

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

DEPT: Parks and Recreation *SJA*

BOARD AGENDA # \*B-10

Urgent

Routine

AGENDA DATE July 27, 2010

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

*mt*  
(Information Attached)

SUBJECT:

Approval to Set a Public Hearing for August 24, 2010, at 9:05 a.m., to Consider the Fiscal Year 2010-2011 Assessment for the Del Rio Heights Landscape Assessment District

STAFF RECOMMENDATIONS:

1. Set a public hearing for August 24, 2010, at 9:05 a.m., to consider the Fiscal Year 2010-2011 assessment for the Del Rio Heights Landscape Assessment District.
2. Direct the Clerk of the Board of Supervisors to publish a notice of such hearing pursuant to the Streets and Highway Code, Section 22552 and 22553, and Government Code, Section 6061.

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. The cost of publishing the hearing notice will be borne by the Del Rio Heights Landscape Assessment District.

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BOARD ACTION AS FOLLOWS:

No. 2010-492

**THIS ITEM WAS REMOVED FROM THE AGENDA.**  
**NO ACTION WAS TAKEN.**

Approval to Set a Public Hearing for August 24, 2010, at 9:05 a.m., to Consider the Fiscal Year 2010-2011 Assessment for the Del Rio Heights Landscape Assessment District

**DISCUSSION:**

The Del Rio Heights Landscape Assessment District was approved by the Board of Supervisors on June 12, 1990. The District consists of 43 parcels which is located at the southwest corner of Stewart Road and McHenry Avenue, Modesto. The levied assessment of the District is \$106.99 per parcel or \$4,493.58 per year (Attachment A). The Board has exempted the storm drain basin parcel from the assessment.

The purpose of the District is to provide and maintain landscaped improvements as defined in the Streets and Highway Code Section 22525, 22526, and 22531, for the 870 lineal feet of streetscape along Stewart Road and McHenry Avenue (Attachment B). The Department of Parks and Recreation assumed maintenance of the District in March 1994 which includes care for trees, shrubs, and other ornamental vegetation; irrigation system maintenance and operation; removal of trimmings, rubbish, debris, and other solid wastes; and, cleaning, sandblasting, and painting of walls or other improvements to remove or cover graffiti.

By the end of Fiscal Year 2004-2005, the annual assessments collected exceeded the annual maintenance costs created a substantial fund balance of over \$24,000. Upon the advice of County Counsel, any assessment collection surplus would be credited to parcel owners for operational expenses until the fund balance was exhausted. Because of the Department's ability to maintain low labor costs, the fund balance has been sufficient in covering costs associated with sustaining the District for the past five years. However, the current Fiscal Year has a negative fund balance in the amount of \$5,297.09 which is attributable to an error in forecasting costs. To rectify this, the Department has conferred with County Counsel and Public Works to clarify the necessary steps to reinstate the per parcel assessments.

These steps include partnering with the Del Rio Homeowner's Association (HOA) to identify ways to minimize expenses and address the deficit, seeking authorization from the Board to reinstate the assessment, and to place the special assessment on the Fiscal Year 2010-2011 Property Tax Roll despite the annual assessment reinstatement remaining insufficient to cover operating expenses. In a recent meeting with the HOA, the HOA intends to discuss with its parcel/home owner's their availability to partner as volunteers to assist Department staff in maintaining the streetscape areas through Fiscal Year 2011-2012 to keep costs down. Department staff concurs with the HOA that an increase in the assessment is unnecessary if the deficit ceases going into Fiscal Year 2012-2013. Both groups support the concept of partnering in order to maintain the District. If a deficit does remain going into Fiscal Year 2012-2013, then a vote of the parcel owners to increase the assessment would be required.

If the Board approves staff's recommendation to set the public hearing, the Board would consider reinstating the assessment and placing it on the Property Tax Roll at the hearing.

**POLICY ISSUE:**

The Board of Supervisors should determine if setting a public hearing to consider the Fiscal Year 2010-2011 assessment for the Del Rio Heights Landscape Assessment District is

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consistent with its priorities of a Well-Planned Infrastructure System and Effective Partnerships.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item.

**CONTACT PERSON:**

Sonya K. Harrigfeld, Director of Parks and Recreation

Telephone: 209-525-6770

Fiscal Year 2010-2011  
DEL RIO HEIGHTS LANDSCAPE ASSESSMENT DISTRICT

	Parcel	Acres	Tax Code	Assessment
1	004-087-006-000	0.46	57425	\$106.99
2	004-087-007-000	0.46	57425	\$106.99
3	004-087-008-000	0.45	57425	\$106.99
4	004-087-009-000	0.45	57425	\$106.99
5	004-087-010-000	0.46	57425	\$106.99
6	004-087-011-000	0.47	57425	\$106.99
7*	004-087-012-000	0	57425	\$0.00
8	004-087-013-000	0	57425	\$106.99
9	004-087-014-000	0.48	57425	\$106.99
10	004-087-015-000	0.53	57425	\$106.99
11	004-087-016-000	0.46	57425	\$106.99
12	004-087-017-000	0.5	57425	\$106.99
13	004-087-018-000	0.48	57425	\$106.99
14	004-087-019-000	0	57425	\$106.99
15	004-087-020-000	0.51	57425	\$106.99
16	004-087-021-000	0.52	57425	\$106.99
17	004-087-022-000	0.47	57425	\$106.99
18	004-087-023-000	0.47	57425	\$106.99
19	004-087-024-000	0.45	57425	\$106.99
20	004-087-025-000	0.48	57425	\$106.99
21	004-087-026-000	0.48	57425	\$106.99
22	004-087-027-000	0.48	57425	\$106.99
23	004-087-028-000	0.48	57425	\$106.99
24	004-087-029-000	0.47	57425	\$106.99
25	004-087-030-000	0.45	57425	\$106.99
26	004-087-031-000	0.46	57425	\$106.99
27	004-087-038-000	0.5	57425	\$106.99
28	004-087-039-000	0.5	57425	\$106.99
29	004-087-040-000	0.46	57425	\$106.99
30	004-087-041-000	0.49	57425	\$106.99
31	004-087-042-000	0.45	57425	\$106.99
32	004-087-057-000	0.48	57425	\$106.99
33	004-087-058-000	0.49	57425	\$106.99
34	004-087-059-000	0.46	57425	\$106.99
35	004-087-063-000	0.46	57425	\$106.99
36	004-087-071-000	0	57425	\$106.99
37	004-087-075-000	0.45	57425	\$106.99
38	004-087-076-000	0.47	57425	\$106.99
39	004-087-077-000	0	57425	\$106.99
40	004-087-078-000	0.47	57425	\$106.99
41	004-087-080-000	0.46	57425	\$106.99
42	004-087-082-000	0.46	57425	\$106.99
43	004-087-084-000	0.5	57425	\$106.99

\*June 12, 1990, the Board of Supervisors resolved that the parcel consisting of the storm drainage basin would not be subject to the assessment.



**DEL RIO HEIGHTS  
STREETScape MAINTENANCE**

NOTICE OF HEARING REGARDING FISCAL YEAR 2010-2011  
DEL RIO HEIGHTS LANDSCAPE ASSESSMENT DISTRICT  
AND THE LEVY OF AN ANNUAL ASSESSMENT

NOTICE IS HEREBY GIVEN that on Tuesday, August 24, 2010 at, at the hour of 9:05 A.M., or as soon thereafter as the matter may be heard, in the Joint Chambers located in the basement of the City/County Administration Building, 1010 10<sup>th</sup> Street, Modesto, California, the Board of Supervisors of Stanislaus County will hold a Public Hearing regarding the proposed Fiscal Year 2010-2011 assessment for the Del Rio Heights Landscape Assessment District.

NOTICE IS FURTHER GIVEN that, at the above time and place, all persons will be afforded an opportunity to speak for or against the proposed Fiscal Year 2010-2011 assessment. For additional information, call Stanislaus County Department of Parks and Recreation at (209) 525-6750.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: July 27, 2010

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

BY: \_\_\_\_\_  
Elizabeth A. King, Assistant Clerk of the Board