

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-7

Urgent Routine

AGENDA DATE February 8, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Authorize the Chairman of the Stanislaus County Board of Supervisors to Sign and Submit Property Owner Ballots in Support of the Assessments Ballot for the Airport Neighborhood Lighting District Fiscal Year 2011-2012 for those Properties Owned by Stanislaus County

STAFF RECOMMENDATIONS:

Authorize the Chairman of the Stanislaus County Board of Supervisors to Sign and Submit Property Owner Ballots in Support of the Assessments Ballot for the Airport Neighborhood Lighting District Fiscal Year 2011-2012 for those Properties Owned by Stanislaus County.

Contact person: Christine Ferraro Tallman, Clerk of the Board Telephone: 525-4494

FISCAL IMPACT:

Two ballots have been received. If the majority vote "Yes" on the method of calculation of the annual assessment formula then the new formula will take effect next fiscal year. The fiscal impact will be on the properties owned by Stanislaus County. The current annual assessment is \$48.20 for the two parcels. Based upon the Method Assessment described in the Notice of Public Hearing the new assessment will be \$91.78. The increase of \$43.58 can be absorbed in the Public Works Department's budget.

BOARD ACTION AS FOLLOWS:

No. 2011-090

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow

and approved by the following vote,

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

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:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

ASSESSMENT BALLOT

FOR THE AIRPORT NEIGHBORHOOD LIGHTING DISTRICT
FISCAL YEAR 2011/2012

TARJETA DE VOTACIÓN DE ASESORÍA
PARA EL DISTRITO DE ALUMBRADO DEL VECINDARIO DEL AEROPUERTO
AÑO FISCAL 2011/2012

Attention Landowner/Atención Propietario:

Parcel: APN035-004-031
Address: Mono Dr Modesto Ca 95354

Owner:
Stanislaus County Of
3800 Cornucopia Way, Ste C
Modesto, CA, 95358

2011/2012 Assessment Per Parcel

\$45.89

Contribución 2011/2012 Por Terreno

<u>Number of Parcels</u>	<u>TIMES</u>	<u>Weighting Factor</u>	<u>EQUALS</u>	<u>Weighted Vote</u>
1		1.0		1.0
<u>Cantidad de Parcela(s)</u>	<u>POR</u>	<u>Factor del Peso del Vote</u>	<u>ES IGUAL A</u>	<u>Peso Valorado del Vote</u>

This Ballot requires one box to be marked and a signature to be valid. Mark one box only:
Para que este voto sea valido, marque una casilla solamente y firme abajo:

- I/we **SUPPORT** the proposed addition of alley lighting and the levy of an annual assessment to pay for the street lighting and alley lighting services.

APOYO/APOYAMOS la propuesta de agregar luces en los callejones y de recaudar la contribución anual y para pagar por los servicios de alumbrado público en las calles y callejones.

- I/we **PROTEST** the proposed addition of alley lighting and the levy of an annual assessment to pay for the street lighting and alley lighting services.

Me **OPONGO/Nos OPONEMOS** a la propuesta de agregar luces en los callejones y de recaudar la contribución anual para pagar por los servicios de alumbrado público en las calles y callejones.

The undersigned certifies under penalty of perjury under the laws of the State of California that he/she submits this assessment ballot as owner or as the duly authorized representative of the owner or owners of the above-referenced parcel.

El que a continuación firma, da fe, bajo la pena de perjurio conforme a las leyes del Estado de California, de que deposita esta tarjeta como propietario, o como representante debidamente autorizado por el propietario (o de los propietarios) del terreno al que se hace referencia más arriba.

Dated/Fechado: 2/8/2011

Nick Winters
(Signature/Firma) (Type or print name and representative capacity, if any. Escriba a máquina o escriba a mano su nombre y la capacidad representativa, si la hay.)

ASSESSMENT BALLOT

FOR THE AIRPORT NEIGHBORHOOD LIGHTING DISTRICT
FISCAL YEAR 2011/2012

TARJETA DE VOTACIÓN DE ASESORÍA
PARA EL DISTRITO DE ALUMBRADO DEL VECINDARIO DEL AEROPUERTO
AÑO FISCAL 2011/2012

Attention Landowner/Atención Propietario:

Parcel: APN035-038-028
Address: Oregon Dr Modesto Ca 95353

Owner:
Stanislaus County Of
3800 Cornucopia Way, Ste C
Modesto, CA, 95358

2011/2012 Assessment Per Parcel

\$45.89

Contribución 2011/2012 Por Terreno

<u>Number of Parcels</u>	TIMES	<u>Weighting Factor</u>	EQUALS	<u>Weighted Vote</u>
1		1.0		1.0
<u>Cantidad de Parcela(s)</u>	POR	<u>Factor del Peso del Vote</u>	ES IGUAL A	<u>Peso Valorado del Vote</u>

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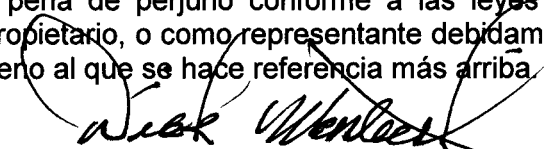
I/we **PROTEST** the proposed addition of alley lighting and the levy of an annual assessment to pay for the street lighting and alley lighting services.

Me **OPONGO/Nos OPONEMOS** a la propuesta de agregar luces en los callejones y de recaudar la contribución anual para pagar por los servicios de alumbrado público en las calles y callejones.

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Dated/Fechado: 2/8/2011


(Signature/Firma) (Type or print name and representative capacity, if any. Escriba a máquina o escriba a mano su nombre y la capacidad representativa, si la hay.)



STANISLAUS COUNTY



ASSESSMENT BALLOT INSTRUCTIONS

Use the enclosed Assessment Ballot to express support for or opposition to the proposed addition of alley lighting in the Airport Neighborhood Lighting District and the levy of an annual assessment to pay for district services. **You will receive a separate ballot for each parcel you own within the District.**

How To Vote Your Assessment Ballot

1. Use a pen to mark an "X" in one of the boxes to indicate either your support or protest, and sign and date the ballot certification.
2. Place the ballot in the enclosed envelope addressed to the Clerk of the Board of Supervisors and seal the envelope.
3. Deliver the ballot either by mail or in person by:
 - **Mail Delivery:** If by mail, mail with the required postage no later than March 10, 2011. Mailing later than this deadline creates a risk that the ballot may not be received in time to be counted.
 - **Personal Delivery:** If in person, deliver to the Clerk of the Board of Supervisors at any time prior to 5:00 p.m. on Tuesday, March 15, 2011, at 1010 10th Street, Sixth Floor, Modesto, California, or at the hearing itself at 6:35 p.m. on March 15, 2011, located in the Joint Chambers in the basement of the County/City Administration Building, 1010 10th Street, Modesto, California.

Regardless of which method of delivery is used, in order to be counted, the Assessment Ballot must be received prior to the close of the public hearing on Tuesday, March 15, 2011. After an Assessment Ballot is submitted, it may be changed or withdrawn prior to the conclusion of the public testimony at the hearing on the proposed increase in assessment by presenting identification with a picture to the Clerk of the Board of Supervisors or a county staff member designated at the start of the public hearing. If you wrongly stamp, tear or deface the Assessment Ballot, write spoiled across the face of the ballot and return it to the Clerk of the Board of Supervisors and another Assessment Ballot will be issued to you.

MULTIPLE OWNERS OF ONE PARCEL

If there is more than one record owner of the identified parcel, the owners may either submit (a) one Assessment Ballot for all the owners of that parcel or (b) one Assessment Ballot from each of the record owners, in which case, each record owner's ballot will be weighted in proportion to that owner's percentage of ownership. If each record owner wants to submit an individual ballot, return the enclosed Assessment Ballot along with a list of names and addresses of all the record owners and each owner's percentage of ownership in the parcel. Separate Assessment Ballots will be issued to each record owner, who will be individually responsible for submitting his or her ballot.

If title to property is held wholly or partly by a single legal entity (such as a corporation, partnership or trust), that entity may submit only one Assessment Ballot; the separate owners of that entity may not submit separate ballots.

(Español en el reverso)



STANISLAUS COUNTY



INSTRUCCIONES PARA USAR LA TARJETA DE VOTACIÓN

Use la Tarjeta de Votación para votar a favor o en contra de la proposición de agregar alumbrado en los callejones y para recaudar las contribuciones anuales para pagar por los servicios de alumbrado público en el Distrito de Alumbrado del Vecindario del Aeropuerto (Airport Neighborhood). **Recibirá una tarjeta de votación separada por cada parcela individual dentro del Distrito.**

COMO VOTAR CON SU TARJETA DE VOTACION:

1. Con una pluma escriba una "X" en una de las casillas para así indicar su apoyo u oposición. Después, firme y ponga la fecha sobre las rayas correspondientes que se encuentran más debajo de la atestación.
2. Meta la Tarjeta de Votación en el sobre incluido que ya trae la dirección del Secretario de Junta de Supervisores (Clerk of the Board of Supervisors) y séllelo.
3. Puede mandar la Tarjeta de Votación por vuelta de correo o entregarla personalmente:
 - **Si elige mandarla por correo**, asegúrese que lleve suficiente franqueo y que salga el 10 de Marzo del 2011 a más tardar. Si la pone después de esta fecha, corre riesgo de que su Tarjeta de Votación no llegue a tiempo para ser contada.
 - **Si elige entregarla personalmente**, llévela al Secretario de la Junta de Supervisores (Clerk of the Board of Supervisors) a su conveniencia, con tal que sea antes de las 5:00 p.m. el Martes, 15 de Marzo del 2011, Calle 1010 10th, Piso 6, Oficina #6700, Modesto, California, o si no tráigala para entregarla en la propia audiencia, a las 6:30 p.m. el 15 de Marzo del 2011, en la Cámara de la Junta de Supervisores localizado en el sótano en el edificio administrativo en Calle 1010 10th, Modesto, California.

Sea cual sea el método que elija para entregar su Tarjeta de Votación, tenga presente que para que sea contada será preciso que se reciba antes de las clausura de la audiencia pública que se llevara a cabo el día Martes, 15 de Marzo del 2011. Después de entregar la Tarjeta, uno podrá modificar o retirarla con tal de hacerlo antes de concluirse las declaraciones públicas que se darán en la audiencia tocante el aumento contributivo que se propone. Para hacerlo, presente su identificación con foto ante del Secretario de la Junta de Supervisores (Clerk of the Board of Supervisors). Si se equivoca al sellar su Tarjeta de Votación, o se le rompe o desfigura, escriba las palabra SPOILED (en ingles significa ARRUINADA) sobre su Tarjeta y devuélvasela al Secretario de la Junta de Supervisores. Se le extenderá otra.

PARCELAS QUE TENGAN MÁS DE UN DUEÑO

Si el registro de la propiedad indica que cierta parcela identificado tiene más de un titular, los titulares podrán o (a) presentar una sola Tarjeta de Votación en nombre de todos los que sean dueños de esa propiedad o (b) cada titular podrá presentar su propia Tarjeta aunque, siendo así, significa que a la Tarjeta de cada titular se le asignara un peso o valor que será en proporción al porcentaje que le pertenezca a dicho titular. En aquellos casos en que cada titular quiera presentar Tarjeta de Votación individual, lo que habrá que hacer es devolver la Tarjeta, acompañada esta de una lista con los nombres y las direcciones de todos los titulares de la parcela/lote, señalando además el porcentaje de la parcela que sea de cada titular. Se le extenderá Tarjeta propia a cada titular, cada uno de los cuales será responsable por presentar la suya.

Si una entidad jurídica (como, por ejemplo, corporación, sociedad civil o consorcio) es titular de una propiedad enteramente o en parte, dicha entidad no podrá presentar sino una sola Tarjeta de Votación; los distintos titulares no podrán presentar Tarjetas por separado.

(English on reverse side)



STANISLAUS COUNTY



NOTICE OF PUBLIC HEARING, ASSESSMENT BALLOT PROCEDURE, AND BALLOT REGARDING PROPOSED ADDITION OF ALLEY LIGHTING AND THE LEVY OF AN ANNUAL ASSESSMENT FOR THE AIRPORT NEIGHBORHOOD LIGHTING DISTRICT TO PROVIDE FUNDING FOR MAINTENANCE AND OPERATION OF THE DISTRICT

You Are Hereby Notified, pursuant to Government Code Section 53753 (b), that the Board of Supervisors of the County of Stanislaus has set a public hearing to consider the addition of alley lighting to the Airport Neighborhood Lighting District, conduct an assessment ballot procedure, and consider the levy of an annual assessment for Fiscal Year 2011/2012 based upon the cost to operate and maintain the existing and proposed additional lighting. The hearing is set for 6:35 p.m., or as soon thereafter as the matter may be heard, on March 15, 2011, located in the Joint Chambers in the basement of the County/City Administration Building, 1010 10th Street, Modesto, California.

PROPOSAL

In November 2010 a petition, requesting the installation of streetlights in the alleyways of the District, was submitted to Stanislaus County with the signatures of 276 residents and property owners of the District. Property owners and residents signing the petition believe that alley lighting would improve the community as a whole by aiding law enforcement efforts and improving personal and property safety while deterring crime, gangs, graffiti, vandalism and other unwanted activities.

The proposal being considered is the addition of alley lighting to the Airport Neighborhood Lighting District and the levy of an annual assessment for Fiscal Year 2011/2012 based upon the cost to operate and maintain the existing and proposed additional lighting. To achieve adequate alley lighting levels while minimizing costs it is estimated that a maximum of 40 lights would be installed upon project approval. The exact number of lights installed may actually be less than 40 depending upon field placement issues such as clearances on existing utility poles, tree cover, and nearby lighting. This proposal uses the operating and maintenance costs for 71 existing streetlights and 40 proposed alleylights as a basis for planned expenses.

AMOUNT OF PROPOSED ASSESSMENT

If the District's landowners approve the proposed additional lighting the annual assessment will be:

The District's Total Annual Assessment = \$23,589.00 chargeable to the entire District for the 2011-2012 Fiscal year.

Your Individual Parcel Assessment = \$45.89 for each parcel for the 2011-2012 Fiscal Year. (this compares to \$24.10 per parcel for Fiscal Year 2010-2011)

The total amount of assessment that would be levied against your parcel for the 2011-2012 tax year is also listed in the upper right hand box of your ballot which is included with this notification.

REASON FOR PROPOSED ASSESSMENT AND BALLOT

The express purpose of the assessment is to provide a continued source of funding for the lighting services provided by the District. Annual assessments may increase or decrease as needed to provide funds to cover operating and maintenance costs. If operation and maintenance costs are less than expected, the District's fund balance will be carried forward to reduce the amount needed to be collected in the next Fiscal Year.

To fund the increased level of service and associated operating and maintenance costs for 40 additional lights there must also be a corresponding increase in assessment for the District's property owners. Pursuant to Proposition 218, an increase in assessment has to be approved by the District's property owners through an assessment ballot procedure and public hearing.

BASIS FOR ASSESSMENT

The basis for the proposed assessment is the equal distribution of the total cost of the service being provided by the District among all 514 parcels within the District. The equal distribution is accomplished through calculation of the following two formulas that have been in use since approved in 1999.

District's Total Annual Assessment = Estimated Operating, Maintenance, & Administrative Costs For Current Year (+ plus) Operational Reserve (- minus) Fund Balance From Previous Year (- minus) Estimated Property Tax Revenue For Current Year.
 $\$28,541 + \$9,931 - \$8,387 - \$6496 = \$23,589$

Individual Parcel Assessment = District's Total Annual Assessment (/ divided by) District's total number of parcels.
 $\$23,589 / 514 \text{ Parcels} = \45.89

EFFECT AND DURATION OF APPROVAL OR DISAPPROVAL

If approved, it is anticipated that the proposed alley lighting would be installed and operational by July 2011 for the start of the new 2011-2012 Fiscal Year. The costs of operating and maintaining the additional lights would become a permanent component of the annual assessment to be levied upon your parcel to pay for the District's services. The annual assessment for your parcel would continue indefinitely and may increase or decrease from year to year, depending on the amount of money needed to pay for operation and maintenance costs.

If the proposed alley lighting is not approved the lights would not be installed and the District would continue with the present number of existing streetlights (71) and corresponding annual assessments.

PUBLIC HEARING & BALLOT TABULATION

At the public hearing on the proposal, the Board of Supervisors will consider all objections or protests, if any, to the proposal. Any interested person may present written or oral testimony at the public hearing. After 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. Neither individuals nor groups will be permitted to oversee the tabulation of Assessment Ballots, however, all Assessment Ballots submitted are public information and subject to inspection by request under the Public Records Act.

PROTESTS

The proposal will not be approved if there is a majority protest. A majority protest exists if a simple majority of Assessment Ballots submitted are opposed to the proposal. The Assessment Ballots are weighted according to the proportional financial obligation of the affected property.

In addition to the Assessment Ballots in favor of or in opposition to the proposal, the Board of Supervisors also will consider any other protests to the proposed assessments at the public hearing. Any protest about the validity of the assessment or the regularity or sufficiency of the proceedings shall be in writing and shall clearly and specifically set forth the alleged irregularity or defect. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing shall be deemed waived.

The Board of Supervisors retains all authority conferred by law, including the extent of services to be provided, and in the amount of the assessment (including the amounts of any individual assessments) provided, however, that the assessment shall not be increased beyond that specified by this notice without a new notice and proceedings in compliance with all laws.

ADDITIONAL INFORMATION

For further information, contact Mike Wilson at (209) 525-4190, or the Department of Public Works 525-4130, located at 1716 Morgan Road, Modesto, California 95358.