

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

DEPT: PUBLIC WORKS

Urgent Routine ✓

CEO Concurs with Recommendation YES NO
(Information Attached)

BOARD AGENDA # 9:25 A.M. (D)

AGENDA DATE AUGUST 7, 2001

4/5 Vote Required YES NO ✓

SUBJECT: PUBLIC HEARING TO SET THE 2001/2002 ANNUAL ASSESSMENT FOR THE
HOWARD-McCRACKEN LANDSCAPE AND LIGHTING DISTRICT

STAFF
RECOMMEN-
DATIONS:

1. CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE
2001/2002 ANNUAL ASSESSMENT FOR THE HOWARD-McCRACKEN LANDSCAPE
AND LIGHTING DISTRICT;
2. SET THE 2001/2002 ANNUAL ASSESSMENT AS SHOWN ON EXHIBIT "A" FOR THE
HOWARD-McCRACKEN LANDSCAPE AND LIGHTING DISTRICT;

(CONTINUED ON PAGE 2)

FISCAL
IMPACT:

There will be no impact to the General Fund. An annual assessment in the amount of \$1,940.00
will be charged to each parcel to pay for the requested services and to maintain a reserve
account.

BOARD ACTION AS FOLLOWS:

No. 2001-597

On motion of Supervisor Caruso, Seconded by Supervisor Mayfield
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:

Christine Ferraro

SUBJECT: PUBLIC HEARING TO SET THE 2001/2002 ANNUAL ASSESSMENT FOR THE
HOWARD-McCRACKN LANDSCAPE AND LIGHTING DISTRICT
PAGE: 2

**STAFF
RECOMMEN-
DATIONS
(Continued):**

3. MAKE THE "HOWARD/McCRACKEN LANDSCAPE AND LIGHTING DISTRICT ANNUAL ENGINEER'S REPORT FISCAL YEAR 2001/2002" A PART OF THE RECORD OF THIS PROCEEDING; AND,
4. AUTHORIZE THE AUDITOR-CONTROLLER TO ADD THE ANNUAL ASSESSMENT TO THE 2001/2002 TAX ROLL.

DISCUSSION: In an effort to enhance the aesthetics of the area and to promote traffic safety, several property owners within the Westley triangle area of Ingram Creek/Interstate 5 interchange requested that the County initiate proceedings to form the Howard-McCracken Landscape and Lighting District ("District") so that landscaping and street lights could be installed and maintained. Following the assessment ballot vote required by Proposition 218, a statewide initiative approved by the voters in November, 1998, the District was formed on April 18, 2000 by Board Resolution No. 2000-309. The assessment ballot vote also approved the formula to calculate the annual assessment.

Government Code Section 25210.77(A) requires that a written report containing a description of each parcel of real property receiving a particular extended service and the amount of the annual assessment for each parcel be prepared once a year and filed with the Clerk of the Board of Supervisors. The Department of Public Works prepared an Engineer's Report ("Report") and filed it with the Clerk of the Board on July 31, 2001. The annual assessment set forth in the Report applies to the 2001/2002 tax year. The Report shall become a part of the record of this proceeding.

There are 20 Assessor's parcels within the District that are receiving equal benefit from the services provided. There are thirteen 200-watt high pressure sodium street lights within the District. The Engineer's Report is based on a Pacific Gas & Electric Company (PG&E) rate of \$16.282 per month per light. This results in a total yearly cost of \$2,540 for street lights.

The landscaping has not been installed since the well that will provide the irrigation water has not been constructed. The well is expected to be installed by December, 2001 and the landscaping installed in spring 2002, if not sooner. Because of this delay approximately \$30,709 will be carried forward as part of the general fund but earmarked for landscape maintenance and irrigation water costs. Since this service has not been provided, staff does not know how much the service will cost and if the estimate is accurate. For this reason, last year's estimate of \$35,260 is being utilized. As such, staff feels it is prudent to use the same estimated budget for the District as last year. The annual assessment is levied without regard to property valuation, and each parcel receives equal benefit from the services provided. The street lights and landscaping only provide a special benefit to the parcels within the

SUBJECT: PUBLIC HEARING TO SET THE 2001/2002 ANNUAL ASSESSMENT FOR THE
HOWARD-McCRACKN LANDSCAPE AND LIGHTING DISTRICT

PAGE: 3

DISCUSSION

(Continued): District; therefore, no general benefit has been assigned. Any funds not used for landscape maintenance and water costs will become part of the general reserve. It is anticipated no additional money is needed for the reserve account. Therefore, the 2001/2002 annual assessment is as follows:

The 2001/2002 Annual Assessment = $\$38,800.00 \div 20 \text{ parcels} = \$1,940.00 \text{ per parcel}$.

The 2000/2001 Annual Assessment was \$1,940.00 per parcel.

There is no change in the proposed annual assessment.

The public hearing date was set by the Board of Supervisors on July 31, 2001. Notice of the public hearing was mailed to the residents in the District per the Assessor's Tax Roll. Said notice stated that all persons will be afforded an opportunity to speak.

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

(H:\SERVICES\HOWARD-McCRACKEN2001-02.RC)

EXHIBIT "A"

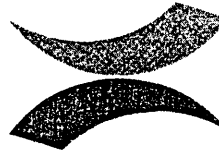
HOWARD-McCRACKEN LANDSCAPE AND LIGHTING DISTRICT
FISCAL YEAR 2001/2002

The Assessor's parcels listed below are subject to the 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

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:

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

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

9:25 Am
(D)

Howard/McCracken Landscape and Lighting District Engineer's Report Fiscal Year 2001/02
Page 2

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.

Amended
Title → 2001/2002 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.

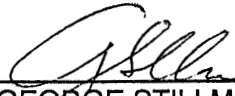
District Costs:

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:

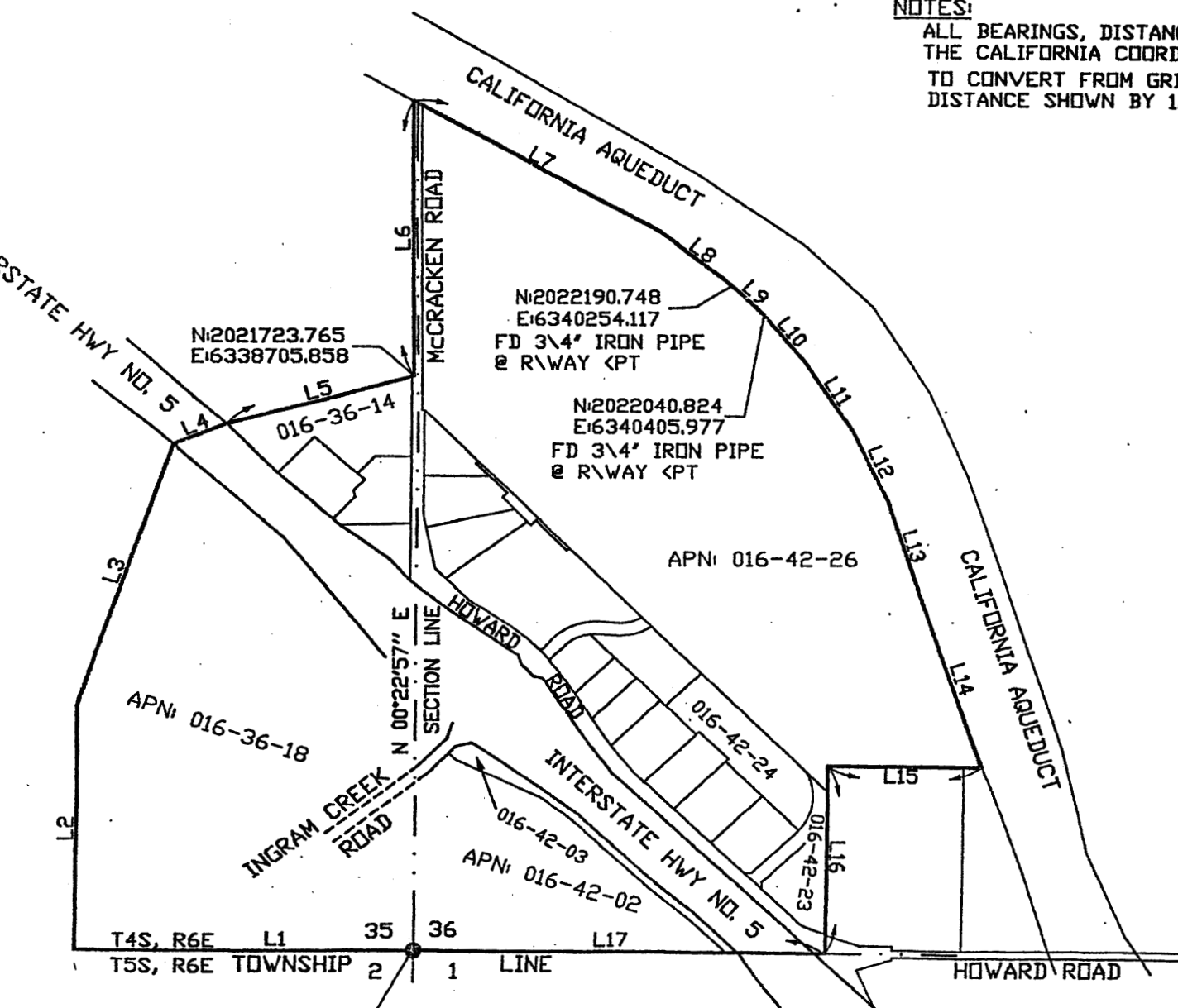
ALL BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3, NAD83.

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.)
N2018722.130
E6338705.820
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

**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