

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

DEPT: PUBLIC WORKS
Urgent _____ Routine

BOARD AGENDA # 9:25 A.M.

AGENDA DATE JULY 10, 2001

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES NO _____

SUBJECT:

PUBLIC HEARING REGARDING THE ESTABLISHMENT OF AN ANNUAL ASSESSMENT FOR THE GOLDEN STATE LIGHTING DISTRICT AND CONDUCT A BALLOT PROCEDURE FOR THE GOLDEN STATE LIGHTING DISTRICT IN COMPLIANCE WITH PROPOSITION 218

STAFF
RECOMMEN-
DATIONS:

1. FIND THAT NOTICE OF THE PUBLIC HEARING WAS PUBLISHED IN COMPLIANCE WITH SECTION 6066 OF THE GOVERNMENT CODE;
2. CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE PROPOSED FORMULA FOR CALCULATION AND LEVY OF ANNUAL ASSESSMENT TO PAY FOR STREET LIGHTING SERVICES;
3. CONDUCT A BALLOT PROCEDURE BY AUTHORIZING THE CLERK OF THE BOARD TO OPEN THE SEALED BALLOT, TABULATE, AND IMMEDIATELY SUBMIT THE RESULTS TO THE BOARD OF SUPERVISORS;

(CONTINUED ON PAGE 2)

FISCAL
IMPACT:

Administrative costs for holding the hearing and conducting the required ballot procedure are included as part of the operation and maintenance costs of the district and will be funded as a portion of the assessment. If there is a majority protest regarding the proposed formula, there will not be sufficient funds available to continue the service provided by the Golden State Lighting District and the lights will be turned off until funds become available.

BOARD ACTION AS FOLLOWS:

No. 2001-537

On motion of Supervisor Mayfield, Seconded by Supervisor Blom

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) _____ Approved as recommended

2) _____ Denied

3) X Approved as amended

MOTION:

THIS ITEM WAS AMENDED TO AUTHORIZE THE AUDITOR-CONTROLLER TO NOTIFY THE AFFECTED PARTIES PRIOR TO TURNING OFF THE LIGHTS DUE TO THE LACK OF SUFFICIENT FUNDS.

NOTE: STAFF RECOMMENDATIONS 5 & 6 WERE EXCLUDED FROM APPROVAL.

Christine Ferraro

SUBJECT: PUBLIC HEARING REGARDING THE ESTABLISHMENT OF AN ANNUAL ASSESSMENT FOR THE GOLDEN STATE LIGHTING DISTRICT AND CONDUCT A BALLOT PROCEDURE FOR THE GOLDEN STATE LIGHTING DISTRICT IN COMPLIANCE WITH PROPOSITION 218

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**STAFF
RECOMMEN
DATIONS**

(Continued):

4. IF A SIMPLE MAJORITY OF THE ASSESSMENT BALLOTS RECEIVED PROTEST THE PROPOSED FORMULA FOR CALCULATING THE ANNUAL ASSESSMENT, SET THE 2001/2002 ANNUAL ASSESSMENT AT ZERO AND, ACTING AS THE BOARD OF THE GOLDEN STATE LIGHTING DISTRICT, AUTHORIZE THE AUDITOR-CONTROLLER TO TURN OFF THE LIGHTS DUE TO THE LACK OF SUFFICIENT FUNDS;
5. IF A MAJORITY PROTEST HAS NOT BEEN FILED REGARDING THE PROPOSED FORMULA FOR CALCULATING THE ANNUAL ASSESSMENT, SET THE ANNUAL ASSESSMENT AS SHOWN ON EXHIBIT "A" WHICH IS MADE A PART HEREOF;
6. AUTHORIZE THE AUDITOR-CONTROLLER TO ADD THE ANNUAL ASSESSMENT TO THE 2001/2002 TAX ROLL; AND.
7. MAKE THE ENGINEER'S REPORT A PART OF THE RECORD OF THIS PROCEEDING.

DISCUSSION: Proposition 218 was a statewide initiative approved by the voters in November, 1996. It requires that certain assessments and increases of those assessments be approved by property owners through a ballot procedure. It also requires a "Notice of Public Hearing" to be delivered to all owners of record as of the date of the last assessment roll. The notice must inform the property owners of the date, time, and place of the public hearing and advise them of the ballot procedure. A tabulation of the ballots cannot be done until the Board of Supervisors concludes the public hearing.

The aforementioned ballot procedure has been completed, and the notices were mailed to the property owners. The Board of Supervisors must hold a public hearing to receive any 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. Once the balloting is closed, 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 proposed formula for calculating the annual assessment and the amount of the annual assessment to pay for the extended service provided by Golden State Lighting District, a majority protest will have been filed. With a majority protest, Proposition 218 prohibits the County from using the proposed formula and imposing or increasing an annual assessment. Currently, there is no annual assessment for the one property that is within the lighting district. Operating expenses have been paid from funds the

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DISCUSSION

(Continued): property owner deposited with the district at the time of development. If a majority protest is filed, there will not be a mechanism to generate funds to continue the service provided by the lighting district. Staff requests the Board of Supervisors, acting in the capacity of the Board for the Golden State Lighting District, to authorize the Auditor/Controller to turn off the lights when existing funds are depleted, and to keep them off until sufficient funds become available to restore extended service.

If a majority protest has not been filed regarding the proposed formula for calculating the annual assessment and the levy of an annual assessment to pay for the extended service provided by the lighting district, staff requests the Board of Supervisors levy the annual assessment shown on Exhibit "A" which was calculated using the proposed formula. For a more detailed description of the proposed formula, please refer to the "Engineer's Report" that is on file with the Clerk of the Board of Supervisors.

If the formula is approved, the total amount of assessments chargeable to the entire District for the 2001-2002 tax year is \$156.46. Since there is only one parcel within the district, the total amount of assessment that would be levied against the parcel for the 2001-2002 tax year is \$156.46. The express purpose of this proposal is to provide a continued source of funding for lighting services to the District.

Assessments calculated using the formula are proportional to the special benefit derived by each identified parcel in relationship to all the cost of the service being provided by the District. Unless otherwise determined, it is assumed that each parcel benefits equally by the services provided. The annual assessment is levied without regard to property valuation.

If approved, the formula would be used to calculate the annual charge against parcels with the District to pay for lighting services, and use of the formula will continue indefinitely. The annual assessment for a parcel within District boundaries would increase or decrease from year to year, depending on the amount of money needed to pay operation and maintenance costs.

On June 5, 2001, the Board of Supervisors set July 10, 2001, at the hour of 9:25 a.m., as the date and time for a Public Hearing regarding the 2001-2002 annual assessment and ballot proceedings.

POLICY

ISSUE: This action is consistent with the Board's policy of providing a safe, healthy community.

STAFFING

IMPACT: There is no staffing impact associated with this item.

RC/la

Exhibit "A"

GOLDEN STATE LIGHTING DISTRICT
FISCAL YEAR 2001/2002

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

045-53-39	\$156.46
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GEORGE STILLMAN
Director

Administration
Engineering
Development Services
Transit
Facilities Services
Road Maintenance
Landfill



Public Works

STANISLAUS COUNTY

April 10, 2001

ENGINEER'S REPORT FOR THE GOLDEN STATE LIGHTING DISTRICT FISCAL YEAR 2001/2002

Each parcel within the lighting district will receive an equal benefit from the street lights. Therefore, the formula used to calculate the annual special assessment will be **Amount of Annual Assessment 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 Benefitting Parcels In District.**

With 1 parcel and a cost of \$156.46 per year to operate and maintain the street lights, the special assessment will be \$156.46 for this parcel per year. However, the annual special assessments may vary from year to year due to the operation and maintenance cost of the street lights.

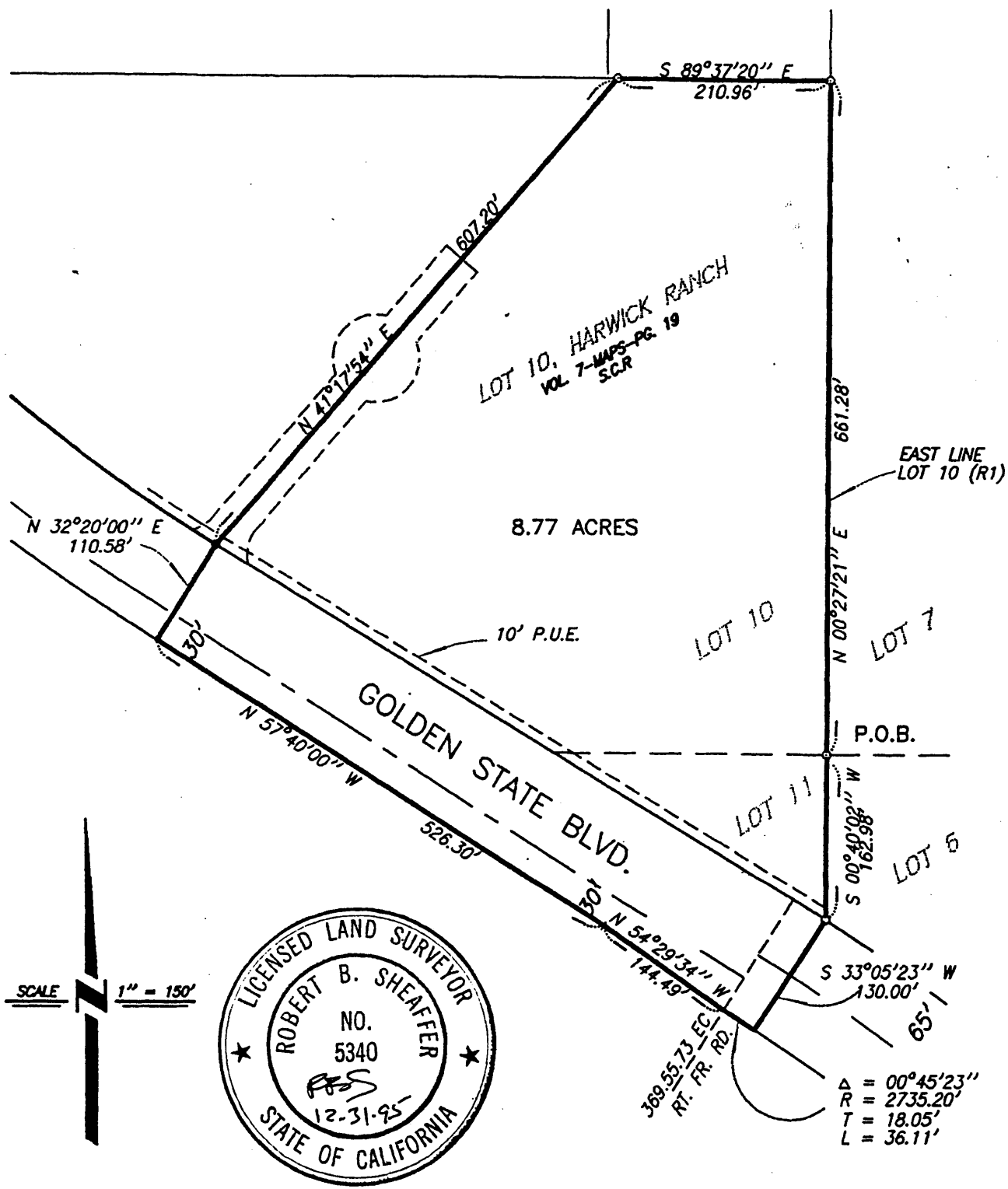
The boundary of the Golden State Lighting District is shown on Exhibit "A" that is attached hereto and made a part of this Engineer's Report. The parcel subject to the assessment is listed on Exhibit "B" that is attached hereto and made a part of this Engineer's Report.

George Stillman, Director
Stanislaus County
Department of Public Works

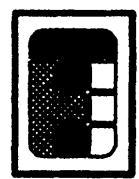
(G:/EngrReport-GoldenStateLD.rc)



BEING A PORTION OF LOTS 10 AND 11 OF THE "HARWICK RANCH" FILED FOR RECORD IN VOLUME 7 OF MAPS, AT PAGE 19, STANISLAUS COUNTY RECORDS, AND LYING IN SECTION 32, TOWNSHIP 4 SOUTH, RANGE 10 EAST, M.D.B. & M.



BY : M. JONES	EXHIBIT "A"
DATE : APR. 4, 1994	
SHEET OF	GOLDEN STATE LIGHTING DISTRICT
150500PM.DWG	



THOMPSON-HYSELL ENGINEERS
 1016 12TH ST. - MODESTO, CA. 95354
 (209) 521-8986

Exhibit "B"

GOLDEN STATE LIGHTING DISTRICT
FISCAL YEAR 2001/2002

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

045-53-39	\$156.46
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ASSESSMENT BALLOT
FOR GOLDEN STATE LIGHTING DISTRICT
FISCAL YEAR 2001-2002

Landowner:

Patchetts Motor Inc.

2001-2002 Assessment
\$156.46

Amount of Annual Assessment 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 Benefitting Parcels In District.

- I/we **SUPPORT** use of the above proposed formula for calculation of the annual assessment and the levy of an annual assessment to pay for the services provided by Golden State Lighting District.
- I/we **PROTEST** use of the above proposed formula for calculation of the annual assessment and the levy of an annual assessment to pay for the services provided by Golden State Lighting District.

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: 5-14-01

Edwin Garcia
(Signature)

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