

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: LA
AUDITOR-CONTROLLER

BOARD AGENDA # 9:25 a.m.

Urgent Routine X

AGENDA DATE June 12, 2001

CEO Concurs with Recommendation YES ph NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT: APPROVAL TO CONDUCT BALLOT PROCEDURE FOR ALMOND WOOD LIGHTING DISTRICT IN COMPLIANCE WITH PROPOSITION 218.

STAFF
RECOMMEN-
DATIONS:

1. CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE PROPOSED FORMULA FOR CALCULATION AND LEVY OF ANNUAL ASSESSMENTS TO PAY FOR STREET LIGHTING SERVICES.
2. AUTHORIZE THE AUDITOR-CONTROLLER TO TABULATE THE BALLOTS AND SUBMIT THE RESULTS TO THE BOARD OF SUPERVISORS AT THE NEXT SCHEDULED BOARD MEETING.

FISCAL
IMPACT:

Administrative costs of conducting the required ballot procedure and hearings are included as part of the operation and maintenance costs of the district and will be funded as a portion of the assessment.

BOARD ACTION AS FOLLOWS:

No. 2001-446

On motion of Supervisor Blom , Seconded by Supervisor Caruso
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

File No. DL-25-23

APPROVAL TO CONDUCT BALLOT PRODEDURE FOR ALMOND WOOD
LIGHTING DISTRICT IN COMPLIANCE WITH PROPOSITION 218
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DISCUSSION: Proposition 218 was a statewide initiative approved by the voters in November 1996. It requires that certain assessments and increases of those assessments be approved by property owners through a ballot procedure. It also requires a notice of public hearing to be delivered to all owners of record as of the date of the last assessment roll. The notice must inform the property owners of the date, time, and place of the public hearing and advise them of the ballot procedure. A tabulation of the ballots cannot be done until the Board of Supervisors concludes the Public Hearing.

Through a collaborative effort by the Clerk of the Board of Supervisors, Auditor-Controller, County Counsel, Management Information Services and Public Works staff, the aforementioned ballot procedures have been completed. The Board of Supervisors must conduct a public hearing to receive all objections or protests, if any, to the proposal. Any interested person may present written or oral testimony at the public hearing. At the conclusion of the public hearing, the submitted assessment ballots will be tabulated to determine if a majority protest exists, and the results presented at the next scheduled meeting. Once the balloting is closed, all assessment ballots submitted are public information and subject to inspection by request under the Public Records Act.

The proposal being considered is the adoption of a formula for calculating the amount of annual assessment that will be used to pay for the operation and maintenance costs of street lighting within the district. This same formula has been used to calculate the amount of assessment since the District was formed, but the formula itself has not been voted on and approved by District landowners. Use of the formula, that historically has been used, is proposed to increase administrative efficiency and reduce the costs of District operation and maintenance. This year, the formula results in an increase of the annual assessment and the law requires that landowners approve an increase in assessments. In future years, the formula may result in decreases in the amount of the assessment. The formula is as follows:

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DISCUSSION,
Continued

Amount of Annual Assessment
=Estimate Operation & Maintenance Costs for
Current Year,
+Estimated Dry Period Reserve for Next Year,
-Fund Balance from Previous Year,
-Estimated Property Tax Revenue for Current
Year,
-:-Number of Benefiting Parcels in District.

The costs of operation and maintenance include lighting charges, equipment repair, and/or replacement. "Dry period reserve" is the amount needed to cover operation and maintenance expenses for the next year between July, when the assessment is levied, and December, when the assessment is collected and disbursed. Any unused portion of this reserve is carried over as Fund Balance to the next fiscal year, which lowers the amount of subsequent assessments.

If the formula is approved, the total amount of assessments chargeable to the entire District for the 2001/2002 tax year is \$4,004.00. The total amount of assessment that would be levied against a parcel for the 2001/2002-tax year is \$30.80. The express purpose of this proposal is to provide a continued source of funding for lighting services to the District.

Assessments calculated using the formula are proportional to the special benefit derived by each identified parcel in relationship to all of the cost of the service being provided by the District. Unless otherwise determined, it is assumed that each parcel benefits equally by the services provided. A copy of the Engineer's Report, as required by Proposition 218, is available for inspection at the Clerk of the Board of Supervisors Office.

The Assessment formula will not be used if a simple majority of the Assessment Ballots submitted are opposed to the formula. The Board of Supervisors does have the authority to adopt the Assessment Levy, which was in place last year. The levy assessment in place last year was \$20.62.

If approved, the formula would be used to calculate the annual charge against parcels with the District to pay for lighting services,

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DISCUSSION,
Continued

and use of the formula will continue indefinitely. The annual assessment for a parcel within District boundaries would increase or decrease from year to year, depending on the amount of money needed to pay operation and maintenance costs.

POLICY
ISSUES:

The Board of Supervisors, acting in the capacity of the Board for the District must conduct the Public Hearing in compliance with Proposition 218.

STAFFING
IMPACT:

Staff from the Board of Supervisors, County Counsel, Auditor-Controller, and Public Works have contributed to this process. Approximately 80 hours of staff time was required to conduct all the activities required to comply with Proposition 218.



DEPARTMENT OF PUBLIC WORKS

George Stillman
Director


1010 10th St, Suite 3500, Modesto, CA 95354
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May 17, 2001

**ENGINEER'S REPORT FOR
ALMOND WOOD LIGHTING DISTRICT**

Each parcel within the lighting district will receive an equal benefit from the street lights. Therefore, the formula used to calculate the annual special assessment will be ***Amount of Annual Assessment equals Estimated Operation & Maintenance Costs for Current Year plus Estimated Dry Period Reserve for Next Year minus Fund Balance from Previous Year minus Estimated Property Tax Revenue for Current Year divided by Number of Benefitting Parcels in District.***

With 130 parcels and a cost of \$4,004.00 per year to operate and maintain the street lights, the special assessment will be \$30.80 per parcel per year. However, the annual special assessment may vary from year to year due to the operation and maintenance cost of the street lights.


George Stillman, Director
Stanislaus County
Department of Public Works



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