

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE August 15, 2006		(3) CONTACT/PHONE John Waddell, Project Engineer (805) 788-2713	
(4) SUBJECT Public Hearing to Consider A Resolution To Withdraw The Measure Calling For A Special Tax Election In The Cimarron Way Road Improvement Zone of County Service Area No. 9.					
(5) SUMMARY OF REQUEST On August 1, 2006 your Board held a public hearing to consider the formation of a Zone of Benefit and a request to call a Special Tax Election in the Cimarron Way Road Improvement Zone of County Service Area No. 9. Your Board approved these items in Resolution 2006-266 and 2006-267, respectively. However, Resolution 2006-267 set the special tax by mail-ballot election on a date that does not comply with the California Elections Code Section 1500. It is now necessary that the measure calling for a special tax election be withdrawn.					
(6) RECOMMENDED ACTION It is our recommendation that your Honorable Board approve the attached resolution to withdraw the measure calling for a special tax by mail-ballot election within the Cimarron Way Road Improvement Zone of County Service Area No. 9.					
(7) FUNDING SOURCE(S) Services to Special Districts		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel, County Clerk, and Administrative Office					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 5 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> August 1, 2006
(23) ADMINISTRATIVE OFFICE REVIEW					

Reference: 06AUG15-H-1

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8-15-06
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: John Waddell, Project Engineer 

VIA: Glen L. Priddy, Deputy Director of Public Works 

DATE: August 15, 2006

SUBJECT: Public Hearing to Consider A Resolution To Withdraw The Measure Calling For A Special Tax Election In The Cimarron Way Road Improvement Zone of County Service Area No. 9.

Recommendation

It is our recommendation that your Honorable Board approve the attached resolution to withdraw the measure calling for a special tax by mail-ballot election within the Cimarron Way Road Improvement Zone of County Service Area No. 9.

Discussion

The Department of Public Works received signed requests from the residents and property owners of Cimarron Way, Los Osos. These requests are for County Service Area No. 9 to improve the northerly 200 feet of their road to a County maintained paved standard. The residents and property owners on Cimarron Way have also asked that the County assist them in their efforts to improve their road by forming a zone of the CSA for that purpose. On August 1, 2006 the Board of Supervisors formed a special tax zone called the Cimarron Way Road Improvement Zone of County Service Area No. 9, and approved a resolution calling for a special mail-ballot election within the special tax zone.

The special election is scheduled to be completed on November 5, 2006. However, the California Elections Code specifies in Section 1500 that a special mail-ballot election may only be held on specific days of the year. The next available mail-ballot election date is May 8, 2007.

In order to comply with the Election Code, it is necessary that the attached resolution, calling for withdrawal of the November 5, 2006 special mail-ballot election, be approved.

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The Public Works Department will work with the County Clerk to re-introduce this item at a later date, in accordance with applicable election law.

Other Agency Involvement/Impact

County Counsel has reviewed the resolutions and approved them as to legal form and effect. The County Clerk has been consulted regarding special tax election issues.

Financial Considerations

There are no financial considerations associated with the recommended action.

Results

Approval of the recommended actions will cause the mail-ballot election to for the Cimarron Way Road Improvement Zone to be withdrawn.

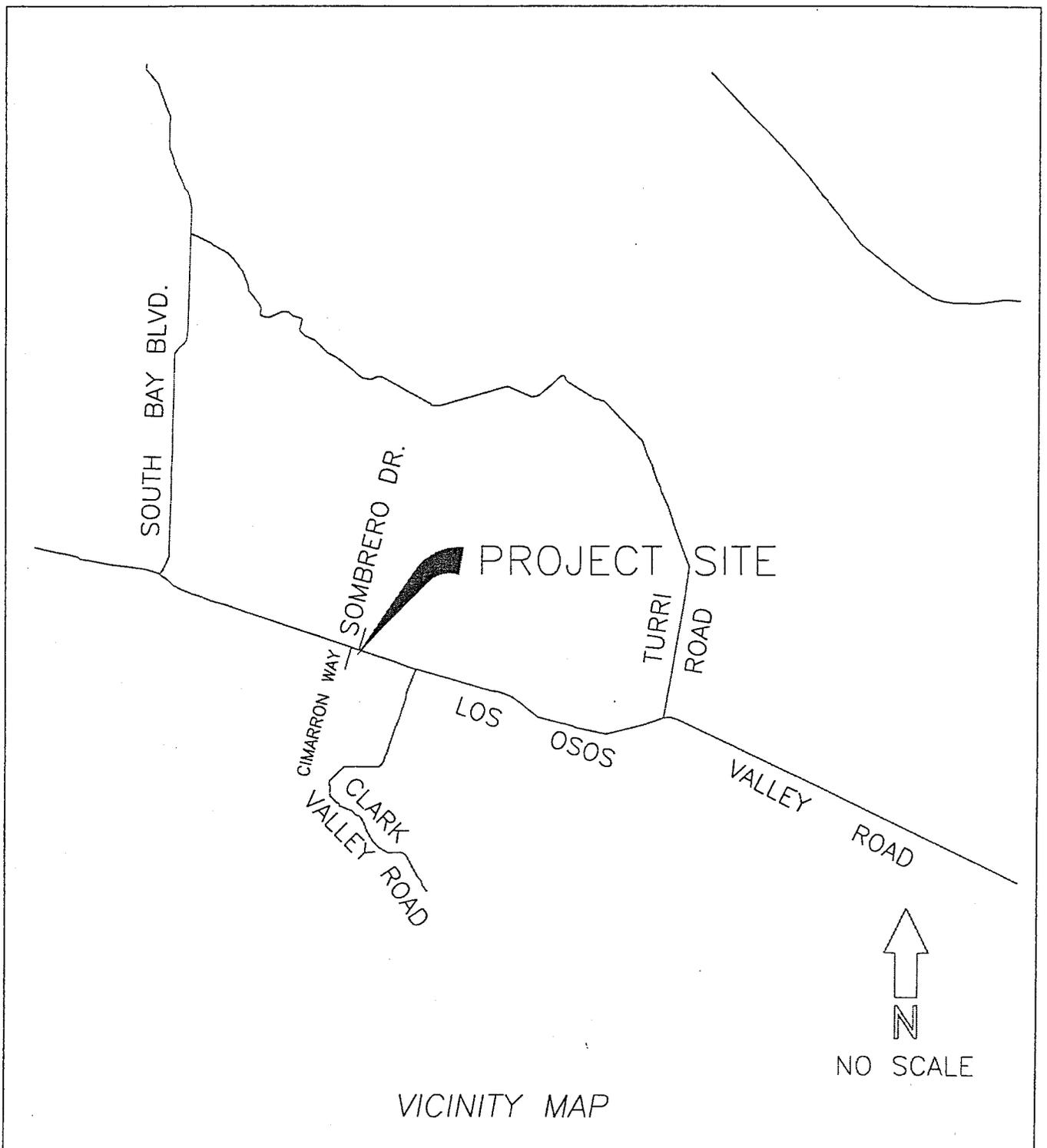
Attachments: Vicinity Map
Resolution Setting an Election on a Special Tax

File: CSA 9 Cooperative Roads

Reference: 06AUG15-H-1

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VICINITY MAP

CIMARRON WAY
 COOPERATIVE ROAD IMPROVEMENT PROJECT
 TOWN OF LOS OSOS

COUNTY OF SAN LUIS OBISPO, CA.
 PUBLIC WORKS DEPARTMENT

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IN THE BOARD OF SUPERVISORS
County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

**MAIL-BALLOT ELECTION - COUNTY SERVICE AREA NO. 9,
CIMARRON WAY ROAD IMPROVEMENT ZONE**

**A RESOLUTION CALLING FOR THE
WITHDRAWAL OF A SPECIAL ELECTION
IN THE CIMARRON WAY
ROAD IMPROVEMENT ZONE OF COUNTY SERVICE AREA NO. 9
OF SAN LUIS OBISPO COUNTY REGARDING A MEASURE
FOR IMPOSITION OF A SPECIAL TAX
FOR ROAD IMPROVEMENT SERVICES**

RECITALS:

The following Resolution is now offered and read:

WHEREAS, Section 25210.6a of the Government Code authorizes the Board of Supervisors to levy and collect a special tax within a zone of a county service area; and

WHEREAS, the Cimarron Way Road Improvement Zone of County Service Area No. 9 has been duly established by resolution of the Board of Supervisors; and

WHEREAS, the Board of Supervisors on August 1, 2006, adopted Resolution No. 2006-267 calling for a special Mail-Ballot Election—County Service Area No. 9, Cimarron Way Road Improvement Zone to be completed on November 5, 2006; and

WHEREAS, Section 1500 of the Elections Code established mailed ballot election dates as follows: (a) The first Tuesday after the first Monday in May of each year. (b) The first Tuesday after the first Monday in March of each even-numbered year. (c) The last Tuesday in August of each year; and

WHEREAS, the attached resolution is pursuant to Section 9605 of the Elections Code to amend or withdraw an election; and

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WHEREAS, the Board of Supervisors desires to withdraw from the voters of Cimarron Way Road Improvement Zone of County Service Area No. 9, the question of whether a special tax for road improvements shall be imposed and approved within said Zone.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. The recitals set forth herein above are true, correct and valid.
2. The election established by the Board of Supervisors by Resolution No. 2006-267 on August 1, 2006, is hereby withdrawn.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR.
County Counsel

By: *James B. Lindholm, Jr.*
Deputy County Counsel

Dated: 8/8/06

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