

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

DEPT: Public Works

BOARD AGENDA # 9:15 a.m.

Urgent  Routine

AGENDA DATE November 3, 2009

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Public Hearing to Consider the Formation of the Marshall Avenue 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 Streets and Highway Code Section 19052.
2. Conduct the Public Hearing to receive comments regarding:
  - A. The formation of the Marshall Avenue Lighting District;
  - B. The proposed method of calculating the amount of the annual assessment; and,
  - C. The levy of the annual assessment to pay for the street light service.

(Continued on Page 2)

FISCAL IMPACT:

Ongoing operation and maintenance costs associated with the Marshall Avenue Lighting District will be borne by the district once established. Initial start-up costs for the said district are estimated to be \$3,200 and include the first year's utility cost of \$1,400, State Board of Equalization filing fee of \$800, and administration costs of \$1,000. These costs will be covered through the use of Community Development Funds as approved by the Board of Supervisors on September 1, 2009.

BOARD ACTION AS FOLLOWS:

No. 2009-756

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)  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 Marshall Avenue Lighting District and the proposed method for calculating the annual assessment (support: 13 ballots, 13.51 weighted votes; protest: 2 ballots, 2 weighted votes; incomplete: 1 ballot, 1 weighted vote)

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-44-2

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

3. Authorize the Clerk of the Board to oversee the tabulation of the sealed ballots and determine whether a majority protest against the assessment exists.
4. If a majority protest is not filed, direct that the following actions occur:
  - A. Find that the formation and assessments are necessary to meet operating and maintenance expenses; meet financial reserve needs; required to maintain the proposed service levels within the proposed district area;
  - B. Form the Marshall Avenue 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. Levy the Fiscal Year 2010-2011 annual assessment at \$38.80 per Equivalent Benefit Unit (EBU). The parcels subject to the annual assessment are shown on Exhibit "C", which is a part hereof.
  - F. Authorize the Auditor-Controller to add the annual assessment to the 2010-2011 Tax Roll;
  - G. Make the revised Engineer's Report a part of the record of this proceeding.

**DISCUSSION:**

The proposed formation of the Marshall Avenue Lighting District is located between Truman Avenue and California Avenue in a County pocket in the west side of Modesto. The proposed 12.89 acre formation will operate and maintain a total of five (5) 100 watt Sodium-Vapor lights that are to be installed by the Modesto Irrigation District.

The original proposal of five (5) 150 watt Sodium-Vapor lights had to be changed due to Modesto Irrigation District's organizational change eliminating the option of 150 watt Sodium Vapor Lights for new installations. The savings to the parcel owners of the district to operate and maintain the 100 watt Sodium-Vapor lights will be a decrease of 9% from the original proposal. This change has been incorporated into the revised Engineer's Report.

The lighting district is being established per a request from the landowners within the proposed boundary with support from the Office of Supervisor Jeff Grover. The proposed lighting district will generate funds to pay for the operation and maintenance of the streetlights. Supervisor Grover and staff have contacted a majority of the owners of the properties within the proposed boundary of the Marshall Avenue Lighting District and the property owners have consented to the said district by signing a petition in support of the proposal.

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.

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

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.

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 Board of Supervisors' meeting, 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.

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) Levy the 2010-2011 annual assessment at \$38.80 per Equivalent Benefit Unit.

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 Modesto Irrigation 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.

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

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:

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.

If the district is formed and the formula approved, the total amount of assessments chargeable to the district in Fiscal Year 2010-2011 will be \$1,378. Specifically, each residential parcel receives 1.0 EBU's (see table in the attached Engineer's Report) and Parcel 030-009-015 receives 2.2 EBU's per acre. The total acreage of all the parcels within the district is 12.89 acres. The total EBU's within the district is 35.51 (33 + 2.51). Using the formula listed above, the levied amount for this district is a total of \$38.80 per EBU. Therefore, the assessment for the residential parcels would be \$38.80 and for parcel 030-009-015 would be \$97.31 for the fiscal year. The total amount of the annual assessment that would be levied against each parcel for the 2010-2011 Tax Year is shown on Exhibit "C" of the revised Engineer's Report.

The fiscal year is the 12-month period commencing on July 1<sup>st</sup> and ending on the following June 30<sup>th</sup>. However, the assessments are collected in December and April. This means the fiscal year starts on July 1<sup>st</sup> 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 first years operating costs for the streetlights will be funded by the county through the use of Community Development Funds, if the formation is approved. This will provide the source of revenue so the streetlights may be energized this winter.

The purpose of the annual assessment is to provide a continued source of funding for the Marshall Avenue Lighting District.

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

**STAFFING IMPACT:**

The administration of the Lighting District will be performed by Stanislaus County Department of Public Works staff. No additional staffing will be needed at this time.

**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 its priorities of providing a safe community, a healthy community, and a well planned infrastructure system.

DF:lc

H:\Denny Ferreira\Proposals\Marshall Proposal\Board Items\Public Hearing\Board Agenda For Public Hearing.11-3-09 v 2

## **EXHIBIT "A"**

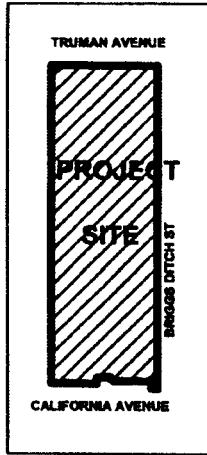
### **MARSHALL AVENUE LIGHTING DISTRICT FORMATION**

All that certain real property situated in the State of California, County of Stanislaus, being a portion of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

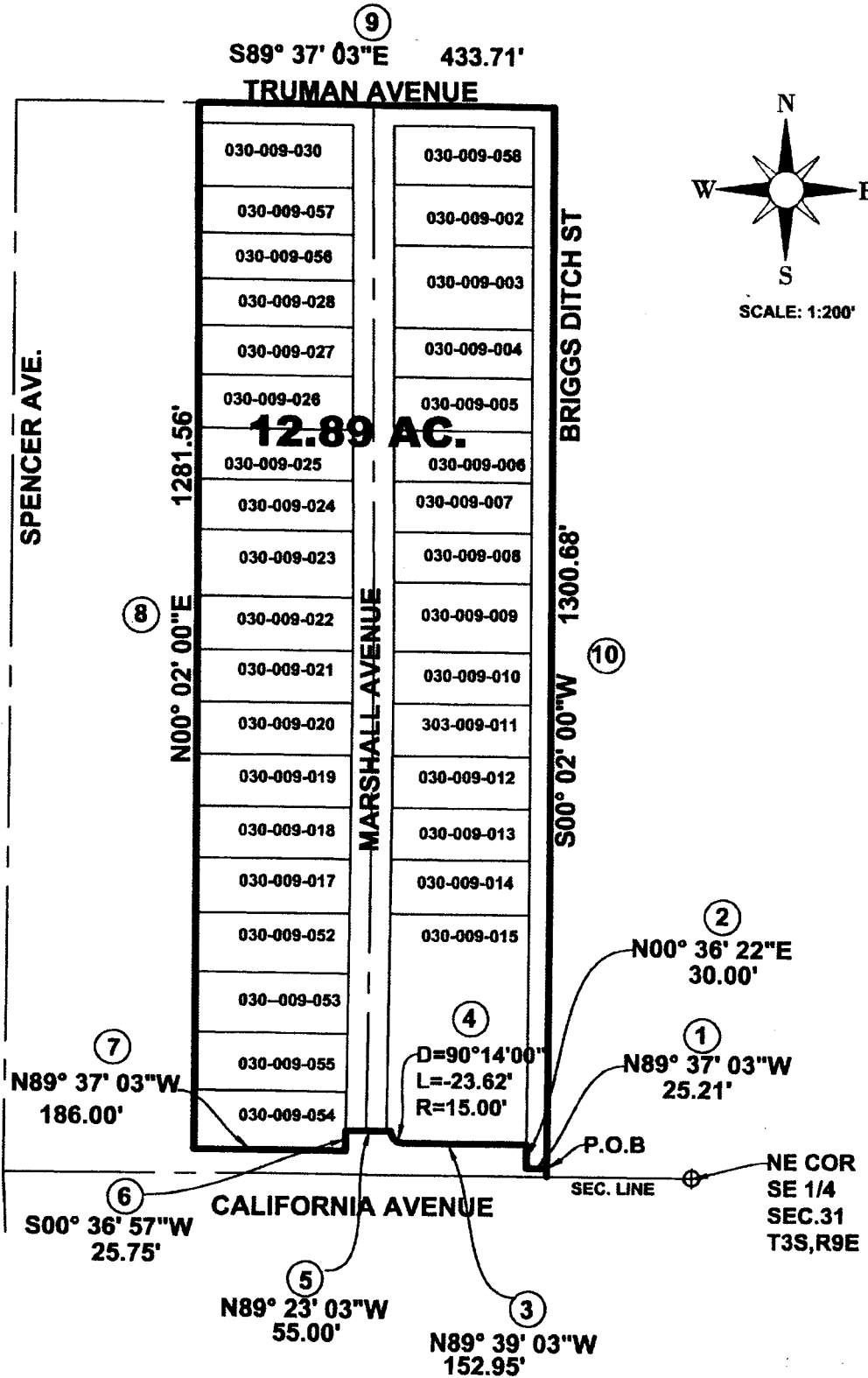
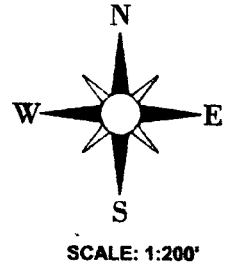
Commencing at the northeast corner of the southeast one-quarter corner of Section 31 said point being the southwest corner of Lot 15 Spencer Colony as per map filed on December 16, 1904 in Volume 2 of Maps at page 3 Stanislaus County Records, thence North  $89^{\circ}37'03''$  West along the east-west one-quarter line of Section 31, a distance of 665.68 feet to the southeast corner of Lot 14 Spencer Colony, thence North  $00^{\circ}36'14''$  East 10.00 feet to the **TRUE POINT BEGINNING** of this description said point being the intersection of the north line of California Avenue with the centerline of Briggs Ditch St. and being the north easterly corner of California - Marshall Reorganization, thence (1) North  $89^{\circ}37'03''$  West, 25.21 feet, thence (2) along said Reorganization North  $00^{\circ}36'22''$  East a distance of 30.00 feet along the north line of California Avenue, Thence (3) North  $89^{\circ}39'03''$  West a distance of 152.95 feet to a point and the beginning of a non-tangent curve from which radial line bears South  $89^{\circ}23'03''$  East, thence (4) northwesterly along said non-tangent curve, concave to the northeast having a radius of 15.00 feet through a central angle of  $90^{\circ}14'00''$  an arc distance of 23.62 feet to a point on the north line of said California Avenue, thence (5) North  $89^{\circ}23'03''$  West a distance of 55.00 feet, thence (6) South  $0^{\circ}36'57''$  West a distance of 25.75 feet, thence (7) North  $89^{\circ}37'03''$  West a distance of 186.00 feet, thence (8) leaving said north line of California Avenue North  $00^{\circ}02'00''$  East of 1281.56 feet to the centerline of Truman Avenue, thence (9) along the center line of Truman Avenue South  $89^{\circ}37'03''$  East, a distance of 433.71 feet to the northwest corner of Lot 9 Spencer Colony, thence (10) South  $0^{\circ}02'00''$  West, a distance of 1300.68 feet to the true point beginning of this description.

**Containing an Area=12.89 Acres**

# EXHIBIT "B"



VICINITY MAP  
NOT TO SCALE



|   |  |                  |                                 |
|---|--|------------------|---------------------------------|
| MARSHALL AVENUE LIGHTING DISTRICT FORMATION   | STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS |                  |                                 |
| BEING A PORTION OF THE NE QUARTER OF THE SE QUARTER SECTION 31, T3 S, R 9 EAST M.D.B.M. | SCALE: 1"=200'                               | DATE: 08-07-2009 | DRAWN BY: NCW<br>CHECKED BY: LF |



**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

**MARSHALL AVENUE LIGHTING DISTRICT  
ENGINEERS REPORT**

**MODESTO**

**FISCAL YEAR 2009/2010**

**SET HEARING:                      SEPTEMBER 15, 2009**  
**PUBLIC HEARING:                NOVEMBER 3, 2009**



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**ENGINEER'S REPORT AFFIDAVIT**


County of Stanislaus, State of California

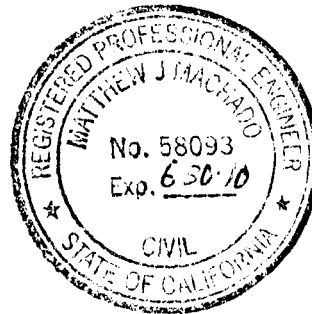
**Marshall Avenue Lighting District**

This report describes the district and all relevant zones therein including the budget(s), parcels and assessments to be levied for the fiscal year 2009/2010. Reference is hereby made to the Stanislaus County Assessor's maps for a detailed description of the lines and dimensions of parcels within the Lighting District (LD)

The undersigned respectfully submits the enclosed report as directed by the Board of Supervisors.

Dated this 27<sup>th</sup> day of August, 2009

  
\_\_\_\_\_  
MATT MACHADO, DIRECTOR, PE  
Stanislaus County Department of Public Works



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

**INTRODUCTION:**

The Marshall Lighting District is being established under the California Street and Highway Code Section 19030, per a request set forth by the parcel owners within the legal boundaries of said district and Supervisor Jeff Grover. The formation of this district is to generate funds to pay for the operation and maintenance of streetlights for the Marshal Avenue developed area between California and Truman in West Modesto. The legal description and the boundary of the district is shown on Exhibit "A" and "B".

**PART I- PLANS AND SPECIFICATIONS**

**A. Description of the Lighting District**

There are 34 parcels, on 12.89 acres, within the boundaries of this proposed district. All parcels except one are used for residential purposes. The single parcel that is not a residence has an approximate size of 1.14 acres.

**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 in this designated area. 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 are to be owned and maintained by The Modesto Irrigation District and funded entirely through the service areas assessments, and are generally described as:

- Operate and maintain a total of five (5) lights, 100 watt sodium vapor luminaries.
- 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 Marshall 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 Marshall 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 residential 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 whether 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                | 1.00 | 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/Undeveloped Residential Land      | 1.00 | Per Acre                       |
| Public Park                              | 0.40 | Per Acre                       |
| Public Storm Drain Basin                 | 0.40 | Per Acre                       |
| Public School/Congregations              | 2.20 | Per Acre                       |
| Commercial/Industrial Parcel             | 3.50 | Per Acre                       |
| Undeveloped Commercial/Industrial Parcel | 1.00 | Per Acre                       |
| Rural/ Agricultural                      | 1.00 | Per Acre                       |
| Exempt Parcels                           | 0.00 | Per parcel                     |

**C. Budget Formula**

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

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

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:

**(Estimated 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) = Total Balance to Levy**

**EBU X Total Parcels = 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 representative of the proposed district is required to deposit the first years operating costs for the streetlights, State Board of Equalization fee, and staffing costs associated with forming the district. These funds for this formation are provided from the Community Development Fund. This fund has been established to providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit. This will provide the source of revenue so the streetlights may be energized when acceptance is granted from the State Board of Equalization.

Using the current Modesto Irrigation District Schedule (lighting district "owned" lights) rate of \$20.88 per month for a 100 watt High Pressure Sodium street lights. With the addition of administration costs the total estimated costs to operate the proposed district is \$1,378 per year.



| EXPENSE DESCRIPTION   | TOTAL BUDGET   |
|---|----------------|
| <b>ADMINISTRATION</b>                                       |                |
| County Administration                                       | \$125          |
| Miscellaneous/Other Admin Fees                              | \$0            |
| <b>Total</b>  | <b>\$125</b>   |
| <b>UTILITY DISTRICT</b>                                     |                |
| Utilities/Street Lights                                     | \$1,253        |
| <b>Total</b>  | <b>\$1,253</b> |
| Capital Improvement Reserve                                 | \$0            |
| <b>Total Administration, and District Budget</b>            | <b>\$1,378</b> |
| <b>Fund Balance Information</b>                             |                |
| Beginning Fund Balance (Estimated for 2008/09)              | \$1,378        |
| Capital Improvement Reserve (-)                             | \$0            |
| <b>Available Fund Balance</b>                               | <b>\$1,378</b> |
| <b>Adjustments to Available Fund Balance</b>                |                |
| 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 (-)                              | \$689          |
| <b>Total Adjustments</b>                                    | <b>\$689</b>   |
| <b>Remaining Available Fund Balance</b>                     | <b>\$689</b>   |
| <b>Total Administration, and District Budget</b>            | <b>\$1,378</b> |
| Use of Fund Balance (-)                                     | \$0            |
| <b>Balance to Levy</b>                                      | <b>\$1,378</b> |
| <b>District Statistics</b>                                  |                |
| Total Parcels   | 34             |
| Total EBU   | 35.51          |
| Assessment per EBU  | \$38.80        |

## **EXHIBIT "A"**

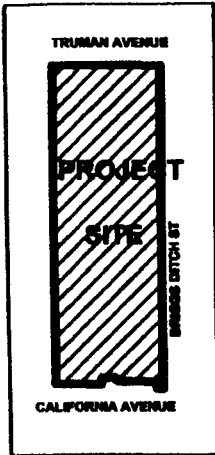
### **MARSHALL AVENUE LIGHTING DISTRICT FORMATION**

All that certain real property situated in the State of California, County of Stanislaus, being a portion of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

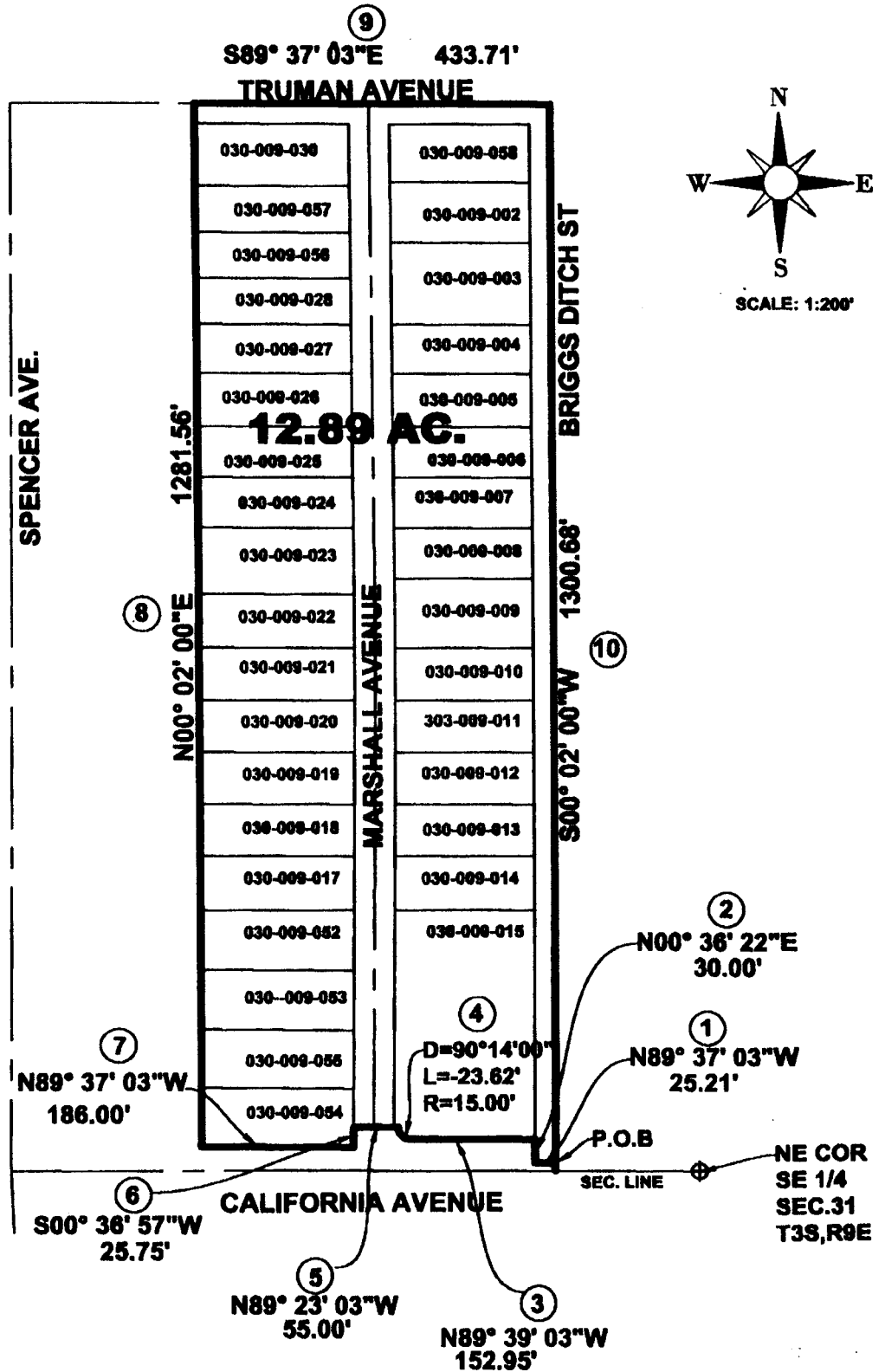
Commencing at the northeast corner of the southeast one-quarter corner of Section 31 said point being the southwest corner of Lot 15 Spencer Colony as per map filed on December 16, 1904 in Volume 2 of Maps at page 3 Stanislaus County Records, thence North  $89^{\circ}37'03''$  West along the east-west one-quarter line of Section 31, a distance of 665.68 feet to the southeast corner of Lot 14 Spencer Colony, thence North  $00^{\circ}36'14''$  East 10.00 feet to the **TRUE POINT BEGINNING** of this description said point being the intersection of the north line of California Avenue with the centerline of Briggs Ditch St. and being the north easterly corner of California - Marshall Reorganization, thence (1) North  $89^{\circ}37'03''$  West, 25.21 feet, thence (2) along said Reorganization North  $00^{\circ}36'22''$  East a distance of 30.00 feet along the north line of California Avenue, Thence (3) North  $89^{\circ}39'03''$  West a distance of 152.95 feet to a point and the beginning of a non-tangent curve from which radial line bears South  $89^{\circ}23'03''$  East, thence (4) northwesterly along said non-tangent curve, concave to the northeast having a radius of 15.00 feet through a central angle of  $90^{\circ}14'00''$  an arc distance of 23.62 feet to a point on the north line of said California Avenue, thence (5) North  $89^{\circ}23'03''$  West a distance of 55.00 feet, thence (6) South  $0^{\circ}36'57''$  West a distance of 25.75 feet, thence (7) North  $89^{\circ}37'03''$  West a distance of 186.00 feet, thence (8) leaving said north line of California Avenue North  $00^{\circ}02'00''$  East of 1281.56 feet to the centerline of Truman Avenue, thence (9) along the center line of Truman Avenue South  $89^{\circ}37'03''$  East, a distance of 433.71 feet to the northwest corner of Lot 9 Spencer Colony, thence (10) South  $0^{\circ}02'00''$  West, a distance of 1300.68 feet to the true point beginning of this description.

**Containing an Area=12.89 Acres**

# EXHIBIT "B"



VICINITY MAP  
NOT TO SCALE



|   |  |  |                  |
|---|--|--|------------------|
| MARSHALL AVENUE LIGHTING DISTRICT FORMATION   |  | STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS |                  |
| BEING A PORTION OF THE NE QUARTER OF THE SE QUARTER SECTION 31, T3 S, R 9 EAST M.D.B.M. |  | SCALE: 1"=200'                               | DATE: 08-07-2009 |
|   |  | DRAWN BY: NCW<br>CHECKED BY: LF              |                  |

**EXHIBIT "C"**

**MARSHALL 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 |
|-------------|---------|---------|------------|
|             |         | 2010-11 | 2010-11    |
| 030-009-002 |         | 1.00    | \$38.80    |
| 030-009-003 |         | 1.00    | \$38.80    |
| 030-009-004 |         | 1.00    | \$38.80    |
| 030-009-005 |         | 1.00    | \$38.80    |
| 030-009-006 |         | 1.00    | \$38.80    |
| 030-009-007 |         | 1.00    | \$38.80    |
| 030-009-008 |         | 1.00    | \$38.80    |
| 030-009-009 |         | 1.00    | \$38.80    |
| 030-009-010 |         | 1.00    | \$38.80    |
| 030-009-011 |         | 1.00    | \$38.80    |
| 030-009-012 |         | 1.00    | \$38.80    |
| 030-009-013 |         | 1.00    | \$38.80    |
| 030-009-014 |         | 1.00    | \$38.80    |
| 030-009-015 | 1.14    | 2.51    | \$97.31    |
| 030-009-017 |         | 1.00    | \$38.80    |
| 030-009-018 |         | 1.00    | \$38.80    |
| 030-009-019 |         | 1.00    | \$38.80    |
| 030-009-020 |         | 1.00    | \$38.80    |
| 030-009-021 |         | 1.00    | \$38.80    |
| 030-009-022 |         | 1.00    | \$38.80    |
| 030-009-023 |         | 1.00    | \$38.80    |
| 030-009-024 |         | 1.00    | \$38.80    |
| 030-009-025 |         | 1.00    | \$38.80    |
| 030-009-026 |         | 1.00    | \$38.80    |
| 030-009-027 |         | 1.00    | \$38.80    |
| 030-009-028 |         | 1.00    | \$38.80    |
| 030-009-030 |         | 1.00    | \$38.80    |
| 030-009-052 |         | 1.00    | \$38.80    |
| 030-009-053 |         | 1.00    | \$38.80    |
| 030-009-054 |         | 1.00    | \$38.80    |

**EXHIBIT "C"**

**MARSHALL LIGHTING DISTRICT  
FISCAL YEAR ASSESSMENT**

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

| <b>A.P.N.</b> | <b>ACREAGE</b> | <b>E.B.U.</b> | <b>ASSESSMENT</b> |
|---------------|----------------|---------------|-------------------|
|               |                | 2010-11       | 2010-11           |
| 030-009-055   |                | 1.00          | \$38.80           |
| 030-009-056   |                | 1.00          | \$38.80           |
| 030-009-057   |                | 1.00          | \$38.80           |
| 030-009-058   |                | 1.00          | \$38.80           |
|               |                | <hr/>         | <hr/>             |
|               |                | 35.51         | \$1,377.71        |