

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

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE January 11, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt a Resolution Initiating Proceedings for Considering the Addition of Alley Lighting to the Airport Neighborhood Lighting District and to Conduct an Assessment Ballot Procedure and Public Hearing Regarding the Matter in Compliance with California Government Code Article XIII D - Proposition 218

STAFF RECOMMENDATIONS:

1. Adopt a resolution initiating proceedings for considering the addition of alley lighting to the Airport Neighborhood Lighting District and to conduct an assessment ballot procedure and public hearing regarding the matter in compliance with California Government Code Article XIII D - Proposition 218.
2. Direct the Public Works Department to prepare and file the required Engineer's Report.
3. Approve the use of up to \$5,600 of Community Development Funds to cover the costs associated with this project.
4. Direct the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet.

FISCAL IMPACT:

One time costs associated with this project include staff project time for the ballot procedure, Engineer's Report, public meetings, and coordination with Modesto Irrigation District. A portion of these costs are recommended to be covered through funding from the Community Development Fund and is consistent with the goal of providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit." The ongoing operation and maintenance costs of the additional lighting will be borne by the Airport Neighborhood Lighting District.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2011-038

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

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-17-22

Approval to Adopt a Resolution Initiating Proceedings for Considering the Addition of Alley Lighting to the Airport Neighborhood Lighting District and to Conduct an Assessment Ballot Procedure and Public Hearing Regarding the Matter in Compliance with California Government Code Article XIII D - Proposition 218

FISCAL IMPACT (Continued):

The Community Development Fund was established by the Board of Supervisors at \$1.5 million as part of the Final Budget during Fiscal Year 2007-2008. To date, ten projects have been awarded funding from this source; the North Martin Luther King Jr. Drive Sidewalk Project (\$12,431), the Countywide Growth Management Strategy (\$100,000), the Keyes Sidewalk Incentive Program (\$60,000), the Marshall Avenue Lighting District (\$3,200), the Empire County Service Area 27 Formation (\$5,000), the Airport Neighborhood Cleanup Event (\$5,000), the Keyes Community Services District Street Light Program (\$42,000), the Grayson County Service Area 28 Formation (\$10,000), Crows Landing Community Services District Water Meter Project (\$3,000) and the Parklawn Neighborhood Sewer Advisory Measure (\$16,500). The current uncommitted balance in the Community Development Fund is \$1,242,869. If the use of Community Development Funds for the Airport Lighting District is approved, the uncommitted balance would be \$1,237,269, not including interest earnings.

DISCUSSION:

The Airport Neighborhood Lighting District, (hereinafter referred to as the "District"), was established by the Stanislaus County Board of Supervisors on December 23, 1969. The formation was initiated through a petition submitted by the parcel owners within the boundaries of the District. The District was formed to finance the operation and maintenance of streetlights within the District.

In November 2010, a petition requesting the installation of streetlights in the alleyways of the District was submitted to Stanislaus County with the signatures of 276 residents and property owners of the District. Property owners and residents signing the petition believe that alley lighting will improve the community as a whole by aiding law enforcement efforts while deterring unwanted activities. A copy of the signed petition is attached. This proposal and the initial community outreach was brought forward through the efforts of the Airport Neighborhood Collaborative --a group of public and private stakeholders, including residents, that meet at Orville Wright Elementary monthly to work on community development issues.

To achieve adequate alley lighting levels while minimizing costs, it is estimated that a maximum of forty (40) lights would be installed upon project approval. The exact number of lights installed may actually be less than 40 depending upon field placement issues such as clearances on existing utility poles, tree cover, and nearby lighting. This project will use operating and maintenance costs for 40 additional lights as the basis for increased expenses for Fiscal Year 2011-2012 assessments.

Approval to Adopt a Resolution Initiating Proceedings for Considering the Addition of Alley Lighting to the Airport Neighborhood Lighting District and to Conduct an Assessment Ballot Procedure and Public Hearing Regarding the Matter in Compliance with California Government Code Article XIII D - Proposition 218

To fund the increased level of service and associated operating and maintenance costs for 40 lights, there must also be a corresponding increase in assessment for the District's property owners. Although the current assessment is formula based, it was derived based on a level of service that focused primarily on lighting local streets. Pursuant to Proposition 218, and at the advice of County Counsel, the increase in assessment and a new formula, based on lighting both local streets and alleyways, has to be approved by the District's property owners through a ballot procedure and public hearing. If the ballot procedure to increase the assessments fails, the matter will be closed. If approved, the revised assessment will take effect in Fiscal Year 2011-2012. It is anticipated that the alley lights will be installed prior to the end of June 2011 and energized in July 2011. The said installation would be conducted by the Modesto Irrigation District.

POLICY ISSUES:

State of California Streets and Highways Code Section 19130 authorizes the Board of Supervisors to be the governing body for Lighting Districts within their county.

This action is consistent with the Board's policy of providing A Safe Community and a Well Planned Infrastructure System by commencing the formal process to bring a proposal before Airport Lighting District property owners to enhance the level of service provided.

STAFFING IMPACT:

Staffing impact is limited to the time required to prepare Board reports and their supporting materials, conduct the ballot procedure, and coordinate the project with the Modesto Irrigation District.

CONTACT PERSON:

Mike Wilson, Senior Engineering Technician, Stanislaus County Public Works. Telephone (209) 525-4190.

AUDITOR-CONTROLLER BUDGET JOURNAL



| | | |
|---------------------|--|-----|
| Balance Type | Budget | |
| Category | Budget - Upload | |
| Source | | |
| Currency | USD | |
| Budget Name | LEGAL BUDGET | |
| Batch Name | PW JAS | BO# |
| Journal Name | PW JAS | |
| Journal description | Estimated budget for transfer of Community Development Fund (Airport Neighborhood) | |
| Period | Jan-11 | |
| Organization | Stanislaus Budget Org | |

| Line | Coding Structure | | | | | | | Debit | | Credit | | Description |
|--------|------------------|---------|---------|----------|-----|------|----|---|---|--------|---------------------------|-------------|
| | Fund | Org | Account | G/L Proj | Loc | Misc | | incr appropriations decr est revenue | decr appropriations incr est revenue | | | |
| 1 | 0107 | 0015292 | 85850 | 0 | 0 | 0 | .0 | 5,600.00 | | | Increase transfer out-CDF | |
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| 25 | | | | | | | .0 | | | | | |
| Totals | | | | | | | | | 5,600.00 | | | |

Explanation: Estimated budget for transfer of Community Development Fund (Airport Neighborhood)

| | | | | | |
|------------------------------|--|------------|--|-----------------------------|--|
| Requesting Department | | CEO | | Auditors Office Only | |
| | | | | | |
| Signature | | Signature | | Prepared By | |
| 1/3/2011 | | 1/5/11 | | Admin Approval (\$75K+) | |
| Date | | Date | | Date | |

JULIE A. SERRANO - 525-4119
Contact Person & Phone Number

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

Date: January 11, 2011

No. 2011-038

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

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-2

**RESOLUTION INITIATING PROCEEDINGS FOR CONSIDERING THE ADDITION OF ALLEY LIGHTING
TO THE AIRPORT NEIGHBORHOOD LIGHTING DISTRICT AND TO CONDUCT AN ASSESSMENT
BALLOT PROCEDURE AND PUBLIC HEARING REGARDING THE MATTER IN COMPLIANCE WITH
CALIFORNIA GOVERNMENT CODE ARTICLE XIII D - PROPOSITION 218**

WHEREAS, the airport Neighborhood Lighting District has by previous resolutions or other proceedings declared their intent to levy assessments for the purposes of financing the operation and maintenance of streetlights within the District under provisions of Code Section 19000 et. seq. of the Street and Highways Code.

WHEREAS, the assessments are against real property, within the District, and are not levied with regard to property values but rather according to the special benefit received by the service provided.

WHEREAS, residents and property owners of the Airport Neighborhood Lighting District have petitioned the Board of Supervisors, of Stanislaus County for the addition of alley lighting.

BE IT RESOLVED, that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

1. California Government Code Article XIII – "Proposition 218" requires an Engineer's Report be prepared prior to any proposed new assessment or change in assessment methodology.
2. California Government Code Article XIII – "Proposition 218" requires an assessment ballot procedure and public hearing prior to any proposed new assessment or change in assessment methodology.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in accordance with California Government Code Article XIII – "Proposition 218":

- a. The County Engineer is ordered to prepare and file an Engineer's Report for this proposal.
- b. The Public Works department is ordered to initiate proceeding to prepare for an assessment ballot procedure and public hearing for this proposal.

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

