

June 13, 2013

VIA: Email

Mr. Chris Elias  
Executive Director  
San Joaquin Area Flood Control Agency  
22 E. Weber Ave. Ste. 301  
Stockton, CA 95202  
[chris.elias@stocktonca.gov](mailto:chris.elias@stocktonca.gov)

Dear Mr. Elias:

Enclosed, please find our final report related to the tabulation of the Assessment Ballot Proceeding for the proposed Levee Construction & Maintenance Assessment District dated June 12, 2023.

If you have any questions regarding the information within this report, please do not hesitate to call. We look forward to working with you through the remainder of the formation process.

Sincerely,



Seth Wurzel, CGFM  
Principal  
Larsen Wurzel & Associates, Inc.

CC: *(via email w/ enclosure)*

Scott Shapiro, Downey Brand, LLP  
Paul Thimmig, Quint & Thimmig, LLP  
Kim Floyd, Kim Floyd Communications, Inc.

Encl.

## *Final Report*

### **San Joaquin Area Flood Control Agency**

**June 12, 2023**

#### *Levee Construction & Maintenance Assessment District*

#### *Ballot Proceeding Tabulation*

**Prepared for:** San Joaquin Area Flood Control Agency Board of Directors

**Prepared by:** Seth Wurzel, CGFM

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Larsen Wurzel & Associates, Inc. (LWA) has performed the tasks described in the San Joaquin Area Flood Control Agency (SJAFCA) Levee Construction & Maintenance Assessment Ballot Tabulation Process & Procedures transmitted to the SJAFCA Board of Directors on June 8, 2023 as summarized below. These procedures were prepared to govern the tabulation of ballots in favor of and opposition to the proposed Levee Construction & Maintenance Assessment District (LCMA District) as performed by LWA between June 9, 2023 and June 12, 2023. LWA makes no representation regarding the sufficiency of these procedures described below for any other purpose other than for the purpose for which they have been prepared.

The procedures related to the ballot proceeding for the LCMA District performed are summarized as follows:

- 1) A data processing system was prepared for the efficient preparation, production and subsequent tabulation of the ballots.
- 2) Mailed return ballots were delivered directly to the San Joaquin Flood Control and Water Conservation District (SJFCWCD) office located at 1810 East Hazelton Avenue, Stockton, California, 95205. Hand delivered returned ballots were received by the SJFCWCD at the same address until 5:00 PM on June 8, 2023. Hand delivered ballots were also received at the Public Hearing which took place at the Board of Supervisors' Chambers at 44 N San Joaquin Street, 6<sup>th</sup> Floor, Stockton, CA. All mailed and hand return ballots were stored in secured locations and remained sealed in their return envelopes until the start of the tabulation process on June 9, 2023 at 9:00 AM, which was after the close of the Public Hearing on June 8, 2023.
- 3) LWA attended the Public Hearing and at the close of the balloting period, all ballots cast and received prior to the close of the Public Hearing were transferred into LWA's custody to be included within the ballot tabulation.
- 4) LWA directed the canvass of all ballots received from the total potential 75,969 ballots issued pursuant to the Ballot Tabulation Process & Procedures transmitted to the Board of Directors on June 8, 2023. In summary, the tabulation criteria included the following steps:
  - a) Opening / Sorting: LWA directed the opening and sorting all of the ballots into three categories, Valid Yes Votes, Valid No Votes and Invalid Votes. A ballot was considered valid if it contained a signature on the ballot and a clear indication of a "yes" or "no" vote. As ballots were sorted, an additional confirmation of the original sorting and preliminary validation (yes or no and signature) took place. Any ballot with no clear indication of yes or no, or left unsigned, was initially considered invalid and subject to further review by Agency Counsel. Agency Counsel provided the final

determination of all Ballots to be considered Invalid. All replacement ballots issued (as indicated by the fact they were printed on a colored paper) were also separated and sorted throughout this process in the same manner as original issued (white) ballots.

- b) Scanning/Data Entry: Prior to scanning the valid ballots, ballots of the same type (same color and vote) were batched into groups of up to 200 ballots. A unique batch ID was assigned to each ballot and the attributes of the batch (color and vote) were recorded. Each batch and each ballot had a unique ballot identification bar coded number and the batch bar code and ballot bar code were scanned into the ballot tabulation software using a high-speed scanning machine. The high-speed scanning machine scanned each ballot twice with two separate scanners and recorded the number of scanned ballots by each scanner. If the number of scans recorded by each scanner did not equal 200 (or a lesser number of ballots in the batch), then the entire batch was scanned again until the two scans recording the data matched and the number of scans equaled 200 or the number of ballots expected to be in the batch. Once the original ballots were scanned, then the replacement ballots were scanned in the same manner and entered into the tabulation software. During this process, any valid replacement ballot vote cast for an original ballot already tabulated was overwritten and the original vote was not counted. Ballots that were damaged and/or could not be run through scanning machine were scanned into the software by hand twice and the two sets of scanned data were compared to ensure that all ballots were counted.
  - c) Data Validation: Once the data entry was completed and all differences from the two sets of scans were reconciled, preliminary results of the tabulation were tested. Of the 12,403 valid ballots received (approximately 10.7% of the tabulated ballots) were run through a verification process. The physical information on the ballots was compared to the results in the data processing system to ensure that the information in the program matched the physical ballot information. The results from the verification process matched the data within the software, thus the process was considered certifiable according to the established procedures.
  - d) Invalid ballots were also scanned into the system to record the count and the weight of invalid ballots cast as well as the reason for invalidation.
- 5) As part of the ballot tabulation calculations, each valid yes or no vote was multiplied by the amount of the property owner's proposed assessment to determine the weight of each vote.
  - 6) LWA summed all of the valid weighted yes votes and all of the valid weighted no votes in order to determine which response had the most weighted vote.
  - 7) The canvass of the assessment ballots submitted by property owners is now complete and LWA can report the results of the tabulation process as determined by the performance of procedures and criteria summarized above. The results of the tabulation process are as follows:

**San Joaquin Area Flood Control Agency  
Levee Construction & Maintenance Assessment  
Summary of Ballot Proceeding Tabulation Results**

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**All Ballots**

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Total Ballots:	75,969
Valid Ballots Returned:	12,403
% of Ballots Returned:	16.33%
Total Assessment of All Ballots [1]:	\$7,518,425.06
Total Assessment of All Valid Ballots Returned:	\$1,912,587.76
% of Assessment Returned:	25.44%

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**Valid Ballots**

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	<u>Number</u>	<u>Percent of Valid Ballots Returned</u>	<u>Total Assessment</u>	<u>Percent of Valid Total</u>
All Ballots	12,403	100.00%	\$1,912,587.76	100.00%
Yes Votes	7,044	56.79%	\$1,109,785.42	58.03%
No Votes	5,359	43.21%	\$802,802.34	41.97%

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**Invalid Ballots**

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	<u>Number</u>	<u>Total Assessment</u>	<u>Percent of Invalid Total</u>
All Invalid Ballots	167	\$25,293.26	100.00%
Vote Not Marked	128	\$21,173.12	83.71%
Unofficial Ballot	1	\$30.52	0.12%
No Signature	30	\$3,350.78	13.25%
Both Votes Marked	7	\$738.84	2.92%
Marred/Destroyed	1		

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**Ballots Overwritten by Replacement Ballot**

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Replaced Ballots	116
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[1] The LCMA Preliminary Engineer's Report dated March 16, 2023 proposed a total assessment of approximately \$7,684,000; the Total Assessment of All Ballots is different than \$7,684,000 due the apportionment and separation of general benefits, minimum assessments, assessment corrections made during the balloting period, and property owner appeals of proposed assessments resulting in revised assessment ballots being issued.

A total of 12,686 assessment ballots were returned and received prior to the close of the public hearing on June 8, 2023. Of the assessment ballots returned, 167 were declared invalid in that they were not marked with a “yes” or “no,” were marked with both a “yes” and a “no,” were not signed, were not returned in the security envelope, or for some other reason. Of the assessment ballots returned, 116 ballots were tabulated but then their initial tabulation was replaced through the receipt of a valid replacement ballot. This left 12,403 valid ballots remaining to determine the outcome of the tabulation process.

After the valid ballots were weighted according to the proportional financial obligation of the affected property, the tabulation concluded that 58.03% of the valid ballots were cast in support of the proposed Assessment. Since a majority protest, as defined by Article XIII D of the California Constitution, did not exist, the Board may take action to approve the formation of the LCMA District as described in the Engineer’s Report to pay the costs and expenses of the services identified therein.

With the transmittal of this report, LWA certifies that it has completed the canvass of the protest ballots submitted for the proposed Levee Construction & Maintenance Assessment District pursuant to the process and procedures submitted to the Board on June 8, 2023.

This report is intended solely for the information and use of the San Joaquin Area Flood Control Agency and its management and is not intended to be and should not be used by anyone other than these specified parties.

Larsen Wurzel & Associates, Inc.



June 12, 2023