDE COUNTY REGISTRAR OF VOTERS FOR THE CONDUCT OF SAID ELECTION; AND AUTHORIZING REIMBURSEMENT TO THE COUNTY FOR SAID SERVICES

WHEREAS, the Board of Directors ("District Board") of the Southern Coachella Valley Community Services District ("District") has determined that it is in the best interests of the District's citizens to provide an adequate level of law enforcement services; and

WHEREAS, the District currently collects an annual assessment and special tax to pay for the costs of providing supplemental law enforcement services for certain unincorporated areas, which includes the unincorporated communities of Thermal, Oasis, Mecca and Vista Santa Rosa; and

WHEREAS, the current assessment of \$1.00 per acre (\$20.00 minimum regardless of acreage), which will remain in effect whether or not this special tax measure is adopted by the District's voters, has not been increased since the District's formation in 1986; and

WHEREAS, the current special tax of \$66.00 per residential habitable unit and \$88.00 per commercial unit have also not been increased since the District's formation in 1986; and

WHEREAS, the District Board has determined that District revenues are inadequate to permit the District to sustain the current level of supplemental law enforcement services; and

WHEREAS, pursuant to section 4 of article XIII A of the California Constitution, Government Code sections 50075 et seq., and Government Code section 61121 of the Community Services District Law (Gov. Code §§ 61000 et. seq.), the District, upon approval of two-thirds of the electorate voting on the measure, may levy or increase any special tax for specified purposes, including the provision of supplemental law enforcement services; and

WHEREAS, in the judgment of the District Board, following a public hearing and comments, it is advisable to request that the Riverside County Registrar of Voters call

an election and submit to voters of the District the question of whether the District shall increase the special tax within the District for the purpose of raising additional revenue for the District to fund supplemental law enforcement services for the benefit of the District, which includes the unincorporated communities of Thermal, Oasis, Mecca and Vista Santa Rosa; and

WHEREAS, the District Board requests that the Riverside County Registrar of Voters consent to conduct a special mailed ballot election on August 24, 2010, and to provide all necessary election services to the District.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE SOUTHERN COACHELLA VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE AND ORDER AS FOLLOWS:

Section 1. Call and Order of Mailed Ballot Election.

Pursuant to the requirements of the laws of the State of California relating to special districts, a special election is called for the purpose of submitting to District voters, the Law Enforcement Special Tax Measure ("Measure"). Said election is ordered to be held on August 24, 2010, and shall be conducted by mailed ballots by the Riverside County Registrar of Voters ("Election Official"). Ballots must be received by the Election Official no later than 8:00 p.m. on the date of the election.

Section 2. Measure To Be Submitted To Voters.

The full text of the Measure ("Proposed Ordinance"), attached hereto as Exhibit A, shall be printed in the voter pamphlet. The District Board, pursuant to its right and authority, does order submitted to the voters the following question which shall appear and be printed on the ballot as follows:

**SOUTHERN COACHELLA VALLEY COMMUNITY SERVICES DISTRICT
MEASURE " _____"**

Shall the Southern Coachella Valley Community Services District increase the annual special taxes of \$66.00 per residential habitable unit to \$85.00 (\$19.00 annual increase) and \$88.00 per commercial unit to \$110.00 (\$22.00 annual increase) to fund supplemental law enforcement services such as those relating to agricultural crime, graffiti abatement, sobriety checkpoints, illegal dumping, and code enforcement, subject to an annual increase equal to the increase in the Consumer Price Index, which increase shall not become effective for two years?

Yes No

Section 3. Approval of Measure.

By a vote of at least two-thirds of its full membership, the District Board hereby approves the Measure ("Proposed Ordinance") to be submitted to the voters as attached hereto as Exhibit A. The Measure is a special tax as defined in Article XIII C of the California Constitution and shall not take effect unless and until approved by a vote of at least two-thirds of the voters voting on the question at the election.

Section 4. Request for Election Services.

The Board of Supervisors of the County of Riverside ("Board of Supervisors") is hereby requested to issue instructions to the Election Official to provide all necessary election services to the District, including canvass of the election returns and certifying the results of the canvass to the District Board who shall then declare the results thereof. The District hereby agrees to reimburse Riverside County all costs incurred in connection with the special election.

Section 5. Arguments.

The County Counsel is hereby requested to prepare an impartial analysis of the Measure pursuant to Elections Code Section 9313, and the District Board hereby authorizes one or more of its members to submit a ballot argument in favor of the Measure, pursuant to Elections Code Section 9315.

Section 6. Notice.

The District Secretary is authorized, instructed and directed to give further or additional notice of the election in the time, form and manner as required by law, and is hereby directed to deliver this resolution to the Board of Supervisors and the Election Official no later than May 28, 2010.

Section 7. Authority to Act.

The District Board, the General Manager and officers of the District are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution. The General Manager is hereby authorized and directed to make any changes to the text of the Measure as may be necessary to comply with the requirements of elections officials, and requirements of law. All actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed and approved in all respects.

Section 8. Certification.

The District Secretary shall certify to the passage and adoption of this Resolution; shall enter the same in the book for original Resolutions of the District; and shall make a minute of passage and adoption thereof in the records of the proceedings of the Board of Directors in the minutes of the meeting at which Resolution is passed and adopted.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

PASSED AND APPROVED at a regular meeting of the Board of Directors of the Southern Coachella Valley Community Services District on this 15th day of April, by the following roll call vote:

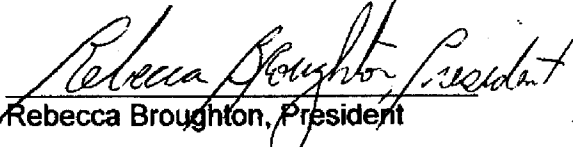
AYES: Broughton, Wells, Arredondo and Kitagawa

NOES:

ABSENT:

ABSTAIN:

SOUTHERN COACHELLA VALLEY
COMMUNITY SERVICES DISTRICT


Rebecca Broughton, President

ATTEST:


Glenn Crowson, General Manager/Secretary

APPROVED AS TO FORM:


Steven B. Quintanilla, General Counsel

EXHIBIT "A"

PROPOSED ORDINANCE

**AN ORDINANCE OF THE PEOPLE OF THE SOUTHERN
COACHELLA VALLEY COMMUNITY SERVICES DISTRICT
INCREASING THE SPECIAL TAX ON REAL PROPERTY FOR
THE PROVISION OF SUPPLEMENTAL LAW ENFORCEMENT
SERVICES**

WHEREAS, the Southern Coachella Valley Community Services District ("District") currently collects an annual special tax to defray the costs of providing supplemental law enforcement for certain unincorporated areas, which include the unincorporated communities of Thermal, Oasis, Mecca and Vista Santa Rosa; and

WHEREAS, the current assessment of \$1.00 per acre, (\$20.00 minimum regardless of acreage) plus the special tax of \$66.00 per residential habitable unit and \$88.00 per commercial unit have not been increased since the District's formation in 1986; and

WHEREAS, the People of the District have approved Measure " _____ " to increase the special tax per residential habitable unit and the special tax per commercial unit charged for supplemental law enforcement services.

**THE PEOPLE OF THE SOUTHERN COACHELLA VALLEY
COMMUNITY SERVICES DISTRICT DO ORDAIN AS FOLLOWS:**

Section 1. Levy of Special Tax.

The annual special tax shall be increased from an amount of \$66.00 to \$85.00 for each residential habitable unit located within the District and from an amount of \$88.00 to \$110.00 for each commercial unit located within the District, except where the subject real property is otherwise exempt from taxation by law or by this Ordinance; however, nothing herein shall preclude anyone subject to a possessory interest on such property from being subject to the tax hereunder. All property that is otherwise exempt from or upon which *ad valorem* property taxes are not levied in any year shall also be exempt from the special tax in such year. The tax itself shall not be levied on parcels on an *ad valorem* basis. The current charge imposed by the District of \$1.00 per acre (\$20.00 minimum regardless of acreage) shall remain in effect and unchanged.

Section 2. Effective Date.

This Ordinance shall take effect as of the day following the election, upon certification by the Riverside County Registrar of Voters and/or the Board of Trustees that the election results evidence the approval of this Ordinance by at least two-thirds of the registered voters voting hereon.

Section 3. Annual Increase.

The special tax imposed herein shall be subject to an annual adjustment equal to the cumulative percentage increase, if any, in the Consumer Price Index for all Consumers (CPI-U) for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area (Index) published by the Bureau of Labor Statistics of the United States Department of Labor. However, this increase shall not take effect until two years after the effective date of this special tax.

Section 4. Collection; Notice.

The special tax imposed herein shall be collected by the Tax Collector of Riverside County at the same time and in the same manner as other charges and taxes collected by the County on behalf of the District and shall become a lien upon the properties against which the tax is assessed. Insofar as is feasible, all laws and procedures regarding exemptions, due dates, installment payments, corrections, calculations, refunds, late payments, penalties, liens and collections for secured roll property taxes shall be applicable to the collection of said special tax. The County shall be entitled to deduct its reasonable costs incurred in collecting the special tax before the balance of the tax is remitted to the District. The secured roll tax bills shall be the only notices required for any special tax levied.

Section 5. Administrative Procedures.

The Board shall administer an administrative procedure for receiving and hearing protests and written objections to the tax imposed herein.

Section 6. Claim Procedures.

A. With respect to all general property tax issues and billing matters within its jurisdiction, the County Tax Assessor or other appropriate County tax official shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. However, with respect to matters specific to the levy of the special tax, the decisions of the District shall be final and binding.

B. Whether any particular claim is to be resolved by the District or by the County shall be determined by the District, in coordination with the County as necessary.

C. A claim presented to the District for a refund of the special tax shall comply with the following and any additional procedures as established by the Board:

1. All claims shall be filed with the General Manager no later than one year after the date the tax was paid. The claimant shall file the claim within this time period and the claim shall be finally acted upon the Board as a prerequisite to bringing suit thereon.

2. The procedure described herein, and any additional procedures established by the Board, shall be the exclusive claims procedure for claimants seeking a refund, reduction, or re-computation of the special tax.

Section 7. Commencement; Duration.

The authorization to levy the special tax imposed herein shall commence with the fiscal year 2011-2012, beginning July 1, 2011.

Section 8. Appropriations Limit.

The District's appropriations limit shall be increased beginning with the fiscal year 2012-2013 and shall be adjusted periodically by the aggregate sum collected by levy of the special tax.

Section 9. Use of Funds.

Pursuant to Government Code section 50075.1(a), the proceeds of the special tax shall be applied only for the purpose of providing supplemental law enforcement services within the District and any incidental expenses relating thereto, including expenses related to the collection of the special tax. For purposes of this Ordinance, supplemental law enforcement services shall include those relating to agricultural crime, graffiti abatement, sobriety checkpoints, illegal dumping, and code enforcement. Any unexpended funds raised by the levy of the special tax that remain at the end of the fiscal year shall be carried over to be used for the same law enforcement purposes in the next fiscal year.

Section 10. Separate Account Required.

Pursuant to Government Code section 50075.1(b), the District shall create a separate account into which the proceeds of the special tax imposed herein shall be deposited.

Section 11. Accountability.

While the special tax is in effect, no later than January 1 of each year, the District shall prepare and file with the Board a report detailing the amount of funds collected and expended, and the status of any project authorized to be funded by this measure.

Section 12. Authority to Decrease or Eliminate Tax.

Unless otherwise specifically provided in this Ordinance, nothing in this Ordinance shall give the Board the authority to increase the special tax levied hereunder without a confirming vote of at least two-thirds of the voters in the District voting on such proposal. However, nothing herein shall prevent the Board from lowering or eliminating the tax upon a majority of its own vote after notice and hearing on such proposal.

Section 13. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 14. Execution.

The President of the Board of Directors is hereby authorized to attest to the adoption of this Ordinance by the voters of the District by signing where indicated below.

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CERTIFICATION

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the People of the Southern Coachella Valley Community Services District voting on the _____ day of _____, 20__.

Rebecca Broughton, President

ATTEST:

Glenn Crowson, General Manager/Secretary

APPROVED AS TO FORM:

Steven B. Quintanilla, General Counsel

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