

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

DEPT: Public Works *AKM*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE April 24, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Initiate Proceedings for the Annexation of Territory into the Denair Highway Lighting District

STAFF RECOMMENDATIONS:

1. Initiate proceedings for the annexation of three areas into the Denair Highway Lighting District. Area 1: Brookside Park Homes Nos. 1 & 2; Area 2: Eastgate Estates No. 2; and Area 3: Shelton Estates.
2. Direct the Public Works Department to prepare and file the required Engineer's Report, maps, and legal descriptions.

FISCAL IMPACT:

Ongoing operation and maintenance costs associated with the annexations will be borne by the Denair Highway Lighting District if the proposal is approved.

One time costs associated with this project are estimated to total \$7,500 and will be covered by the Public Works Department. One time costs include staff project time for the ballot procedure, Engineer's Report, and public meetings. Included in the total is \$1,650 in State Board of Equalization fees that will only be expended if the annexations occur.

BOARD ACTION AS FOLLOWS:

No. 2012-191

On motion of Supervisor Withdraw , Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withdraw, Monteith, De Martini and Chairman O'Brien

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-2-A-6

Approval to Initiate Proceedings for the Annexation of Territory into the Denair Highway Lighting District

DISCUSSION:

In January of 2012 the Public Works Department audited streetlight utility bills and streetlight services for the Denair Highway Lighting District. In the process of verifying streetlight locations and wattage it was discovered that three areas adjacent to this lighting district were receiving street lighting services from the district but were not being assessed for the special benefit they were receiving. Attachment "A" identifies the three areas. The proposed annexation of the three areas is initiated as a result of this discovery and in response to the need to properly assess parcel owners who receive special benefits from the Denair Highway Lighting District.

If the Board of Supervisors approves initiation of the annexation process, parcels owners in the three areas proposed for annexation will be given the opportunity to cast a Proposition 218 ballot in support or protest of the annexation. The assessment ballot procedure for each of the three proposed areas will be independent of the other two. Should a majority of votes cast for one of the areas protest the annexation then that area would not be annexed and all the streetlights located within that area would be turned off.

The proposed annexation will follow a multiple step process that will take approximately 120 days. The process is outlined below:

- Board of Supervisors adopts a resolution initiating proceedings for the annexation;
- Public Works prepares an Engineer's Report for the Denair Highway Lighting District to identify associated operating and maintenance costs, propose an assessment, and to prepare the necessary district boundary map and legal description;
- Board of Supervisors accepts the Engineer's Report, approves setting a public hearing for the annexation and levying of an assessment, and approves the conduction of a ballot procedure in compliance with Proposition 218;
- Public Works sends a mail-in ballot to affected landowners to protest or not protest the annexation;
- Public Works and the Clerk of the Board publish in a local newspaper a public announcement of the time and date of a public hearing to be held at a Board of Supervisors meeting regarding the proposed annexation;
- Board of Supervisors conducts a hearing where affected landowners will be given an opportunity to speak for or against the annexation and the establishment of the proposed assessment; and to conclude the ballot procedure in compliance with Proposition 218;
- Public Works and the Clerk of the Board report the results of the ballot procedure to the Board of Supervisors, and if a majority protest has not been filed, at the conclusion of the public hearing, the Board may adopt a resolution ordering the annexation;

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- Public Works forwards application for the annexation to the California State Board of Equalization. Acknowledgement from the Board of Equalization is the last step in annexation process.

There are three areas being proposed for annexation into the Denair Highway Lighting District. All three are within the Denair community and located south of Monte Vista Avenue, West of Gratton Road, and North of Tuolumne Road. Attachment "A" illustrates the boundaries of the proposed annexation areas and their existing streetlights. In total the three areas include 33.5 acres, 126 parcels, and 13 streetlights.

Area 1 includes 20.2 acres and 80 residential parcels clustered around the intersections of Serena Street and Sioux Drive with Serramonte Street and Salluce Drive. This area currently contains 7-175 watt streetlights. The original subdivision maps for this development were recorded as 24M25 Brookside Park Homes No. 1 in 1973, & 24M22 Brookside Park Homes No. 2 in 1974.

Area 2 includes 9.7 acres and 33 residential parcels clustered around the intersections of Dogwood Drive and Juniper Drive with Lester Road and Liquid Amber Drive. This area currently contains 4 - 75 watt streetlights. The original subdivision map for this development was recorded as 25M19 Eastgate Estates No. 2 n 1974.

Area 3 includes 3.6 acres and 13 residential parcels clustered around Eastgate Drive on the east side of Lester Road. This area currently contains 2-250 watt streetlights. The original subdivision map for this development was recorded as 28M45 Shelton Estates in 1979.

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.

The recommended actions are consistent with the Board's priorities of providing A Safe Community and A Well Planned Infrastructure System by initiating the formal process to annex into the Denair Highway Lighting District.

STAFFING IMPACT:

Staffing impact is limited to the time required to prepare Board reports and their supporting materials, conduct the ballot procedure.

CONTACT PERSON:

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Denair Lighting District Proposed 2012 Annexation Areas

