

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

DEPT: Board of Supervisors

BOARD AGENDA# \*A-8

Urgent \_\_\_\_\_ Routine X

AGENDA DATE June 5, 2001

CEO Concurs with Recommendation YES X NO \_\_\_\_\_  
(Information Attached)

4/5 Vote Required YES \_\_\_\_\_ NO X

SUBJECT:

APPROVAL TO AUTHORIZE THE CHAIR TO VOTE IN SUPPORT OF INCREASED ASSESSMENTS ON PROPOSITION 218 BALLOTS FOR THE ALMOND WOOD ESTATES LIGHTING DISTRICT

STAFF RECOMMENDATIONS:

1. AUTHORIZE THE CHAIR TO VOTE IN SUPPORT OF INCREASED ASSESSMENTS ON PROPOSITION 218 BALLOTS FOR THE ALMOND WOOD ESTATES LIGHTING DISTRICT

FISCAL IMPACT:

NONE

No. 2001-369

On motion of Supervisor Simon, Seconded by Supervisor Caruso

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

Motion:

**SUBJECT:**

**APPROVAL TO AUTHORIZE THE CHAIR TO VOTE IN SUPPORT OF  
INCREASED ASSESSMENTS ON PROPOSITION 218 BALLOTS FOR THE  
ALMOND WOOD ESTATES LIGHTING DISTRICT**

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**DISCUSSION:**

Proposition 218 was a statewide initiative approved by the voters in November 1996. This proposition requires that assessments and increases in assessment districts be approved by property owners through a ballot procedure. Since the County is an owner of property within the Almond Wood Estates Lighting District it is therefore eligible to vote in the ballot process for this district. This item authorizes the Chair of the Board to be the authority authorized to cast the ballot on behalf of the County.

**POLICY**

**ISSUE:**

One of the Board's mission statements is to promote the public health, safety, welfare and the local economy.

**STAFFING**

**IMPACTS:**

None



## COUNTY OF STANISLAUS

### NOTICE OF PUBLIC HEARING, BALLOT PROCEDURE, AND BALLOT FOR ASSESSMENT TO PROVIDE FUNDING FOR MAINTENANCE AND OPERATION OF STREET LIGHTING WITHIN THE ALMOND WOOD ESTATES LIGHTING DISTRICT

TO: STANISLAUS COUNTY OF  
1010 10TH ST  
MODESTO, CA 95354-0000

**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 adoption of a formula to be used for calculating the annual assessment for the "District". The hearing is set for 9:25 A.M. , or as soon thereafter as the matter may be heard in the Board Chambers, Stanislaus County Administration Building, 1010 10th Street, Modesto, California, on JUNE 12TH, 2001

#### PROPOSAL

The proposal being considered is the adoption of a formula for calculating the amount of annual assessment that will be used to pay for operation and maintenance costs for street lighting within the District. This same formula has been used to calculate the amount of assessment since the District was formed, but the formula itself has not been approved by District landowners. This year, the formula results in an increase of your annual assessment (see below), and the law requires landowners to approve increases in assessments. The formula is written as follows:

<b>AMOUNT OF ANNUAL ASSESSMENT</b>	equals	Estimated Operation & Maintenance Costs For Current Year	plus	Estimated Dry Period Reserve For Next Year	minus	Fund Balance From Previous Year	minus	Estimated Property Tax Revenue For Current Year	divided by	Number Of Benefiting Parcels In District
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The costs for operation and maintenance include energy charges, equipment repair, and/or replacement. "Dry period reserve" is the amount needed to cover operation and maintenance expenses for the next year between July, when the assessment is levied, and December, when the assessment is collected and disbursed. Any unused portion of the dry period reserve is carried over as a fund balance to the next fiscal year, which lowers the amount of assessment. Some Districts receive a portion of the property tax collected by the County, and any property tax revenue received by the District reduces the amount of operation and maintenance costs that must be collected by assessments. All parcels in the District benefit equally by street lighting and, therefore, the total costs are divided equally among all the parcels.

#### AMOUNT OF ASSESSMENT

If the formula is approved, the total amount of assessments chargeable to the entire District for the 2001-02 tax year is \$ 4,004.00 The total amount of assessment that would be levied against your parcel for the 2001-02 tax year is \$ 30.80

**NOTICE OF PUBLIC HEARING, BALLOT PROCEDURE AND BALLOT FOR THE  
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**EFFECT AND DURATION OF APPROVAL OR DISAPPROVAL**

Once approved, the formula would be used to calculate the annual charge against your property to pay for the District services, and use of the formula will continue indefinitely. The annual assessment for your parcel 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 formula is not approved, the current assessment in the amount of \$ 20.62 would still be levied on your parcel. However, that existing amount of assessment is not enough to operate the street lights during the upcoming year and, therefore, services would have to be cut back in some way to be determined by the Board of Supervisors.

**REASON FOR ASSESSMENT**

The proposal is the approval of a formula that will be used to calculate the amount of annual assessment to pay for District services. The express purpose of this proposal is to provide a continued source of funding for services provided by the District. Use of the proposed formula allows annual assessments to increase or decrease as needed to provide District services, without incurring the expense of conducting an Assessment Ballot procedure like this one whenever there is an increase in service costs. The cost of conducting this Assessment Ballot procedure is charged against the District as an administrative expense. Use of the formula, as historically has been used, is proposed to increase administrative efficiency and to reduce the costs of District operation and maintenance.

**BASIS FOR ASSESSMENT**

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

**ASSESSMENT BALLOT INSTRUCTIONS**

Use the enclosed Assessment Ballot to express support for or opposition to the proposed use of a formula for calculating and levying assessments to pay for District services:

**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. Fold the ballot/mailer in half, with the County address on the outside, and seal with tape.
3. Deliver the ballot/mailer either by mail or in person by:

**Mail Delivery:** Your ballot must be received by the County no later than the hearing date in order to be counted. We recommend that mailed ballots be deposited in the mail no later than the fifth day before the hearing to ensure it is 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 9:25 A.M. on Tuesday, JUNE 12TH, 2001, at 1010 10th Street, Sixth Floor, Modesto, California, or at the hearing itself at 9:25 A.M. on JUNE 12TH, 2001, in the Board Chambers, Stanislaus County Administration Building, 1010 10th Street, Modesto, California.

**NOTICE OF PUBLIC HEARING, BALLOT PROCEDURE AND BALLOT FOR THE  
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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, **JUNE 12TH, 2001**. 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. 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--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.

**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 imposed 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 authority to make changes in the boundaries of the District, in 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 authorized by the formula approved in this proceeding without a new notice and proceeding in compliance with all laws.

**ADDITIONAL INFORMATION**

For further information, contact Ray Rasmussen in the Auditor-Controller's Office at P.O. Box 770; Modesto, CA 95353 or by phone at (209) 525-7918.



**ASSESSMENT BALLOT**  
**ALMOND WOOD ESTATES LIGHTING DISTRICT**  
 Fiscal Year 2001-02

Landowner: STANISLAUS COUNTY OF  
 1010 10TH ST  
 MODESTO, CA 95354-0000

<u>Parcel Number</u>	<u>2001-02 Assessment</u>	<u>Weighting Factor</u>
A.P.N. 010-4415-910	\$ 30.80	1.0

I/we **SUPPORT** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

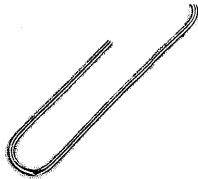
I/we **PROTEST** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

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.

Dated: 6/5/01



(Signature)  
Pat Paul, Chair, Board of Supervisors  
 (Type or Print Name and Representative Capacity, if any)



**ASSESSMENT BALLOT**  
**ALMOND WOOD ESTATES LIGHTING DISTRICT**  
 Fiscal Year 2001-02

Landowner: STANISLAUS COUNTY  
 1010 10TH ST STE 3500  
 MODESTO, CA 95354-0825

<u>Parcel Number</u>	<u>2001-02 Assessment</u>	<u>Weighting Factor</u>
A.P.N. 010-4613-910	\$ 30.80	1.0

I/we **SUPPORT** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

I/we **PROTEST** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

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.

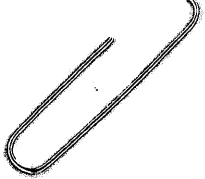
Dated: 6/5/01

Pat Paul

(Signature)

Pat Paul, Chair, Board of Supervisors

(Type or Print Name and Representative Capacity, if any)



**ASSESSMENT BALLOT**  
**ALMOND WOOD ESTATES LIGHTING DISTRICT**  
 Fiscal Year 2001-02

Landowner: STANISLAUS COUNTY OF  
 1010 10TH ST  
 MODESTO, CA 95354-0000

<u>Parcel Number</u>	<u>2001-02 Assessment</u>	<u>Weighting Factor</u>
A.P.N. 010-5017-910	\$ 30.80	1.0

I/we **SUPPORT** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

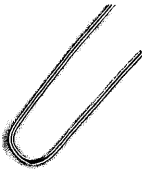
I/we **PROTEST** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

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.

Dated: 6/5/01

Pat Paul  
 (Signature)  
 Pat Paul, Chair, Board of Supervisors  
 (Type or Print Name and Representative Capacity, if any)





**ASSESSMENT BALLOT**  
**ALMOND WOOD ESTATES LIGHTING DISTRICT**  
 Fiscal Year 2001-02

Landowner: STANISLAUS COUNTY OF  
 1010 10TH ST  
 MODESTO, CA 95354-0000

<u>Parcel Number</u>	<u>2001-02 Assessment</u>	<u>Weighting Factor</u>
A.P.N. 010-5126-900	\$ 30.80	1.0

I/we **SUPPORT** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

I/we **PROTEST** use of the proposed formula for calculation and levy of annual assessments to pay for street lighting services.

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.

Dated: 6/5/01

*Pat Paul*

(Signature)  
Pat Paul, Chair, Board of Supervisors

(Type or Print Name and Representative Capacity, if any)