

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

DEPT: Public Works

BOARD AGENDA # \*C-3

Urgent  Routine

AGENDA DATE August 3, 2010

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of the Fiscal Year 2010-2011 Benefit Assessment Rates for the Lighting Districts

STAFF RECOMMENDATIONS:

1. Approve a resolution to levy Fiscal Year 2010-2011 benefit assessment rates for the following lighting districts: Airport Neighborhood, Almond Wood, Beard Industrial, Country Club-Zone A, Country Club-Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Gibbs Ranch, Gilbert Road, Golden State, Hillcrest, Mancini Parks Homes, Marshall, Monterey, North Oaks, North McHenry, North McHenry #2, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village, and Tempo Park.
2. Authorize the Auditor-Controller to add the assessments to the 2010-2011 tax roll.

FISCAL IMPACT:

Total funding expected to be generated from the 2010-2011 lighting assessments is \$332,382. The 2010-2011 assessments will provide sufficient funding for all projected energy and maintenance costs of streetlights for each of the individual lighting districts. There is no fiscal impact to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2010-506

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

Lighting districts were formed with landowner elections for the purpose of providing street lighting services to the unincorporated areas of the County. Revenue received from ad valorem property taxes was adequate until the passage of Proposition 13 when the resultant 55% reduction in revenue caused operation and maintenance services to suffer. In 1981, the Board of Supervisors adopted an ordinance permitting the levy of special assessments for lighting purposes, subject to voter approval.

In November 1996, Proposition 218 was passed by voters, requiring a majority vote for any increase in assessment amounts. Ballot procedures were held for the districts where an increase in assessment was anticipated. The ballot procedure also requested the approval of the use of a methodology whereby each year's assessment would be calculated using the cost of service and number of parcels within the district as variables. All but one of the Lighting Districts has the approved methodology in place. The North McHenry Lighting District has not approved the use of the methodology and therefore the maximum assessment may only be the prior year's rate. Lighting districts formed prior to Proposition 13 have continued to receive property tax revenue. Districts formed after the passage of Proposition 13 rely solely on direct assessment funding. The number of parcels in a lighting district can vary from as few as 1 to over 4,000. The assessments fluctuate from year to year depending on whether routine or extraordinary maintenance of the lights was required, or if the utility company has initiated an increase in rates.

If the Board approves the levy assessments, funding in the districts that have passed the ballot initiative will be adequate to provide uninterrupted operation and maintenance of the streetlights.

Unfortunately, the maximum allowable assessment for North McHenry Lighting District does not provide adequate funding to continue to operate the district at the current level. Annual revenues are slightly less than \$7,000 while expenditures are nearly \$12,000. Public Works staff met with Supervisor Monteith and Chief Executive Office staff on July 27, 2010 to share information and provide possible solutions. Two possible solutions are either reducing services (turning off lights), or conducting a ballot procedure to increase the assessment. Prior to any action being taken, the Department of Public Works will conduct public outreach to all property owners within the district to determine levels of support for either solution. Based on community feedback and the level of support identified, the Department will move forward to resolve the deficit.

Rates for Fiscal Year 2010-2011 are shown on the attached Schedule of Lighting District Assessments. Twelve of the lighting districts have decreased assessments from the prior year, fourteen have increased assessments and one is being assessed for the first time. Utility costs are projected to increase approximately 7%. Variations in assessments are largely the result of fluctuating maintenance costs. Those districts with a significant increase in assessments are generally the result of vandalism. Sylvan Village #2 experienced theft of wiring resulting in extensive repairs. The repairs resulted in a negative fund balance of over \$9,000 that must be recovered through increased assessments.

**POLICY ISSUES:**

The Board should consider if the recommended action is consistent with their priorities of providing a Safe Community and a Well Planned Infrastructure System.

## Approval of the Fiscal Year 2010-2011 Benefit Assessment Rates for the Lighting Districts

### **STAFFING IMPACT:**

Processing of direct assessments requires less than 20 hours annually and costs are recovered from the respective districts. Administration of the Lighting Districts was previously performed by the Auditor-Controller's office. This function was transferred to the Department of Public Works in Fiscal Year 2009-2010 as it aligns closely with oversight of the County Service Areas and Landscape and Lighting Districts.

### **CONTACT PERSON:**

Matt Machado, Public Works Director. Telephone: 209-525-6550.

DH:lc

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THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: August 3, 2010

No. 2010-506

On motion of Supervisor O'Brien Seconded by Supervisor Chiesa  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

Item # \*C-3

THE FOLLOWING RESOLUTION WAS ADOPTED:

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN STANISLAUS  
COUNTY LIGHTING DISTRICTS AS LISTED ON THE ATTACHED SCHEDULE OF LIGHTING  
DISTRICT ASSESSMENTS, hereinafter referred as "Lighting Districts"**

The County of Stanislaus, California does resolve as follows:

WHEREAS, the Lighting Districts have by previous resolutions or other proceedings declared their intent to levy charges or assessments for the purpose of financing street light operation and maintenance under the provisions of Code Section 19000 et seq of the Streets and Highways Code.

WHEREAS, the charges against the real property are not levied with regard to property values but rather according to the benefit received by the service provided.

WHEREAS, the Lighting Districts have determined and certify that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The Lighting Districts have further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED that the Lighting Districts so order the levy and collection of such charges within the Stanislaus County Lighting Assessment Districts as listed in the attached Schedule of Lighting District Assessments for the 2010-2011 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2010-2011 County Tax Roll.

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



**STANISLAUS COUNTY**  
**SCHEDULE OF LIGHTING DISTRICT ASSESSMENTS**  
**FISCAL YEAR 2010-2011**

Lighting District	Fund	Tax Code	2010-2011		Number of Parcels/E BU	Total Funding per Assessment	2009-2010 Annual Assessment	Average Annual Assessment (6 year)
			Number of lights	Parcel/EBU Assessment				
Airport Neighborhood*	1850	57000	71	24.10	514	\$ 12,387.40	\$ 16.58	\$ 19.50
Almond Wood	1851	57025	72	28.85	284	\$ 8,193.40	\$ 30.84	\$ 38.19
Country Club - Zone A*	1852	57350	15	7.85	135	\$ 1,059.75	\$ 0.84	\$ 5.23
Country Club - Zone B	1853	57325	4	0.00	39	\$ -	\$ 27.94	\$ 26.30
Crowslanding*	1854	57375	18	3.86	159	\$ 613.74	\$ -	\$ 2.46
Denair*	1856	57450	192	33.38	1,216	\$ 40,590.08	\$ 33.52	\$ 24.85
Deo Gloria	1855	57400	27	30.27	103	\$ 3,117.81	\$ 85.76	\$ 46.31
Empire*	1857	57475	126	20.65	970	\$ 20,030.50	\$ 12.98	\$ 12.72
Fairview*	1858	57500	38	12.87	250	\$ 3,217.50	\$ 19.12	\$ 13.00
Gibbs Ranch	1860	57525	14	133.92	17	\$ 2,276.64	\$ 73.64	\$ 152.20
Gilbert	1859	57550	2	41.43	8	\$ 331.44	\$ 39.28	\$ 40.62
Golden State	1861	57575	8	154.59	7	\$ 1,082.13	\$ 236.04	\$ 110.42
Hillcrest	1862	57625	81	87.89	215	\$ 18,896.35	\$ 28.42	\$ 53.06
Mancini Parks Homes*	1863	57700	40	42.69	199	\$ 8,495.31	\$ 29.60	\$ 29.27
Monterey*	1864	57725	11	6.18	76	\$ 469.68	\$ 26.18	\$ 15.55
North McHenry	1865	57750	70	30.44	229	\$ 6,970.76	\$ 30.44	\$ 35.53
North Oaks	1866	57775	23	21.05	117	\$ 2,462.85	\$ 61.90	\$ 34.84
Olympic*	1867	57800	53	31.44	328	\$ 10,312.32	\$ 35.24	\$ 25.23
Peach Blossom	1869	57050	5	75.84	12	\$ 910.08	\$ 77.78	\$ 39.90
Richland*	1871	57875	21	19.61	155	\$ 3,039.55	\$ 32.32	\$ 13.11
Salida*	1872	57950	718	29.65	4,293	\$ 127,287.45	\$ 20.32	\$ 22.70
Schwartz Baize	1876	57975	1	72.43	4	\$ 289.72	\$ 30.44	\$ 33.96
Sunset Oaks*	1873	58025	86	15.00	343	\$ 5,145.00	\$ 19.30	\$ 21.45
Sylvan Village*	1874	58050	10	175.73	66	\$ 11,598.18	\$ 77.20	\$ 43.47
Tempo Park*	1875	58075	62	21.83	250	\$ 5,457.50	\$ 18.30	\$ 8.08
Beard Industrial	1970		24	120.36	92.61	\$ 11,146.54	n/a	
N. McHenry #2	1971		8	1,123.30	1	\$ 1,123.30	n/a	
Marshall Ave	1972		5	38.80	35.51	\$ 1,377.79	n/a	
<b>Grand Total</b>						<b>\$ 307,882.77</b>		

\*Districts that receive Property Tax