

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

DEPT: Public Works

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE July 12, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Fiscal Year 2011-2012 Benefit Assessment Rates for the Lighting Districts

STAFF RECOMMENDATIONS:

1. Approve a resolution to levy Fiscal Year 2011-2012 benefit assessment rates for the following Lighting Districts: Airport Neighborhood, Almond Wood, Beard Industrial, Country Club-Zone A, Country Club-Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Gibbs Ranch, Gilbert Road, Golden State, Hillcrest, Mancini Parks Homes, Marshall, Monterey, North Oaks, North McHenry, North McHenry #2, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village, and Tempo Park.
2. Authorize the Auditor-Controller to add the assessments to the 2011-2012 tax roll.

FISCAL IMPACT:

Total funding expected to be generated from the Fiscal Year 2011-2012 Lighting District assessments is \$290,149.50. The assessment revenue will provide sufficient funding for all projected energy and maintenance costs of streetlights for each of the individual lighting districts. There is no fiscal impact to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2011-420

On motion of Supervisor O'Brien, 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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of the Fiscal Year 2011-2012 Benefit Assessment Rates for the Lighting Districts

DISCUSSION:

Lighting districts were formed with landowner elections for the purpose of providing street lighting services to the unincorporated areas of the County. Revenue received from ad valorem property taxes was adequate until the passage of Proposition 13 when the resultant 55% reduction in revenue caused operation and maintenance services to suffer. In 1981, the Board of Supervisors adopted an ordinance permitting the levy of special assessments for lighting purposes, subject to voter approval. Pursuant to the Streets and Highways Code, Section 19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district's boundaries.

In November 1996, Proposition 218 was passed by voters, requiring a majority vote for any increase in assessment amounts. Ballot procedures were held for the districts where an increase in assessment was anticipated. The ballot procedure also requested the approval of use of a formula whereby each year's assessment would be calculated as: $\text{Amount of Annual Assessment} = (\text{Estimated Operation \& Maintenance Costs} - \text{Fund Balance from Previous Year} - \text{Estimated Property Tax Revenue}) / \text{Number of Benefiting Parcels or Equivalent Benefit Units in District}$. All but one of the Lighting Districts has the approved formula in place. Lighting districts formed prior to Proposition 13 have continued to receive property tax revenue, with direct assessments making up the difference between required funding and available property taxes. Districts formed after the passage of Proposition 13 rely solely on direct assessment funding. The number of parcels in a lighting district can vary from as few as 1 to over 4,000.

If the Board approves the levy assessments, funding in the districts that have approved the use of the formula will be adequate to provide uninterrupted operation and maintenance of the streetlights.

The proposed assessments are provided on "Exhibit A" (Schedule of Lighting District Assessments). Six of the lighting districts have decreased assessments from the prior year; twenty have increased assessments, and two districts remain the same. The primary reasons for the increases are increased utility costs, an increase in vandalism (theft of wires), and the absence of adequate funding for the 6 month dry period. Those districts with decreased assessments experienced vandalism in prior years which raised those assessments. Absent the cost of additional vandalism, the Fiscal Year 2011-2012 assessments have returned to prior levels.

The attached schedule provides information on projected fund balance as of June 30, 2011, annual budget, and the Fiscal Year 2011-2012 proposed assessment. Due to an increased rate of vandalism and theft of wiring in the Lighting Districts, an operational reserve is proposed to be established in Fiscal Year 2011-2012 for those Districts with sufficient fund balance to support it. The operational reserve is to be used to offset costs incurred by vandalism, theft and unrecoverable accident damage, thereby eliminating excessive fluctuations in assessments from year to year. The amount of the operational reserve is based on prior occurrences of damage, the number of lights within the district and the size of the district. A small district of 6 lights may have a reserve of \$500, whereas a large district of 500 lights may have a reserve of \$5,000.

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POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of providing A Safe Community and A Well Planned Infrastructure System by ensuring lighting services to the respective districts.

STAFFING IMPACT:

Public Works Department and Auditor-Controller's Office staff are involved in the processing of direct assessments. This requires less than 20 hours annually and costs are recovered from the respective districts.

CONTACT PERSON:

Diane Haugh, Public Works Assistant Director. Telephone: 209-525-4100.

DH:sj

H:/SERVICES/Districts/CSA's-LLD's-LD's FY2011-2012/Agenda-LD Assessments 2011-2012_BOS 7/12/11

Stanislaus County
SCHEDULE OF LIGHTING DISTRICT ASSESSMENTS
 Fiscal Year 2011-2012

Exhibit A

Fund	Lighting District Name	Tax Code	# of Lights	Fund Balance*	Operational Reserve	Budget	6-Month "Dry Period" Funding	Use of Fund Balance	Property Tax Revenue	Total Assessment Revenue Needed	EBU/Parcels	Budget Year 2011-2012 Assessment	Prior Year Assessment	4-Year Average
1850	Airport Neighborhood	57000	108	1,404	0	23,204	8,285	(1,404)	(6,496)	23,589.00	514	45.89	24.10	24.50
1851	Almond Wood	57025	72	5,125	2,000	8,066	4,033	(3,125)	0	8,974.00	284	31.60	28.85	32.59
1852	Country Club A	57350	15	1,722	1,000	2,375	1,188	(722)	(1,452)	1,388.50	135	10.29	7.85	7.88
1853	Country Club B	57325	4	365	150	746	373	(215)	(1,090)	0.00	39	0.00	0.00	13.15
1854	Crows Landing	57375	18	2,704	1,000	2,555	1,278	(1,704)	(1,453)	675.50	159	4.25	3.86	2.03
1855	Deo Gloria	57400	27	2,846	1,500	3,320	1,660	(1,346)	0	3,634.00	103	35.28	30.27	57.18
1856	Denair	57450	197	14,060	1,000	48,643	15,321	(13,060)	(4,415)	46,489.00	1,216	38.23	33.38	29.25
1857	Empire	57475	126	13,401	2,000	25,817	12,909	(11,401)	(10,637)	16,687.50	970	17.20	20.65	13.96
1858	Fairview	57500	38	4,385	1,000	7,127	3,564	(3,385)	(3,533)	3,772.50	250	15.09	12.87	14.36
1859	Gilbert	57550	2	20	0	354	177	(20)	0	511.00	8	63.88	41.43	40.50
1860	Gibbs Ranch	57525	14	1,593	1,000	2,067	1,034	(593)	0	2,507.50	17	147.50	133.92	139.34
1861	Golden State	57575	8	935	500	1,126	563	(435)	0	1,254.00	7	179.14	154.59	173.69
1862	Hillcrest	57625	81	10,750	2,000	10,563	5,282	(8,750)	0	7,094.50	215	33.00	87.89	46.65
1863	Mancini Park	57700	40	4,908	2,000	5,489	2,745	(2,908)	(308)	5,017.50	199	25.21	42.69	26.73
1864	Monterey	57725	11	1,945	250	2,715	1,358	(1,695)	(773)	1,604.50	76	21.11	6.18	20.98
1865	North McHenry	57750	28	(28,167)	0	3,437	1,719	3,534	0	8,690.00	229	37.95	30.44	30.44
1866	North Oaks	57775	23	766	500	2,903	1,452	(266)	0	4,088.50	117	34.94	21.05	40.44
1867	Olympic	57800	53	8,130	1,000	14,752	7,376	(7,130)	(3,934)	11,064.00	328	33.73	31.44	32.74
1869	Peach Blossom	57050	5	330	0	885	443	(330)	0	997.50	12	83.13	75.84	82.04
1871	Richland	57875	21	2,175	0	6,011	3,006	(2,175)	(2,291)	4,550.50	155	29.36	19.61	24.02
1872	Salida	57950	718	59,688	5,000	109,577	54,789	(54,688)	(8,904)	100,773.50	4,293	23.47	29.62	23.69
1873	Sunset Oaks	58025	86	6,300	1,500	11,534	5,767	(4,800)	(5,390)	7,111.00	343	20.73	15.00	16.04
1874	Sylvan Village	58050	10	677	500	3,515	1,758	(177)	(1,951)	3,144.50	66	47.64	175.73	63.71
1875	Tempo Park	58075	62	2,189	1,000	6,658	3,329	(1,189)	(3,155)	5,643.00	250	22.57	21.83	17.98
1876	Schwartz-Baize	57975	1	24	0	198	99	(24)	0	273.00	4	68.25	72.43	47.17
1970	Beard Industrial	57320	24	(613)	0	14,787	2,394	613	0	17,794.00	92.61	192.14	120.36	156.25
1971	North McHenry #2	57752	8	267	0	1,044	522	(267)	0	1,299.00	1	1,299.00	1,123.30	1,223.76
1972	Marshall	57710	5	1,346	0	1,912	956	(1,346)	0	1,522.00	35.51	42.86	38.80	40.83
* Includes Capital/Operational Reserve														

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

Date: July 12, 2011

No. 2011-420

On motion of Supervisor O'Brien 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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-1

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN
STANISLAUS COUNTY LIGHTING DISTRICT AS LISTED ON THE ATTACHED
SCHEDULE OF LIGHTING DISTRICT ASSESSMENTS,
hereinafter referred as "Lighting Districts"**

The County of Stanislaus, California does resolve as follows:

WHEREAS, the Lighting Districts have by previous resolutions or other proceedings declared their intent to levy charges or assessments for the purpose of financing street light operation and maintenance under the provisions of the Code Section 19000 et seq. of the Street and Highways Code.

WHEREAS, the charges against the real property are not levied with regard to property values but rather according to the benefit received by the service provided.

WHEREAS, the Lighting Districts have determined and certify that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The Lighting Districts have further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED that the Lighting Districts so order the levy and collection of such charges within the Stanislaus County Lighting Assessment Districts as listed in the attached Schedule of Lighting District Assessments for the 2011-2012 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for the placement of such charges on the 2011-2012 County Tax Roll.

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



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