

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

DEPT: PUBLIC WORKS *sp*

BOARD AGENDA # *C-9

Urgent _____ Routine

AGENDA DATE JULY 31, 2001

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

4/5 Vote Required YES NO _____

SUBJECT: APPROVAL TO SET A PUBLIC HEARING ON AUGUST 7, 2001, AT 9:25 A.M. (D), REGARDING FISCAL YEAR 2001/2002 ASSESSMENT FOR HOWARD-MCCRACKEN LANDSCAPE AND LIGHTING DISTRICT

STAFF
RECOMMEN-
DATIONS:

SET A PUBLIC HEARING ON AUGUST 7, 2001, AT 9:25 A.M. (D), REGARDING THE 2001/2002 ASSESSMENT FOR HOWARD-MCCRACKEN LANDSCAPE AND LIGHTING DISTRICT.

FISCAL
IMPACT:

Administrative cost of conducting the required hearing is included as part of the operation and maintenance cost for the district and will be funded as a portion of the assessment.

BOARD ACTION AS FOLLOWS:

No. 2001-575

On motion of Supervisor Blom, Seconded by Supervisor Caruso
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Simon

Abstaining: Supervisor: None

1) Approved as recommended

2) _____ Denied

3) _____ Approved as amended

MOTION:

SUBJECT: APPROVAL TO SET A PUBLIC HEARING ON AUGUST 7, 2001, AT 9:25 A.M. (D),
REGARDING FISCAL YEAR 2001/2002 ASSESSMENT FOR
HOWARD-MCCRACKEN LANDSCAPE AND LIGHTING DISTRICT

PAGE: 2

DISCUSSION: Government Code Section 25210.77 (A) requires that a written report, for each landscape and lighting district, containing a description of each parcel of real property receiving the particular extended service and the amount of the assessment for each parcel be prepared once a year and filed with the Clerk of the Board of Supervisors. Upon filing of the report, the Clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. Said report has been filed with the Clerk and is made a part of this resolution.

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

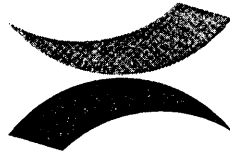
**STAFFING
IMPACT:** There is no staffing impact associated with this action.

RC/la

H:\SERVICES\Howard-McCrackenLD2001-02SetHearingBOS.rc.wpd

GEORGE STILLMAN
Director

Administration
Engineering
Development Services
Transit
Facilities Services
Road Maintenance
Landfill



Public Works

STANISLAUS COUNTY

July 31, 2001

NOTICE OF PUBLIC HEARING REGARDING FISCAL YEAR 2001/2002 ASSESSMENT FOR HOWARD/McCRACKEN LANDSCAPE AND LIGHTING DISTRICT

NOTICE IS HEREBY GIVEN THAT on Tuesday, August 7, 2001, at the hour of 9:25 a.m. (D), or as soon thereafter as the matter may be heard, in the Joint Chambers located in the basement of the County/City Administration Building, 1010 10th Street, Modesto, California, the Board of Supervisors will hold a public hearing regarding the proposed Fiscal Year 2001/2002 assessment for Howard/McCracken Landscape and Lighting District.

NOTICE IS FURTHER GIVEN THAT, at the above time and place, all persons will be afforded an opportunity to speak. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board.

For additional information, please call Ron Cherrier at the Stanislaus County Department of Public Works at (209) 525-7571.

(H:\services\Howard-McCrackenNotice.rc)

GEORGE STILLMAN
Director

Administration
Engineering
Development Services
Transit
Facilities Services
Road Maintenance
Landfill



Public Works

STANISLAUS COUNTY

HOWARD/McCRACKEN LANDSCAPE AND LIGHTING DISTRICT ANNUAL ENGINEER'S REPORT FISCAL YEAR 2001/2002

The Howard/McCracken Landscape and Lighting District (hereinafter called "District") was established by the Stanislaus County Board of Supervisors on April 18, 2000, by Board Resolution No. 2000-309, following an election conforming with the requirements of Proposition 218. The formation of the Howard/McCracken Landscape and Lighting District, pursuant to the Landscaping and Lighting Act of 1972 (Government Code Sections 22500 et seq.), will provide for the continued operation and maintenance of the landscaping and street lights by an annual assessment levied on all parcels within the District. The District was created to install and maintain landscaping at the Ingram Creek/Interstate 5 interchange and install and maintain street lights within the District. These improvements will enhance the aesthetics of the area and promote traffic safety. The boundary of the District is shown on Exhibit "A" that is attached hereto and made a part of this Engineer's Report.

Government Code Section 25210.77(A) requires that a written report containing a description of each parcel of real property receiving the particular extended service and the amount of the assessment for each parcel be prepared once a year and filed with the Clerk of the Board of Supervisors.

The Assessment Formula (hereinafter called "Formula") to calculate the annual assessment is written as follows:

$$\begin{array}{|c|} \hline \text{Amount of} \\ \text{Annual} \\ \text{Assessment} \\ \hline \end{array} = \left[\begin{array}{|c|} \hline \text{Estimated} \\ \text{Operation} \\ \text{And} \\ \text{Maintenance} \\ \text{Costs For} \\ \text{Current Year} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{Administration} \\ \text{And} \\ \text{Operational} \\ \text{Reserve} \\ \hline \end{array} - \begin{array}{|c|} \hline \text{Fund} \\ \text{Balance} \\ \text{From} \\ \text{Previous} \\ \text{Year} \\ \hline \end{array} - \begin{array}{|c|} \hline \text{Estimated} \\ \text{Property Tax} \\ \text{Revenue For} \\ \text{Current Year} \\ \hline \end{array} \right] \div \begin{array}{|c|} \hline \text{Number of} \\ \text{Benefiting} \\ \text{Parcels In} \\ \text{District} \\ \hline \end{array}$$

The operation and maintenance costs will include all expenses associated with the maintenance of the landscaping and the monthly Pacific Gas and Electric Company (PG & E) service charge for the street lights. The landscaping will be owned and maintained by the District. However, the street lights will be owned and maintained by PG & E. The Formula includes a charge to cover administration cost and to create and maintain an operational reserve, which will be used to pay for unexpected or emergency expenses incurred by the District during the year that were neither contemplated nor estimated as part of the District operation and maintenance part of the Formula. If District operation and maintenance costs are less than expected, the District fund balance may be carried forward to reduce the amount needed 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 any property tax revenue. 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 annual assessment will vary from year to year if any of the Formula components change.

The annual assessment calculated using the Formula is 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. At this time APN:016-42-03 is being used only as an access road to a farming operation south of the District and will receive no benefit from the services being provided by the District. This parcel is being included in the District to provide a uniform boundary and may receive a benefit from the District if it is developed at some future date. All other parcels within the District will benefit equally by the services provided. Therefore, the total cost to operate the District will be divided equally among the 20 parcels within the District that are receiving benefit from the services being provided. The annual assessment is levied without regard to property valuation.

2000/2001 ANNUAL ASSESSMENT CALCULATION:

The fiscal year is the 12-month period commencing on July 1st and ending on the following June 30th. However, the annual assessment is collected in December and April. This means the fiscal year starts on July 1st but the first installment of the annual assessment will not be collected until December. This creates a 6-month lag in receiving the money necessary to operate and maintain the street lights. To overcome this six-month lag, \$1,270 will be carried over from the 2000/2001 fiscal year to cover the operating cost of the street lights for the months of July through December, 2001.

Estimated fund balance on June 30, 2001:	\$32,979.40
6-month funding for street light costs:	1,270.00
6-month expenses for street lights	<u>-1,270.00</u>
Fund balance:	\$32,979.40

Normally, the balance of the District's account is carried forward as a general reserve and is not used to offset the cost to operate the District. However, this will not be the case for this fiscal year. Due to accounting problems, the District has not received invoices from PG & E for \$1,303.79 since the lights were energized in December, 2001. Staff believes this 6-month amount is incorrect and is \$33.79 higher than last year's estimate of \$1,270.00. Consequently, the District is working with PG & E to make sure this amount is corrected and the appropriate rate classification schedule is being utilized. This report uses the rate of \$16.282 per month per light to calculate this budget, which was used in determining last year's estimate. Because of this outstanding bill, the District will need to utilize a portion of the fund balance to pay these charges, or a lesser amount.

The proposed landscaping has not been installed since the well that will provide the necessary irrigation water has not been constructed. It is anticipated the well will be installed by December, 2001 and the landscaping installed in spring, 2002. As of July 1, 2001, of the estimated \$38,800.00 needed to operate and maintain the District, \$32,979.40 have been collected. Of these funds, approximately \$30,709.40 will be carried forward but earmarked for landscape maintenance and irrigation water costs. These funds may not be sufficient. When the District was formed, the majority of the total costs to provide the special benefits was based on an estimate of \$35,260.00 for landscape maintenance and irrigation water. Because these benefits have not been provided

as yet, it is difficult to know if the cost will be higher or lower than the estimate. In anticipation that this cost could be higher, and in order to generate an adequate fund reserve, the same amount as last year is being budgeted for landscape maintenance and irrigation water. Any unused funds from this budget item will be added to the operational reserve for next year. The budget is proposed to be the same as last year's, and therefore, the proposed assessment would remain unchanged.

District Costs:

Improvement Costs	=	\$	0.00
Street Lights: 13 lights x \$16.282/ month x 12 months	=	\$	2,540.00
Landscape Maintenance/irrigation water	=	\$	35,260.00
Administration and Operational Reserve	=	\$	1,000.00
Total Costs	=	\$	38,800.00

2001/2002 Annual Assessment = $\$38,800.00 \div 20$ parcels = \$1,940.00 per parcel
2000/2001 Annual Assessment = \$1,940.00 per parcel.

There is no change in the proposed annual assessment.

The parcels subject to the annual assessment are 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
(EngrReport-Howard-McCracken2001-02.rc)

July 25, 2001

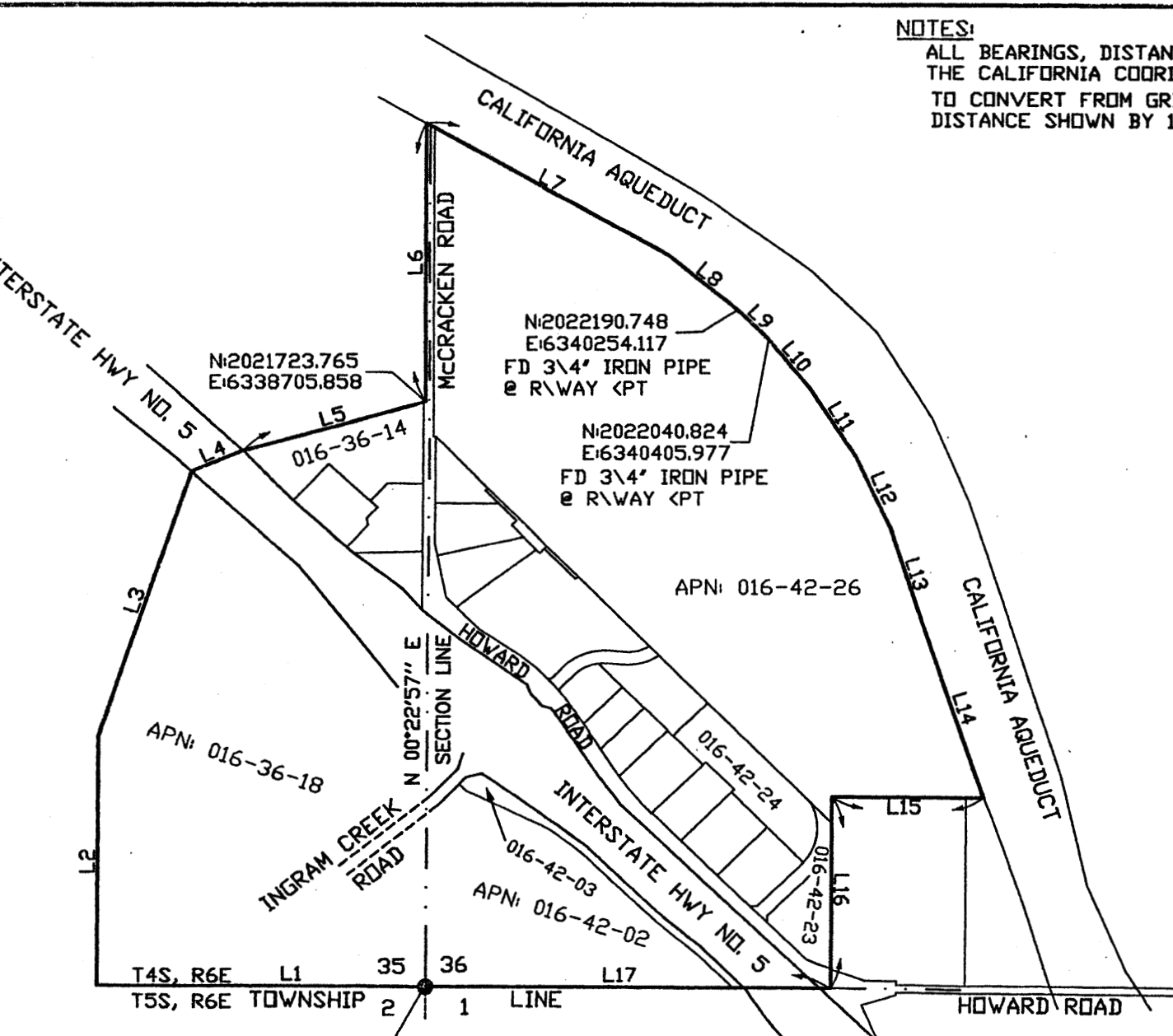


NOTES:

ALL BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3, NAD83.
TO CONVERT FROM GRID TO GROUND DISTANCE, MULTIPLY DISTANCE SHOWN BY 1.000076.



SCALE: 1" = 800'



NUMBER	DIRECTION	DISTANCE
L1	N 89°37'04" W	1600.00'
L2	N 00°22'57" E	1275.00'
L3	N 18°21'40" E	1434.53'
L4	N 67°06'36" E	269.80'
L5	N 74°21'17" E	925.34'
L6	N 00°22'57" E	1420.12'
L7	S 60°39'57" E	1371.27'
L8	S 50°40'14" E	443.87'
L9	S 45°22'03" E	213.40'
L10	S 39°03'40" E	314.86'
L11	S 32°54'14" E	428.82'
L12	S 25°12'03" E	396.79'
L13	S 17°49'31" E	526.72'
L14	S 18°25'27" E	935.84'
L15	N 89°39'49" W	745.98'
L16	S 00°10'39" W	983.34'
L17	N 89°37'35" W	2008.50'

(P.O.B.)
N:2018722.130
E:6338705.820
FD 2" IRON PIPE @
SW CORNER SEC. 36

PORTION OF SECTIONS 35 & 36, T4S, R6E

HOWARD/McCRACKEN LANDSCAPE AND LIGHTING DISTRICT

EXHIBIT 'A'

Stanislaus County
Dept. of Public Works

Date: 2-8-2000 Scale: 1" = 800'

**HOWARD/McCRACKEN
LANDSCAPE AND LIGHTING DISTRICT ENGINEER'S REPORT
FISCAL YEAR 2001/2002**

EXHIBIT "B"

The Assessor Parcels listed below are subject to the Fiscal Year 2001/2002 annual assessment:

016-36-14	\$1,940.00
016-36-15	\$1,940.00
016-36-16	\$1,940.00
016-36-17	\$1,940.00
016-36-18	\$1,940.00
016-42-02	\$1,940.00
016-42-06	\$1,940.00
016-42-07	\$1,940.00
016-42-09	\$1,940.00
016-42-12	\$1,940.00
016-42-13	\$1,940.00
016-42-14	\$1,940.00
016-42-17	\$1,940.00
016-42-20	\$1,940.00
016-42-21	\$1,940.00
016-42-22	\$1,940.00
016-42-23	\$1,940.00
016-42-24	\$1,940.00
016-42-26	\$1,940.00
016-42-27	\$1,940.00