



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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IN REPLY PLEASE REFER TO FILE: **T-5**

September 26, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**STREET LIGHTING DISTRICTS
LEVYING OF ASSESSMENTS FOR VARIOUS SUBDIVISIONS
COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE
SUPERVISORIAL DISTRICTS 1 AND 5
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the enclosed Resolution of Intention to Order the Levying of Assessments within previously annexed subdivision territories listed in the enclosed Appendix A for Fiscal Year 2003-04.
2. Set a date for a public hearing regarding the levying of annual assessments based on the Fiscal Year 2002-03 Annual Engineer's Report, which establishes assessments based on land-use type for all zones within County Lighting District LLA-1 for street lighting purposes, with a base annual assessment of \$5 for a single-family home in the Unincorporated Zone.
3. Instruct the Executive Officer of your Board to cause notice of the public hearing by mail at least 45 days prior to the date of the hearing. The mailed notice will include assessment ballots.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize the tabulation of assessment ballots submitted, and not withdrawn, in support of or in opposition to the proposed assessments for each annexed subdivision territory and determine whether a majority protest against the proposed assessment exists in each territory.
2. If there is no majority protest against the proposed assessments, either as proposed or as modified by your Board, adopt the enclosed Resolution Ordering the Levying of Assessments within the annexed subdivisions. The adoption of the Resolution shall constitute the levying of assessments for Fiscal Year 2003-04.
3. Find the assessments will meet operating expenses; purchase supplies, equipment, or materials; meet financial reserve needs and requirements; and obtain funds for capital projects, including the operation and maintenance of street lights necessary to maintain service within the annexed subdivision areas.
4. In those subdivision territories where the proposed assessments have been rejected, and a majority protest exists, the proceedings for levy of assessments shall be terminated for that subdivision territory and instruct the Director of Public Works to notify the property owners of record that a majority protest exists and that the operation and maintenance of the street lights shall be the responsibility of the property owners.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This recommended action is for your Board to make a determination whether street lighting assessments should be imposed on these subdivisions previously annexed to County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone.

As part of the street light requirements for subdivisions, your Board has previously adopted Resolutions ordering the annexations of territories for the subdivisions shown in Appendix A to County-administered Lighting Districts. With the passing of Proposition 218, the levy of an assessment is subject to assessment ballot proceedings, whereby benefitted property owners have the opportunity to vote on the matter of the assessment.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the proposed revenue will provide the supplemental funding necessary for the operation and maintenance of the street lighting systems. It also satisfies the Goal of Service Excellence since the installation of street lighting systems provides for the convenience and safety of the motoring public, as well as for the safety and security of people and property, which improves the quality of life in the County.

FISCAL IMPACT/FINANCING

Sufficient funds are included in the proposed Fiscal Year 2002-03 budget to cover the annual costs for the operation and maintenance of the street lights until assessments can be collected from property owners within these annexed subdivision areas. The assessment is subject to the results of ballot tabulation at the conclusion of the public hearing. Failure to levy assessments against the benefitted parcels will result in the inability to operate and maintain the street lights as part of a County-administered Lighting District.

The ad valorem property taxes and assessments collected from the benefitted properties within the annexed subdivision areas will fund the operation and maintenance of the street lights.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

New subdivisions are typically required to provide street lighting in accordance with applicable subdivision ordinances and to the satisfaction of Public Works as a condition of approval. Prior to the passing of Proposition 218 by the voters in November 1996, under the provisions of the Landscaping and Lighting Act of 1972, assessments were levied on a subdivision whose territory is within County Lighting District LLA-1 for the ongoing operation and maintenance of street lights. With the passing of Proposition 218, it is now necessary to ballot the property owners prior to imposing or increasing a street lighting assessment for the operation and maintenance costs of the street lights. As a result, the legal provisions of two acts now govern the process for establishing street lighting assessments. First, the substantive provisions of the Landscaping and Lighting Act of 1972 (Part 2, Division 15 of the Streets and Highways Code) will continue to govern this process as it has in the past. The assessment process is now also subject to certain provisions under Article XIID of the California Constitution as a result of the passing of Proposition 218 by the voters in November 1996.

The Landscaping and Lighting Act of 1972 provides for the assessment of street lighting costs against the benefitted properties within County Lighting District LLA-1 by any formula or method which fairly distributes the costs among all assessable lots or parcels in proportion to the estimated benefits to be received by each from the improvements. A method of distributing the street lighting costs on the basis of land use was approved by your Board on May 22, 1979, and amended on July 22, 1997, and that same method was used to compute the assessments for the Fiscal Year 2002-03 Annual Engineer's Report.

Pursuant to the requirements of Proposition 218 and Section 53753 of the Government Code, an assessment ballot and public hearing notice will be mailed to all property owners within the subdivision whose territories are located within County Lighting District LLA-1, no less than 45 days prior to the date of the public hearing.

The assessment ballots, weighted according to the amount of the assessment paid by each property owner, will be tabulated at the conclusion of the public hearing. Only those ballots that are returned will be counted to establish whether a majority protest exists under the provisions of Proposition 218. The assessment cannot be levied if the weighted majority of returned ballots are opposed to the assessment, in which case the assessment shall be abandoned.

Proposition 218 requires that a public hearing be held at a regular Board meeting. The enclosed Resolution of Intention to Order the Levying of Assessments must be adopted to set a date for the public hearing. Your Board may delay your determination regarding the levying of assessments until a later date, continue the public hearing to receive further testimony, or make a determination regarding the assessment at the close of the public hearing.

ENVIRONMENTAL DOCUMENTATION

This project is exempt from the California Environmental Quality Act under Section 21080(b)(8) of the Public Resources Code and Class 1-(X)27 of the County's Environmental Document Reporting Procedures and Guidelines approved by your Board.

The Honorable Board of Supervisors
September 26, 2002
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IMPACT ON CURRENT SERVICES (OR PROJECTS)

Not applicable.

CONCLUSION

At such time as these recommendations may be approved, please return one approved copy of this letter and the signed Resolutions to Public Works and one approved copy of the letter and Resolutions to the County Assessor, Ownership Services Section, and Auditor-Controller, Tax Section.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

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Enc.

cc: Chief Administrative Office
County Counsel

**COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS
RESOLUTION OF INTENTION TO ORDER
THE LEVYING OF ASSESSMENTS WITHIN
ANNEXED SUBDIVISIONS IN
COUNTY LIGHTING MAINTENANCE DISTRICT 1687
AND COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE
TO PROVIDE FUNDS FOR OPERATION OF STREET LIGHTS
FOR FISCAL YEAR 2003-04**

WHEREAS, on July 24, 1979, the Board of Supervisors of the County of Los Angeles approved the formation of County Lighting District LLA-1 to provide supplemental funds for the operation of street lights in County-administered Lighting Districts; and

WHEREAS, the Board of Supervisors has adopted the Fiscal Year 2002-03 Annual Engineer's Report that shows estimated operating costs and recommended assessments for each zone within County Lighting District LLA-1; and

NOW, THEREFORE, BE IT RESOLVED, by the Board:

SECTION 1. The public interest and convenience require, and it is the intention of the Board to order, the expense necessary for the operation, maintenance, repairs, replacement, electric current, care, supervision, and all other items necessary for proper operation and maintenance of street lights within County Lighting District LLA-1, shall be assessed in Fiscal Year 2003-04, upon each lot or parcel of land lying within previously annexed subdivision territories referenced in Appendix A, in proportion to the estimated benefits received from the proposed street lighting improvements, and which should be assessed to pay the expense of the operation and maintenance of said improvements. The proposed base rate assessments are shown in the Fiscal Year 2002-03 Annual Engineer's Report for each zone within County Lighting District LLA-1. In future years, the amount of this assessment may be automatically increased, based on Public Utility Commission approved rate increases for the Southern California Edison Company (SCE) street lighting charges in accordance with increases in the Consumer Price Index - All Urban Consumers for Los Angeles, Riverside, Orange County, and other California areas. Assessment rates will not be automatically increased due to any other unforeseen or extraordinary rate increases granted to SCE by the Public Utilities Commission. The same proportional increase is proposed for all other benefitted property uses in the subdivision territories.

SECTION 2. The boundaries of previously annexed subdivisions are shown on the following maps:

SECTION 3. The proposed assessment is subject to majority approval of the property owners. A ballot and public hearing notice will be sent to the property owners in the subdivision areas at least 45 days before the public hearing. The returned ballots will be weighted by the amount of assessment to be paid by each property owner. The proposed assessment will be abandoned if the weighted majority of returned ballots submitted are opposed to the assessment.

SECTION 4. The amounts to be assessed for the expense of such operation and maintenance of the work or improvements described above shall be levied and collected in the same manner and by the same officers as taxes for County purposes.

SECTION 5. The proceedings for the levying of assessments shall be taken to the extent required under and in accordance with the Landscape and Lighting Act of 1972 (Division 15, Part 2 of the Streets and Highways Code) and in accordance with Section 53753 of the Government Code and Article XIID of the California Constitution.

SECTION 6. Tuesday, _____, at 9:30 a.m., is the day and hour, at the Chambers of the Board of Supervisors of the County of Los Angeles, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street at Grand Avenue), Los Angeles, California 90012, the place fixed by said Board of Supervisors when and where any and all interested persons may hear and be heard regarding the proposed street lighting assessments within the subdivision whose territories are located within County Lighting District LLA-1, listed in the enclosed Appendix A.

The foregoing Resolution was on the _____ day of _____, 2002, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

**COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS
RESOLUTION ORDERING
THE LEVYING OF ASSESSMENTS WITHIN
ANNEXED TERRITORIES IN
COUNTY LIGHTING MAINTENANCE DISTRICT 1687
AND COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE
TO PROVIDE FUNDS FOR OPERATION OF STREET LIGHTS
FOR FISCAL YEAR 2003-04**

WHEREAS, the Board of Supervisors on _____, adopted a Resolution of Intention to Order the Levying of Assessments for previously annexed subdivision territories shown in Appendix A, located within County Lighting District LLA-1, to provide funds for the operation of street lights pursuant to provisions of the Landscaping and Lighting Act of 1972; and

WHEREAS, the Executive Officer of the Board did cause the notice of public hearing to be mailed to all property owners within the territories subject to the proposed levying of an assessment at least 45 days prior to the date set for the hearing; and

WHEREAS, Public Works has mailed an assessment ballot and notice to property owners of identified parcels within territories shown in Appendix A, located within County Lighting District LLA-1, pursuant to California Constitution Article XIID to indicate support or opposition on the matter of an assessment; and

WHEREAS, said Board has heard all testimony and evidence, has tabulated all returned assessment ballots concerning the proposed assessment within the subdivisions located within County Lighting District LLA-1, and has made a determination on whether a majority protest exists.

NOW, THEREFORE, BE IT RESOLVED, by the Board:

SECTION 1. The Board hereby finds that the public interest and convenience require the operation and maintenance of street lighting improvements within previously annexed territories shown in Appendix A, located in County Lighting District LLA-1, and no majority protest exists within a subdivision area.

SECTION 2. The Lighting District diagrams and assessments as set forth in the Fiscal Year 2002-03 Annual Engineer's Report are hereby approved, confirmed, and adopted by this Board for all parcels of land within each subdivision territory, as proposed or as modified by the Board.

SECTION 3. The adoption of this Resolution constitutes the levying of assessments for all lots or parcels within the subdivision areas in County Lighting District LLA-1, for the Fiscal Year commencing July 1, 2003, and ending June 30, 2004.

SECTION 4. The amount to be assessed for the expenses of operation, maintenance, and service, as described in said Report and Resolution, shall be levied and collected in the same manner and by the same officers as taxes for County purpose and shall be disbursed and expended for operation, maintenance, and service of the said Lighting District, all as described in the Resolution of Intention.

SECTION 5. The Executive Officer of the Board is hereby authorized and directed to file a certified copy of these Resolutions upon its adoption with the County Assessor, Ownership Services Section, and County Auditor-Controller, Tax Section.

The foregoing Resolution was on the ____ day of _____, 2002, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By _____
Deputy