

**RESOLUTION NO. 2008-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA APPROVING THE REPORT PREPARED IN  
CONNECTION WITH THE FISCAL YEAR 2008-09 LEVY OF ASSESSMENTS  
IN CONNECTION WITH VALLE VISTA LANDSCAPE AND LIGHTING  
MAINTENANCE ASSESSMENT DISTRICT NO. 1**

WHEREAS, by prior action the City Council established the Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 (“District”) pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500 *et seq.*) (“Act”); and

WHEREAS, pursuant to Resolution No. 2008-08, this Council ordered preparation of an Engineer’s Report (“Report”) with respect to the Fiscal Year 2008-09 assessment to be levied in connection with the District; and

WHEREAS, the Engineer of Work has prepared the Report and has filed a copy of the Report with the City Clerk, which Report is hereby incorporated herein by reference; and

WHEREAS, the City Council desires to approve the Report, as filed.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista as follows:

1. The Council finds that the Report contains all information required by the Act.
2. The City Council hereby approves the Report as filed.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 18<sup>th</sup> day of March, 2008, by the following vote:

Ayes:           Dias, Edge, Hill, Paradise  
Noes:           None  
Absent:         None  
Abstain:        Laverone

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George Dias III, Mayor

ATTEST:

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Trish Paetz, Acting City Clerk

# CITY OF SAN JUAN BAUTISTA

## PROCEDURES FOR THE COMPLETION, RETURN, AND TABULATION OF ASSESSMENT BALLOTS

### I. Completion of Ballots

#### • **Who may complete a ballot**

An assessment ballot may be completed by the owner of the parcel to be assessed. As used in these Procedures, the term "owner" includes the owner's authorized representative. If the owner of the parcel is a partnership, joint tenancy, or tenancy in common, a ballot may be completed by any of the general partners, joint tenants, or tenants in common. Except as set forth below, only one ballot may be completed for each parcel.

#### • **Proportional assessment ballots**

If a parcel has multiple owners, any owner may request a proportional assessment ballot. If the ownership interest of the owner is not shown on the last equalized secured property tax assessment roll, such request must include evidence, satisfactory to the City, of the owner's proportional rights in the parcel. The City will provide the proportional ballot to the owner at the address shown on the assessment roll. Any request for a ballot to be mailed to another location must be made in writing and must include evidence, satisfactory to the City, of the identity of the person requesting the ballot. Each proportional ballot will be marked to show the date on which the ballot was provided, to identify it as a proportional ballot and to indicate the owner's proportional rights in the parcel. The City will keep a record of each proportional ballot provided to an owner.

#### • **Duplicate ballots**

If an assessment ballot is lost, withdrawn, destroyed or never received, the City will mail or otherwise provide a duplicate ballot to the owner upon receipt of a request in writing delivered to the City Clerk. The duplicate ballot will be marked to show the date on which the ballot was mailed or provided and to identify it as a duplicate ballot or a duplicate proportional ballot. The same procedure applies to duplicate ballots

or duplicate proportional ballots which are lost, withdrawn, destroyed, or never received.

#### • **Marking and signing the ballot**

To complete an assessment ballot, the owner of the parcel must (1) stamp or mark the appropriate box supporting or opposing the proposed assessment, and (2) sign, under penalty of perjury, the statement on the ballot that the person completing the ballot is the owner of the parcel or the owner's authorized representative. Only one box may be stamped or marked on each ballot. Ballots must be completed in ink.

#### • **Only assessment ballots provided by the City will be accepted**

The City will only accept ballots mailed or otherwise provided to owners by the City.

### II. Return of Ballots

#### • **Who may return ballots**

An assessment ballot may be returned by the owner of the parcel or by anyone authorized by the owner to return the ballot.

#### • **Where to return ballots**

Ballots may be mailed to the address indicated on the ballot. The City has provided return postage on the ballot.

Ballots may also be delivered in person to the City Clerk at City Hall, (prior to 4:30 p.m. on the date scheduled for the public hearing on the proposed assessment), or delivered to the City Clerk at the public hearing on the proposed assessment.

#### • **When to return ballots**

All returned ballots must be received by the City Clerk prior to the time the City Council closes the public input portion of the public hearing on the proposed assessment. The public input portion of the public hearing may be continued from time to time. The City Clerk will endorse on each ballot the date of its receipt.

The City Clerk will pick up mailed ballots at 4:30 p.m. on the date scheduled for the public hearing on the proposed assessment. To ensure that mailed ballots are received by the City Clerk prior to the conclusion of the public input portion of the public hearing, mailed ballots must be received by the City prior to that time. Mailed ballots received after 4:30 p.m. on the date scheduled for the public hearing will only be counted if the ballots are received by the City Clerk prior to the conclusion of the public input portion of the public hearing. The City makes no representation as to whether the public input portion of the public hearing will be concluded on the date scheduled for commencement of the public hearing or continued to a later date.

- **Withdrawal of assessment ballots**

After returning an assessment ballot to the City, the person who signed the ballot may withdraw the ballot by submitting a written statement to the City Clerk directing the City Clerk to withdraw the ballot. Such statement must be received by the City Clerk prior to the close of the public input portion of the public hearing on the proposed assessment. When ballots for the assessment are tabulated, the City Clerk will segregate withdrawn ballots from all other returned ballots. The City Clerk will retain all withdrawn ballots and will indicate on the face of such withdrawn ballots that they have been withdrawn.

If any ballot has been withdrawn, the person withdrawing the ballot may request a duplicate ballot.

- **Changes to assessment ballots**

In order to change the contents of a ballot that has been submitted, the person who has signed that ballot may (1) request that such ballot be withdrawn, (2) request that a duplicate ballot be issued, and (3) return the duplicate ballot fully completed. Each of these steps must be completed according to the procedures set forth above.

### **III. Tabulation of Ballots**

- **Which assessment ballots will be counted**

Only ballots which are completed and returned in compliance with these procedures will be counted. Ballots received by the City Clerk after the close of the public input portion of the public hearing on the proposed assessment will not be counted. Ballots which are not signed by the owner will not be counted. Ballots with no boxes marked, or with more than one box marked, will not be counted. Ballots withdrawn in accordance with these procedures will not be counted.

The City will keep a record of each proportional or duplicate ballot mailed or otherwise provided to an owner and will verify, prior to counting any duplicate ballot, that only one ballot has been returned for the parcel (or for the owner in the case of proportional ballots).

The following rules will apply if more than one countable ballot for a parcel (or owner) has been returned. If a non-duplicate ballot has been returned, the City will count the non-duplicate ballot and disregard all duplicate ballots. If only duplicate ballots have been returned, the City will count the earliest provided duplicate ballot and disregard the later provided duplicate ballots. If an owner returns both a non-proportional ballot and a proportional ballot, the City will count the proportional ballot and disregard the non-proportional ballot.

- **When and where ballots will be tabulated**

The tabulation of ballots will be performed, in view of those present, at the public hearing following the close of the public input portion of the public hearing. The public hearing may be continued from time to time for the purpose of tabulating ballots. Ballots will not be unsealed until the tabulation begins.

- **How ballots will be tabulated**

Ballots may be counted by hand, by computer or by any other tabulating device.

Ballots will be tabulated by adding the ballots submitted in opposition to the assessment and adding the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proportional financial obligation of the affected property; provided, however, that proportional ballots shall be weighted in accordance with the respective ownership

interests of each proportional ballot submitted. If one or more proportional ballots are returned for a parcel and a non-proportional ballot is returned for the parcel, the non-proportional ballot will either be disregarded (if the same owner has returned a proportional ballot) or treated as a proportional ballot (if the same owner has not returned a proportional ballot).

- **Who will tabulate ballots**

Ballots will be tabulated by the City Clerk or some other impartial person designated by the City Council who does not have a vested interest in the outcome of the proposed assessment. The City Clerk or other designated person may be assisted by any of the staff and consultants of the City.

- **Results of tabulation**

The results of the tabulation will be announced following the completion of the tabulation and entered in the minutes of the City Council meeting. If ballots submitted in opposition to the proposed assessment exceed the ballots submitted in favor of the proposed assessment (as tabulated above), the assessment will not be imposed.

**Disclosure of Ballots**

During and after the tabulation, the assessment ballots shall be treated as disclosable public records and be equally available for inspection by the proponents and opponents of the proposed assessment.

**IV. Resolution of Disputes**

In the event of a dispute regarding whether the signer of a ballot is the owner of the parcel to which the ballot applies, the City will make such determination from the last equalized assessment roll and any evidence of ownership submitted to the City prior to the conclusion of the public hearing. The City will be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership will be final and conclusive.

In the event of a dispute regarding whether the signer of a ballot is an authorized representative of the owner of the parcel, the City may rely on the statement on the ballot signed under penalty of perjury that the person completing the ballot is the owner's authorized representative and any evidence submitted to the City prior to the conclusion of the public hearing. The City will be under no duty to obtain or consider any other evidence as to whether the signer of the ballot is an authorized representative of the owner and its determination will be final and conclusive.

**V. Public Record**

During and after tabulation, all ballots are public records.

**VI. Further Information**

For further information, contact Mitch Gabriel, of Hanna & Brunetti, Gilroy, CA, (408) 842-2173.