

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

DEPT: Public Works *CABA*

BOARD AGENDA # 9:25 a.m.

Urgent Routine

AGENDA DATE March 3, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider the Formation of the Beard Industrial Lighting District and Conduct a Ballot Procedure and Levy of the Annual Assessment in Compliance with Proposition 218

STAFF RECOMMENDATIONS:

1. Find that the notice of the Public Hearing was given pursuant to Government Code Section 6061, Streets and Highway Code Section 22552 & 19052.
2. Conduct the Public Hearing to receive comments regarding:
 - A. The formation of the Beard Industrial Lighting District.
 - B. The proposed method for calculating the amount of the annual assessment.
 - C. The levy of the annual assessment to pay for the street lighting service.
3. Authorize the Clerk of the Board to oversee the tabulation of the concealed ballots, tabulate and immediately submit the results to the Board of Supervisors.

Continued on Page 2

FISCAL IMPACT:

All costs associated with the formation of the district will be borne by the applicant. Ongoing operation and maintenance of the Beard Industrial Lighting District will be borne by the district once established.

BOARD ACTION AS FOLLOWS:

No. 2009-144

On motion of Supervisor Grover, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

The Clerk announced that the ballot passed by a majority of landowners in support of the formation of the Beard Industrial Lighting District and the proposed method for calculating the annual assessment (support: 15 ballots, 77.52 weighted votes; protest: 0 ballots, 0 weighted votes; incomplete: 1 ballot, 4.55 weighted votes)

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-42-2

Public Hearing to Consider the Formation of the Beard Industrial Lighting District and Conduct a Ballot Procedure and Levy of the Annual Assessment in Compliance with Proposition 218

4. If a majority protest is not filed, direct that the following action occur:
 - A. Find that all the parcels within the Beard Industrial Lighting District will receive equal benefit from the formation of the district.
 - B. Form the Beard Industrial Lighting District and confirm the boundary of the district as those being described on Exhibits "A" and "B", which are made a part hereof.
 - C. Direct the Department of Public Works to file the formation with the California State Board of Equalization.
 - D. Confirm and approve the method of calculating the amount of the annual assessment that will be used to pay for street lighting service.
 - E. Set the 2009/2010 annual assessments at \$25.21 per Equivalent Benefit Unit (EBU) per parcel. The parcels subject to the annual assessments are shown on Exhibit "C", which is a part hereof.
 - F. Authorize the Auditor-Controller to add the annual assessment to the 2009-2010 Tax Roll.
 - G. Make the Engineer's Report a part of the record of this proceeding.

DISCUSSION:

The proposed Beard Industrial Lighting District is located on Finch Road in the industrial area east of Modesto. The lighting district is being established per the requirement of the Conditions of Approval for Parcel Map 2005-19 for the Beard Industrial developed area to generate funds to pay for the operation and maintenance of the street lights. The owners of all properties within the proposed boundary of the Beard Industrial Lighting District have consented to the formation of the said district. The petition and consent for the formation of the Beard Industrial Lighting District is attached.

There are 18 total parcels within the proposed district. One (1) parcel is being dedicated for the sanitary sewer lift station, which will also receive benefit from the streetlights. The streetlights will only provide a special benefit to the parcels within the district. Stanislaus County does not provide street lighting to unincorporated areas without the formation of a lighting district; therefore, no general benefit has been assigned to the assessment calculation.

Proposition 218 was a statewide initiative approved by the voters in November, 1996. It required that the property owners of the proposed district or existing district, through a ballot procedure, approve specific benefit assessments and any increase of said assessment. The assessment ballot was mailed out with a notice of the proposed assessment. This notice described the specific benefit of the proposed district, the total amount thereof chargeable to the entire district, the amount chargeable to the owners' particular parcel, the duration of the payments, the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of the Public Hearing.

Public Hearing to Consider the Formation of the Beard Industrial Lighting District and Conduct a Ballot Procedure and Levy of the Annual Assessment in Compliance with Proposition 218

The above mentioned ballot procedures have been completed, and the notices were mailed to the property owners. A Public Hearing is being conducted to consider 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 posted by the Clerk of the Board of Supervisors. Based on the results, the formation of the district and the levy of the annual assessments will or will not occur. All assessment ballots submitted are public information and subject to inspection, by request, under the Public Records Act.

If a simple majority of the assessment ballots received protest the method for calculating the annual assessment and levy of the annual assessment to pay for street lighting service, a majority protest will have been filed, and Proposition 218 prohibits the County from levying the annual assessment. Without a funding source to pay for the operation and maintenance of the streetlights, the District will not be formed and the development is not to be accepted per the Conditions of Approval.

If a majority protest has not been filed regarding the method for calculating the annual assessment and the levy of the annual assessment to pay for street lighting service, it is recommended that the Board of Supervisors: (a) Find that all of the territory within the district will benefit by the formation of the district; (b) Form the district and confirm the boundary of the district as being those described on Exhibits "A" and "B"; (c) Direct the Department of Public Works to file the formation with the California State Board of Equalization; (d) Approve the method for calculating the amount of the annual assessment that will be used to pay for street lighting service; and, (e) Set the 2009/2010 annual assessment at \$25.21 per Equivalent Benefit Unit per parcel or \$88.21 per acre.

The operation and maintenance costs will include all expenses associated with the maintenance of the streetlights and the Modesto Irrigation District utility costs. The lights will be owned and maintained by the Beard Industrial Lighting District. The formula includes a charge to cover administration costs and to create and maintain an operational reserve. The reserve will be used to pay for unexpected or emergency expenses incurred by the district that were neither contemplated nor estimated as part of the district operation and maintenance.

If the district operation and maintenance costs are less than expected, the fund balance will be carried forward to reduce the amount to be collected the following year. Although some special districts receive a portion of the property tax collected by the County, the district is not expected to receive a portion of the property tax revenue in the future. However, if the district does receive any property tax revenue in the future, it will reduce or offset the amount of operation and maintenance costs that must be collected by the annual assessment.

The formula to calculate the annual assessment is written as follows:

Public Hearing to Consider the Formation of the Beard Industrial Lighting District and Conduct a Ballot Procedure and Levy of the Annual Assessment in Compliance with Proposition 218

AMOUNT OF ANNUAL ASSESSMENT LEVIED: (Estimated Operations and Maintenance) plus (Administration and Operational Reserve costs) minus (Fund Balance from the previous year, and the Estimated Assessment Revenue for Current Year).

The formula used to calculate the proportional benefit to each parcel within the district begins with a basic Equivalent Benefit Unit (EBU). From this base unit, parcels are analyzed according to their actual equivalent benefit within the district. There are 18 commercial parcels within the proposed district. Each of these parcels is deemed to receive a proportional special benefit from the operations and maintenance of the streetlights.

If the district is formed and the formula approved, the total amount of assessments chargeable to the district for the Fiscal Year 2009-2010 is \$2,334.

Specifically, each parcel receives 3.50 EBU's per acre (see table in the attached Engineer's Report). The total acreage of all the actual parcels within the district.

is 26.46 acres. The total EBU's for the district is 92.61 (3.5 x 26.46). Using the formula listed above, the levied amount for this district is a total of \$2,334. Therefore, the cost per acre for each parcel is \$88.21 per acre. Not all parcels within the district have the same dimensions therefore each parcel's proportional benefit may not be the same, and the assessment will be dependent upon its lot size. The total amount of the annual assessment that would be levied against each parcel for the 2009-2010 Tax Year is shown on Exhibit "C" attached herein.

The expressed purpose of the annual assessment is to provide a continued source of funding for the Beard Industrial Lighting District.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

POLICY ISSUES:

State of California Streets and Highway Code Section 19030 authorizes the Board of Supervisors to establish lighting districts. The Board should consider if the recommended action is consistent with their priorities of providing a safe community, a healthy community, and a well planned infrastructure system.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: March 3, 2009

No. 2009-144

On motion of Supervisor Grover Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # 9:25 a.m.

**PUBLIC HEARING TO CONSIDER THE FORMATION OF THE BEARD INDUSTRIAL LIGHTING
DISTRICT AND CONDUCT A BALLOT PROCEDURE AND LEVY OF THE ANNUAL ASSESSMENT IN
COMPLIANCE WITH PROPOSITION 218**

BE IT RESOLVED, that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

1. The formation of The Beard Industrial Lighting District is being established per a requirement set forth in the conditions of approval for Parcel Map application 2005-19, and by Stanislaus County code section 20.56.210. Per Section 5829, of the Street and Highway Code of California, requires the adoption of this resolution ordering the formation of the maintenance district.
2. All of the lighting facilities have been constructed within the proposed district and are in compliance with the approved set of "Improvement Plans". Upon approval of the formation of the Beard Industrial Lighting District the County of Stanislaus will operate and maintain all the luminaries within said district.
3. The territory of formation shall consist of all that land shown on the attached map (Exhibit A) and as described here in, and shall be called the "BEARD INDUSTRIAL LIGHTING DISTRICT of Stanislaus County".

Record the 13th day of July 2006, in Book 54 of Parcel Maps, at Page 66, Instrument No. 2006-104801, Stanislaus County Records, lying in Sections 1 and 2, Township 4 South, Range 9 East, and Sections 35 and 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, State of California, more particularly described as follows:
 COMMENCING at the common corner of said Section 1 and 2, T. 4 S., R. 9 E. and Sections 35 and 36, T. 3S R. 9 E., said point being 35.00 feet southerly of the center line of Finch Road as shown on said Book 54 of Parcel Maps, at Page 66, Stanislaus County Records, thence North 00°39'51" West 35.00 to an angle point on the centerline of said Finch Road and THE POINT OF BEGINNING; (1) thence 35.00 feet northerly and parallel with the North line of said Section 2 and along the centerline of said Finch Road North 89°20'09" East 1618.81 feet to point being the

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



PUBLIC HEARING TO CONSIDER THE FORMATION OF THE BEARD INDUSTRIAL LIGHTING DISTRICT AND CONDUCT A BALLOT PROCEDURE AND LEVY OF THE ANNUAL ASSESSMENT IN COMPLIANCE WITH PROPOSITION 218

PAGE 2

intersection of prolongation of the easterly line of Parcel 8 (54-PM-66) with the centerline of Finch Road; (2) thence along said prolongation of the easterly line of Parcel 8 (54-PM-66) South 00°39'51" East 55 feet to the northeast corner of Parcel 8 (54-PM-66); (3) thence continue along the easterly line of said parcel 8 and parcel 17 (54-PM-66) South 00°39'51" East 599.99 feet to a point on the southeast corner of Parcel 17 (54-PM-66); (4) thence South 89°20'09" West 132.36 feet; (5) thence South 00°54'20" East 50.00 feet; (6) thence South 89°20'09" West 126.00 feet; (7) thence North 00°54'20" West 50.00 feet; (8) thence along the southerly line of parcels 16 through 9 of said Parcels Map (54-PM-66) South 89°20'09" West 1841.97 feet to a point on northeasterly right of way of 200.00 foot wide Mitchell Road and the southwest; (9) thence along said northeasterly right of way of said Mitchell Road North 55°55'19" West 161.13 feet to the southwest corner of Parcel 9 (54-PM-66); (10) thence leaving said northeasterly right of way of said Mitchell Road North 01°04'54" West 517.07 feet to the northwest corner of Parcel 1 (54-PM-66); (11) thence North 01°04'54" West 55.01 feet to a point on the center line of said Finch Road; (12) thence along the center line of said Finch Road South 89°50'24" East 618.16 feet THE POINT OF BEGINNING.

Basis of bearing of this description was referenced to said Book 54 of Parcel Maps, at Page 66, Stanislaus County Records.

Contains 33.67 Acres more or less

**GEOGRAPHIC DESCRIPTION
BEARD INDUSTRIAL LIGHTING DISTRICT
EXHIBIT A**

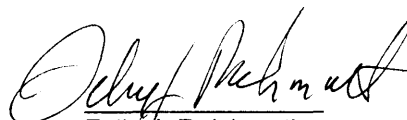
All that certain real property, being situated in the County of Stanislaus, State of California, described as follows:

All of Parcels 1 through 18 as shown on that certain parcel map filed for record the 13th day of July 2006, in Book 54 of Parcel Maps, at Page 66, Instrument No. 2006-104801, Stanislaus County Records, lying in Sections 1 and 2, Township 4 South, Range 9 East, and Sections 35 and 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, State of California, more particularly described as follows:

COMMENCING at the common corner of said Section 1 and 2, T. 4 S., R. 9 E. and Sections 35 and 36, T. 3S R. 9 E., said point being 35.00 feet southerly of the center line of Finch Road as shown on said Book 54 of Parcel Maps, at Page 66, Stanislaus County Records, thence North 0°39'51" West 35.00 to an angle point on the centerline of said Finch road and **THE POINT OF BEGINNING**; (1) thence 35.00 feet northerly and parallel with the north line of said Section 2 and along the centerline of said Finch Road North 89°20'09" East 1618.81 feet to point being the intersection of prolongation of the easterly line of Parcel 8 (54-PM-66) with the center line of Finch Road; (2) thence along said prolongation of the easterly line of Parcel 8 (54-PM-66) South 00°39'51" East 55.00 feet to the northeast corner of Parcel 8 (54-PM-66); (3) thence continue along the easterly line of said Parcel 8 and Parcel 17 (54-PM-66) South 00°39'51" East 599.99 feet to a point on the southeast corner of Parcel 17 (54-PM-66); (4) thence South 89°20'09" West 132.36 feet; (5) thence South 00°54'20" East 50.00 feet; (6) thence South 89°20'09" West 126.00 feet; (7) thence North 00°54'20" West 50.00 feet; (8) thence along the southerly line of Parcels 16 through 9 of said Parcels Map (54-PM-66) South 89°20'09" West 1841.97 feet to a point on northeasterly right of way of 200.00 foot wide Mitchell Road and the southwest; (9) thence along said northeasterly right of way of said Mitchell Road North 55°55'19" West 161.13 feet to the southwest corner of Parcel 9 (54-PM-66); (10) thence leaving said northeasterly right of way of said Mitchell Road North 01°04'54" West 517.07 feet to the northwest corner of Parcel 1 (54-PM-66); (11) thence North 01°04'54" West 55.01 feet to a point on the center line of said Finch Road; (12) thence along the center line of said Finch Road South 89°50'24" East 618.16 feet **THE POINT OF BEGINNING**.

Basis of bearing of this description was referenced to said Book 54 of Parcel Maps, at Page 66, Stanislaus County Records.

Contains 33.67 Acres more or less.



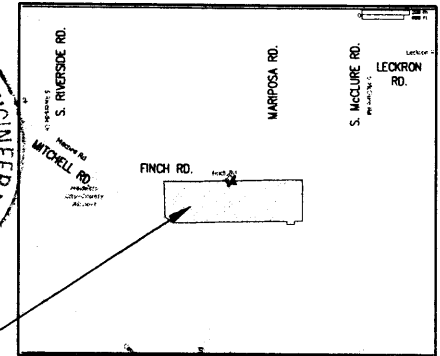
Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09



9.23.08

BEARD INDUSTRIAL LIGHTING DISTRICT

BEING A PORTION OF PARCEL 4 AS SHOWN ON THE MAP FILED IN BK. 54 OF PARCEL MAPS, AT PAGE 66 DATED JULY 13, 2006, STANISLAUS COUNTY RECORDS.
 STANISLAUS COUNTY CALIFORNIA
 SEPTEMBER, 2008

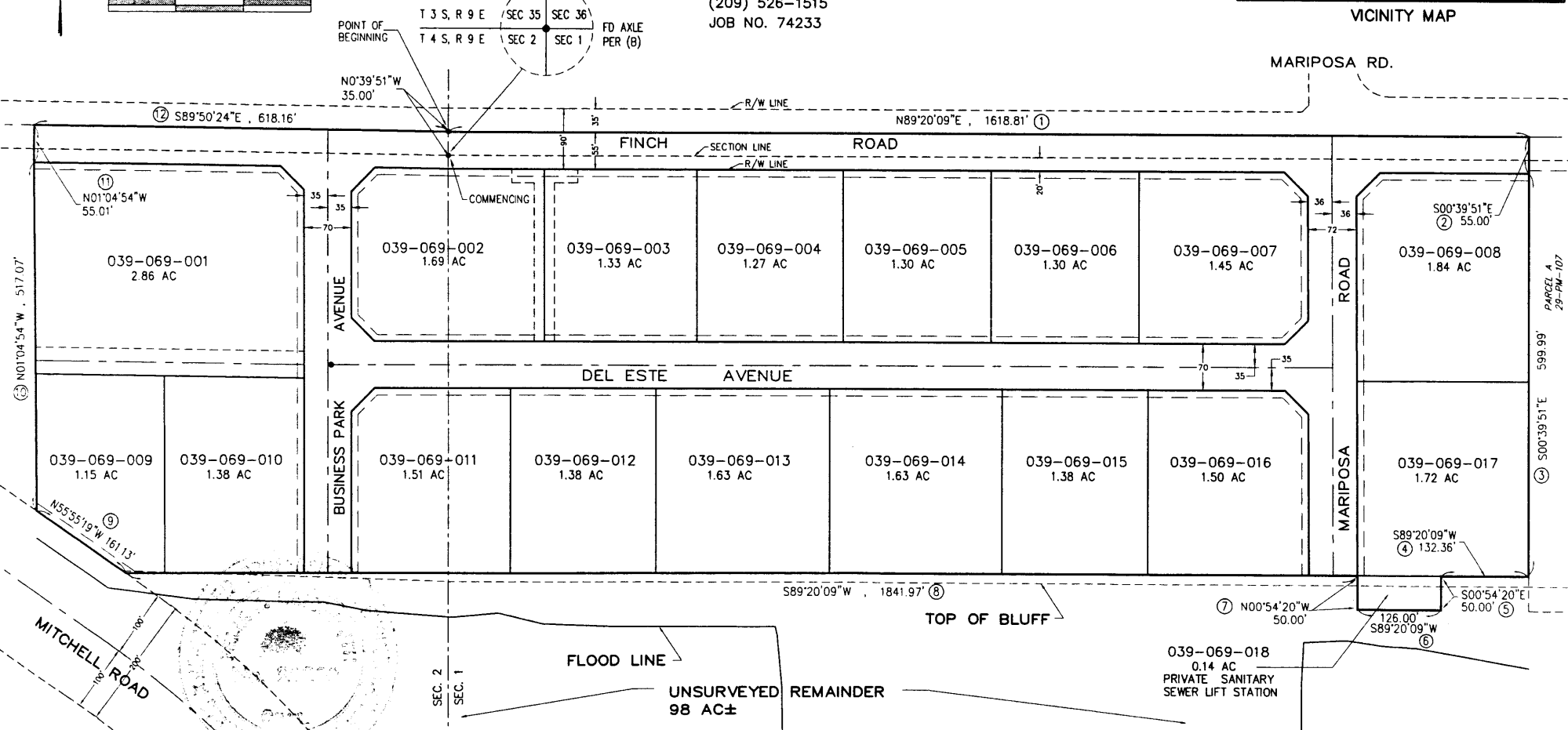
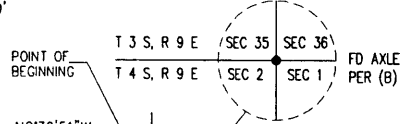


COURSES:

① N89°20'09"E 1618.81'	⑦ N00°54'20"W 50.00'
② S00°39'51"E 55.00'	⑧ S89°20'09"W 1841.97'
③ S00°39'51"E 599.99'	⑨ N55°55'19"W 161.13'
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⑥ S89°20'09"W 126.00'	⑫ S89°50'24"E 618.16'

R.B. WELTY & ASSOCIATES, INC.
 521 13TH STREET / P.O. BOX 1724
 MODESTO, CALIFORNIA 95354
 (209) 526-1515
 JOB NO. 74233

0' 100' 200' 300'





DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE
Director

Laurie Barton, PE
Deputy Director, Engineering/Operations

Diane Haugh
Assistant Director, Business/Finance

1010 10th Street, Suite 3500, Modesto, CA 95354
Phone: 209.525.6550/email: publicworks@stancounty.com

**BEARD INDUSTRIAL LIGHTING DISTRICT
ANNUAL ENGINEER'S REPORT
FISCAL YEAR 2009/2010**

INTRODUCTION:

The Beard Industrial Lighting District is being established per a requirement set forth in the conditions of approval for Parcel Map application 2005-19. The formation of this district is to generate funds to pay for the operation and maintenance of streetlights for the Beard Industrial developed area on Finch Road in the industrial area of east Modesto. The legal description and the boundary of the district is shown on Exhibit "A".

PART I- PLANS AND SPECIFICATIONS

A. Description of the Lighting District

There are 18 parcels, on 26.46 acres, within this 33.67 acre proposed district that will receive the special proportional benefit from the streetlights. The streetlights will only provide a special benefit to the parcels within the district, so no general benefit has been assigned.

B. Description of Improvements and Services

The purpose of this Lighting District is to provide streetlights that will improve the area by deterring crime, promoting traffic safety and aiding law enforcement efforts. The special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance, and servicing of the service area's improvements including, but not limited to the materials, equipment, labor and administrative expenses. However, the assessments are not intended to fund reconstruction or major renovations of the improvements and facilities. The improvements to be maintained and funded entirely or partially through the service areas assessments are generally described as:

- Operate and maintain a total of 18 existing lights, sixteen (16) 150 watt sodium vapor luminaries and two (2) 200 watt sodium vapor lights.
- Periodic inspection, maintenance, and bulb replacement as needed.

PART II- METHOD OF APPORTIONMENT

A. BENEFIT ANALYSIS

The method of apportionment described in this report for allocation of special benefit assessments utilizes commonly accepted engineering practices. The formula used for calculating assessments reflects the composition of the parcels and improvements provided to fairly apportion the costs based on special benefits to each parcel. Furthermore, pursuant to the Constitution Article XIID Section 4, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and a parcel may only be assessed for special benefits received.

All the improvements and services associated with the lighting District, have been identified as necessary, required and/or desired for the orderly development of the properties within the district to their full potential and consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties. The ongoing operation, servicing and maintenance of the improvements and facilities would be the financial obligation of those properties. Therefore, the streetlights, and the annual costs of ensuring the maintenance and operation of these improvements provide special benefits to the properties within the Beard Industrial Lighting District.

Each equivalent benefit unit represents an equal proportional benefit from the streetlights. The streetlights only provide a special benefit to the parcels within the Beard Industrial Lighting District, therefore, no general benefit has been assigned.

B. Assessment Methodology

The method of apportionment for the Lighting District (LD) calculates the receipt of special benefits from the respective improvements based on the actual or the proposed land use of the parcels within the district. The special benefit received by each lot or parcel is equated to the overall land use of the parcels within the LD based on the parcel's actual land use or proposed development.

Upon review of the proposed improvements it has been determined that each of the commercial parcels within the LD receives special benefits from all of the improvements to be funded by annual assessments. The parcels within the LD may be identified by one of the following land use classifications and is assigned a weighting factor known as Equivalent Benefit Unit (EBU). The EBU calculated for a specific parcel defines the parcel's proportional special benefits from the LD's improvements, facilities and services.

Equivalent Benefit units (EBU):

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of all other property in the LD. The EBU method of apportioning assessments uses the single-family home site as the basic unit of assessment. A single-family home site equals one EBU. All other land uses are converted to EBU's based on an assessment formula that equates the property's specific development status, type of development (land use) and size of property, as compared to a single-family home site.

The EBU method of apportioning special benefits is typically seen as the most appropriate and equitable assessment methodology, as the benefits to each parcel from the improvements are apportioned as a function of land use type, size and development. Not all land use types described in the following are necessarily applicable to the development of properties within the LD, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the district.

EBU Application by Land Use:

Single Family Residential- This land use is defined as a fully subdivided residential home site with or without structure. This land use is assessed 1.00 EBU per parcel or lot. This is the base value that all other properties are compared and weighted against.

Multi-family Residential- This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property typically includes apartments, duplexes, triplex etc. It does not typically include condominiums, town-homes, or mobile home parks). Based on average population densities and the size of the structure as compared to a typical single family residential unit, multi-family residential parcels shall be proportionally assessed for the parcels total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single family residence (sample sources: Institute of transportation Engineers Informational report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Addition). These Various studies indicate the most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by the LD, it has been determined that an appropriate allocation

of special benefit for multifamily residential properties as compared to a single family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 5 units; 0.50 EBU per unit for units 6 through 50: and 0.25 EBU per unit for all remaining units.

Condominium/Town-Home Units- Condominiums and town-homes tend to share attributes of both a single family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU pr unit regardless of weather each unit is assigned an individual APN or there are multiple units assigned to the APN. There is no adjustment factor with parcels with more than five units.

Planned-Residential Development- This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the LD. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionally for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out (the EBU assigned to each parcel shall represent the combination of single family, condominium, multifamily units to be developed).

Exempt Parcels- This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County)
- Private properties that cannot be developed independently for an adjacent property, such as common areas, bifurcated lots or properties with very restrictive development use

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

Special Cases- in many LD's where multiple land use classifications are

involved, there is usually one or more properties that the standard land use classifications or usual calculation of benefit will not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a vacant residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel. The following table provides a summary of land use types, the EBU factors used to calculate each parcels individual EBU as outlined above.

Land use and Equivalent benefit units

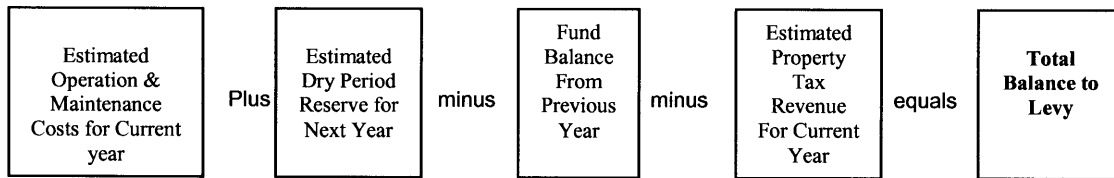
Property type	EBU	Multiplier
Single Family Residential	1.0	Per unit/lot (parcel)
Multi-Family Residential	0.75	Per unit for the first 5 units
	0.50	Per unit for units 6 thru 50
	0.25	Per units > 50
Condominium/Town- Home Units	0.75	Per Unit
Planned Residential Development	1.00	Per planned Residential lot
	0.75	Per planned Condominium
	0.75	Per unit for the first 5 units
	0.50	Per unit for units 6-50
	0.25	Per unit >50
Vacant Residential Land	1.00	Per Acre
Public park	0.40	Per Acre
Public Storm Drain Basin)	0.40	Per Acre
Public School	0.40	Per Acre
Industrial/commercial Parcel	3.50	Per Acre
Exempt Parcels	0.00	Per parcel

The following formula is used to calculate each parcel's EBU (proportional benefit):

Parcel Type EBU x Acres or Units= Parcel EBU

The total number of EBU's is the sum of all individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (assessment rate) for the improvements is established by taking the total cost of the improvements and dividing the amount by the total number of EBU's of all benefiting parcels from the improvements. The rate is then applied back to each parcel's individual EBU to determine the parcels proportionate benefit and assessment obligation for the improvements.

The formula that will be used to calculate the annual assessment, approved with the proposition 218-ballot procedure, will be the following:



EBU X Total Acreage = Total EBU's

Total Balance to Levy/ Total EBU's = Levy per EBU

Levy per EBU x Parcel EBU (parcel acreage x EBU) = Parcel Levy Amount


The fiscal year is the 12-month period commencing on July 1 and ending on the following June 30. However, the assessments are collected in December and April. This means the fiscal year starts on July 1 but the first installment of the assessments will not be collected until December. This creates a 6-month lag in receiving the money necessary to operate and maintain the streetlights. Therefore, a sufficient amount of money collected by the assessments will be carried forward as a general reserve. Initially, in order to operate the district, the developer was required to deposit the first years operating costs for the streetlights. This will provide the source of revenue so the streetlights may be energized July 1, 2009.

Using the current Modesto Irrigation District Schedule (lighting district "owned" lights) rate of \$8.23 per month for a 150 watt High Pressure Sodium street lights and \$10.56 per month for a 200 watt High Pressure Sodium street light. With the addition of administration costs the total estimated costs to operate the proposed district is \$2,334 per year.

EXPENSE DESCRIPTION	TOTAL BUDGET
ADMINISTRATION	
County Administration	\$500
Miscellaneous/Other Admin Fees	\$0
Total	\$500
UTILITY DISTRICT	
Utilities/Street Lights	\$1,834
Total	\$1,834
Capital Improvement Reserve	\$0
Total Administration, and District Budget	\$2,334
Fund Balance Information	
Beginning Fund Balance (Estimated for 2008/09)	\$1,834
Capital Improvement Reserve (-)	\$0
Available Fund Balance	\$1,834
Adjustments to Available Fund Balance	
General Fund (or PW) Loan Repayment/Advance (+)	\$0
Other Revenues/General Fund (Contributions I.e. Grants) (+)	\$0
Capital Improvement Expenditure (pumps etc.) (-)	\$0
6 Months Operating Reserve (-)	\$1,167
Total Adjustments	\$1,167
Remaining Available Fund Balance	\$667
Total Administration, and District Budget	\$2,334
Use of Fund Balance (-)	\$0
Balance to Levy	\$2,334
District Statistics	
Total Parcels	18
Total EBU	92.61
Assessment per EBU	\$25.2025

The parcels subject to the assessment are listed on Exhibit "C" that is attached hereto and made a part of this report.





Matt Machado, Director Stanislaus County
Department of Public Works

January 5, 2009

EXHIBIT "C"

BEARD INDUSTRIAL LIGHTING DISTRICT FISCAL YEAR ASSESSMENT

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ACREAGE	E.B.U.	ASSESSMENT
039-069-001	2.86	10.01	\$252.28
039-069-002	1.69	5.92	\$149.07
039-069-003	1.33	4.66	\$117.32
039-069-004	1.27	4.45	\$112.03
039-069-005	1.30	4.55	\$114.67
039-069-006	1.30	4.55	\$114.67
039-069-007	1.45	5.08	\$127.90
039-069-008	1.84	6.44	\$162.30
039-069-009	1.15	4.03	\$101.44
039-069-010	1.38	4.83	\$121.73
039-069-011	1.51	5.29	\$133.20
039-069-012	1.38	4.83	\$121.73
039-069-013	1.63	5.71	\$143.78
039-069-014	1.63	5.71	\$143.78
039-069-015	1.38	4.83	\$121.73
039-069-016	1.50	5.25	\$132.31
039-069-017	1.72	6.02	\$151.72
039-069-018	0.14	0.49	\$12.35
	26.46	92.61	\$2,334.00