

CITY OF YUBA CITY
STAFF REPORT

Date: July 21, 2020
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: Diana Langley, Interim City Manager

Summary

Subject: Yuba City Residential Street Light Maintenance Districts (Walton Area and Tierra Buena Area)

Recommendation: A. Adopt the following Resolutions to continue the Residential Street Light Maintenance Districts, pursuant to the Benefits Assessment Act of 1982:

- Resolution Describing Improvements and Ordering the Engineer of Work to File a Report with Regard to Yuba City Residential Street Light Maintenance Districts
- Resolution Approving Engineer's Reports and Declaring Intention to Levy, Yuba City Residential Street Light Maintenance Districts

B. Set a Public Hearing for August 18, 2020 at 6:00 PM to establish assessments for FY 20/21.

Fiscal Impact: Receipt of assessments and expenditures of funds associated with lighting maintenance districts throughout the City.

Purpose:

To initiate proceedings for the continuation of the levy of Assessments for Fiscal Year 20/21 within the Residential Street Light Maintenance Districts, pursuant to the provisions of the Benefit Assessment Act of 1982 and Article XIID of the California Constitution.

Background:

The City annually levies and collects special assessments in order to maintain and service streetlights in the Walton Avenue Area and Tierra Buena Area (Attachment 3). The Districts were formed while the areas were under the County's jurisdiction, and the City took over the administration of the Districts when they were annexed into the City. Prior to 2009, the Districts were historically charged the maximum levy which allowed the reserves to build up.

Analysis:

The Engineer's Annual Reports have been prepared and are on file in the City Clerk's Office. They describe each District, the improvements therein, the method of assessment, and the proposed assessment for each parcel. The Resolution approving the Annual Reports and the Resolution of Intention to order improvements are required by State law to continue the

Residential Street Light Maintenance Districts. The action proposed in the reports set a Public Hearing for the Council meeting to be held on August 21, 2020 to establish assessments for the coming year.

Fiscal Impact:

Annual levies will remain unchanged for both Districts. The proposed levy amounts for each District are shown in Exhibit A (Attachment 2).

The projected revenue, expenditures, and cash balance for the Districts are as follows:

| <u>District</u> | <u>Revenue</u> | <u>Expenditures</u> | <u>Projected Reserve Fund Balance as of 7/1/20</u> |
|-------------------|----------------|---------------------|--|
| Tierra Buena Area | \$22,000 | \$25,627 | \$111,066 |
| Walton Area | \$81,678 | \$80,676 | (\$40,657) |

Operating costs for the Walton area have neared or exceeded the maximum levy for the district multiple times over the past ten years. Additionally, operating costs for Walton have increased while operating costs for Tierra Buena have decreased after fiscal year 2015-16. The City believes that there is an error within PG&E's billing system and is performing an internal audit to determine the cause of the discrepancy and correct any billing issues moving forward.

Alternatives:

1. Council may direct the modification of the assessment amounts which will affect future revenue and expenditure amounts in FY 20/21, or cancel the District and find alternative funding sources to operate the streetlights.
2. Council may direct City staff to follow legal procedures in order to modify the Residential Street Light Maintenance Districts to include Cost of Living Adjustment (COLA) provisions.

Recommendation:

A. Adopt the following resolutions to continue the Residential Street Light Maintenance Districts, pursuant to the Benefits Assessment Act of 1982:

- Resolution Describing Improvements and Ordering the Engineer of Work to File a Report with Regard to Yuba City Residential Street Light Maintenance Districts
- Resolution Approving Engineer's Reports and Declaring Intention to Levy, Yuba City Residential Street Light Maintenance Districts

B. Set a public hearing for August 18, 2020 at 6:00 PM to establish assessments for FY 20/21.

Attachments:

1. Resolutions
2. Proposed Assessments

Prepared by:

/s/ Josh Wolfe
Josh Wolfe
Assistant Engineer

Reviewed by:

Department Head
Finance
City Attorney

Submitted by:

/s/ Diana Langley
Diana Langley
Interim City Manager

DL

SM

SLC by email

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ORDERING THE ENGINEER OF WORK TO FILE A REPORT FOR THE ANNUAL
ASSESSMENT FOR FISCAL YEAR 2020/21 FOR THE YUBA CITY RESIDENTIAL STREET
LIGHT MAINTENANCE DISTRICT (WALTON AREA) AND YUBA CITY RESIDENTIAL
STREET LIGHT MAINTENANCE DISTRICT (TIERRA BUENA AREA)**

WHEREAS, the City Council of the City of Yuba City previously formed Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) (“Districts”), pursuant to the provisions of the Benefit Assessment Act of 1982, California Government Code Division 2, Chapter 6.6, Section 54703 et seq. (hereafter referred to as the “Act”); and

WHEREAS, a Report (hereafter referred to as the “Formation Report”) was prepared, filed and approved by the City Council in connection with each of the Districts and the levy of said assessments, pursuant to Section 54716 of said Act; and

WHEREAS, the City Council conducted property owner protest proceedings relating to the improvements and services described in the Formation Report and the levy and collection of annual assessments and an assessment range formula related thereto, including cost of living adjustments (COLAs) for each of the Districts in accordance with the provisions of the California Constitution Article XIID (Proposition 218); and

WHEREAS, the Council desires to direct and authorize the City Engineer to assist with the calculation and establishment of the assessments and to prepare and file a budget report(s) (hereafter referred to as the (“Engineer’s Report”) with the City Clerk, generally describing how the Districts were formed, the improvements and services within the Districts, the method of apportionment and dispensation of the benefits, and the budget containing the costs and proposed levy amounts for funding the benefits and the assessment roll.

NOW, THEREFORE, be it resolved by the City Council of Yuba City as follows:

1. There are no proposed new improvements or any substantial changes in existing improvements for Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) (“Districts”). The City Engineer is hereby ordered to prepare and file an Engineer’s Report(s) for the annual assessment for Fiscal Year 2020-2021 for the Districts.

2. This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 21st day of July, 2020.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE ENGINEER'S REPORTS AND DECLARING ITS INTENTION TO LEVY
THE ANNUAL ASSESSMENT FOR FISCAL YEAR 2020/21 FOR THE YUBA CITY
RESIDENTIAL STREET LIGHT MAINTENANCE DISTRICT (WALTON AREA) AND YUBA
CITY RESIDENTIAL STREET LIGHT MAINTENANCE DISTRICT (TIERRA BUENA AREA)**

WHEREAS, the City Council of the City of Yuba City previously formed Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) ("Districts"), pursuant to the provisions of the Benefit Assessment Act of 1982, California Government Code Division 2, Chapter 6.6, Section 54703 et seq. (hereafter referred to as the "Act"); and

WHEREAS, a Report (hereafter referred to as the "Formation Report") was prepared, filed and approved by the City Council in connection with each of the Districts and the levy of said assessments, pursuant to Section 54716 of said Act; and

WHEREAS, the City Council conducted property owner protest proceedings relating to the improvements and services described in the Formation Report and the levy and collection of annual assessments and an assessment range formula related thereto for each of the Districts in accordance with the provisions of the California Constitution Article XIII D and Proposition 218; and

WHEREAS, the Council directed and authorized the City Engineer to assist with the calculation and establishment of the assessments and to prepare and file a budget report(s) (hereafter referred to as the "Engineer's Report") with the City Clerk, generally describing how the Districts were formed, the improvements and services within the Districts, the method of apportionment and dispensation of the benefits, and the budget containing the costs and proposed levy amounts for funding the benefits and the assessment roll; and

WHEREAS, the City Engineer has prepared the Engineer Reports for the Districts, and has filed them with the City Clerk; and

WHEREAS, the City Council desires to approve said Engineer Reports, declare its intention to levy the annual assessment for Fiscal Year 2020/21 for the Districts, and appoint a time and place for public hearing on these matters.

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City as follows:

1. The above recitals are true and correct, and are hereby incorporated herein by this reference.

2. The City Council hereby (1) finds that the public interest and convenience requires, and (2) declares its intention, to order the levy of and to collect an annual assessment against the assessable lots and parcels of property within existing assessment districts designated Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) ("Districts"), pursuant to the provisions of the Act, for the fiscal year commencing July 1, 2020 and ending June 30, 2021, to pay for the costs and expenses of the improvements described below in Section 4 of this Resolution.

3. The boundaries of the District are generally located and depicted in "Attachment A" attached hereto.

4. The proposed improvements are briefly described as follows: the operation of residential street lights.

5. The assessments to be levied and collected against the assessable lots and parcels of property within the District for Fiscal Year 2020-21 are proposed to be remain the same as previously approved as compared to the assessments levied and collected for Fiscal Year 2019-20.

6. By previous resolution, the City Council directed the City Engineer to prepare and to file Engineer's Reports pursuant to the provisions of the Act. The Engineer has prepared and filed written reports with the City Clerk that are titled "City of Yuba City, Residential Street Light Maintenance District No. 1, (Walton Area), 2020/2021 Engineer's Annual Levy Report," and "City of Yuba City, Residential Street Light Maintenance District No. 1, (Tierra Buena), 2020/2021 Engineer's Annual Levy Report" . Reference is made to the Engineer's Reports on file in the Office of the City Clerk and open to public inspection for a full and detailed description of the improvements, the boundaries of the Districts, and the proposed assessments upon assessable lots and parcels of land within the Districts. The Office of the City Clerk is located at 1201 Civic Center Boulevard, Yuba City, CA 95993.

7. Notice is hereby given that the City Council designates August 18 2020, at 6:00 p.m., in the City Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, CA, as the date, time, and place for the hearing of protests or objections to the levy of the proposed assessments in connection with the Districts. All interested persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at City Hall, 1201 Civic Center Boulevard, Yuba City, CA 95993. Any written protest that is mailed must be received at City Hall at or prior to 4:30 p.m. on August 18, 2020

8. The City Clerk shall give notice of the aforesaid date, time, and place of the hearing by giving notice once a week, for two successive weeks, with at least five days in between each publication.

9. This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 21st day of July, 2020.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk

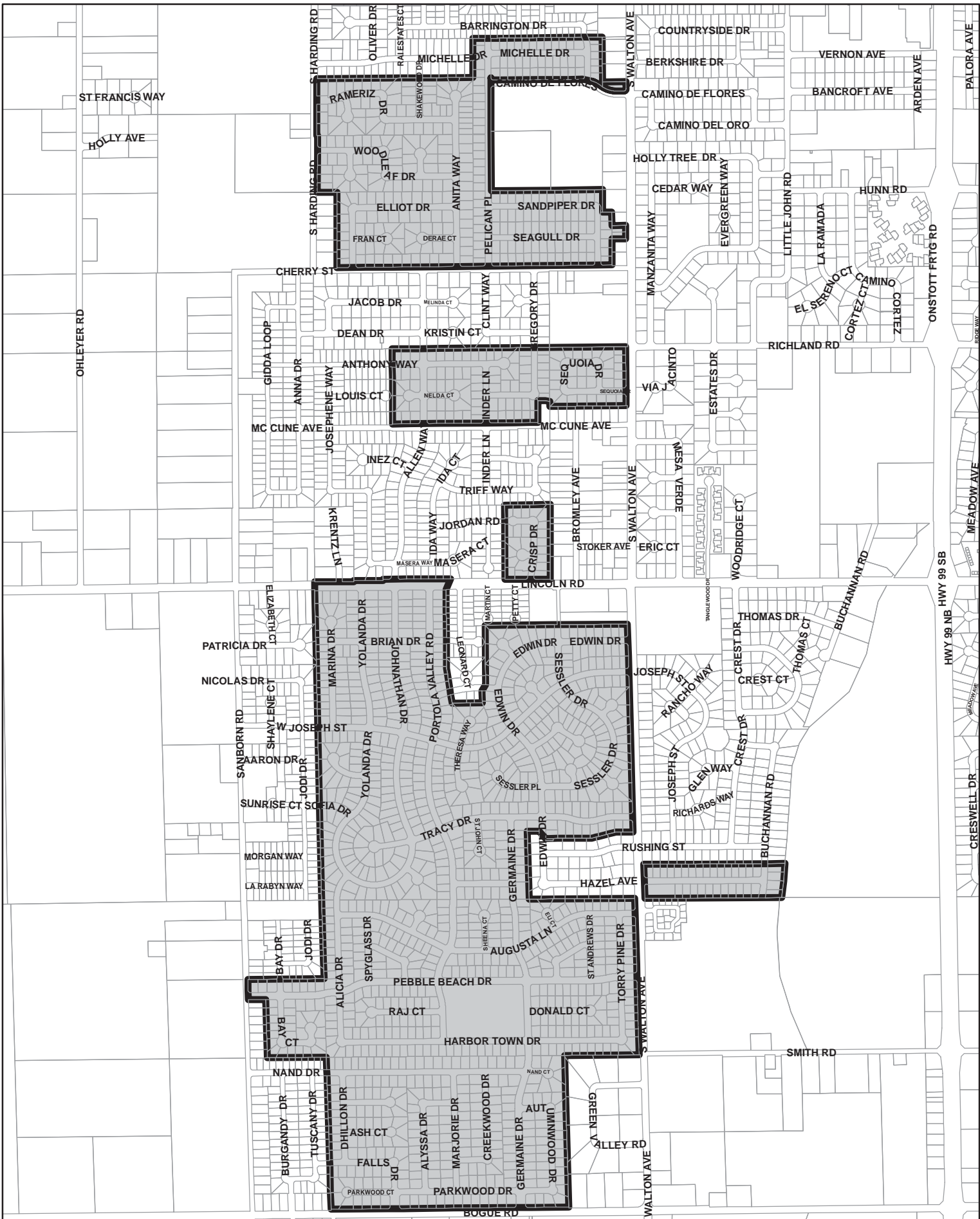
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

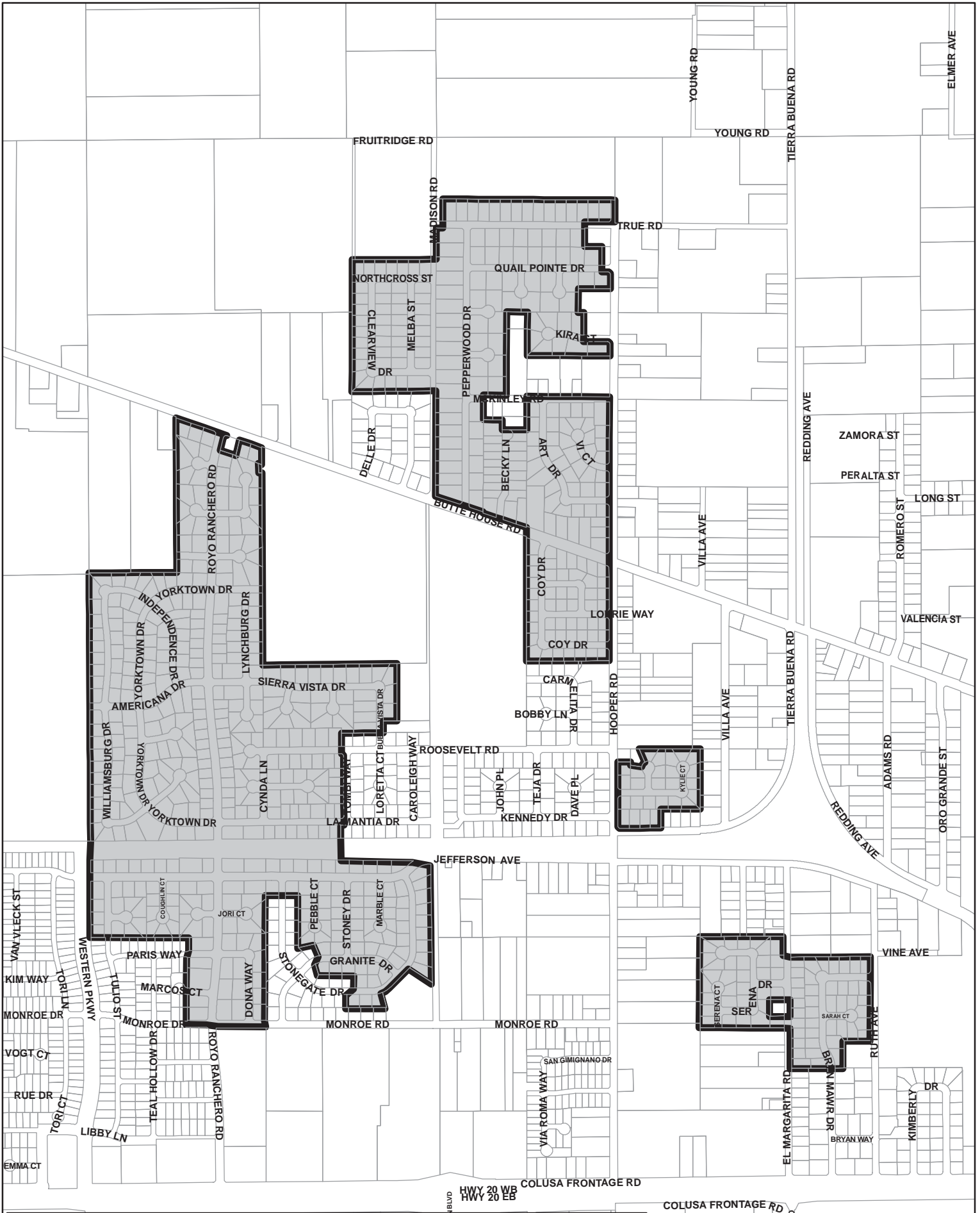
Attachments:

Attachment A – District Maps

ATTACHMENT A



**Yuba City Residential Street Light Maintenance District
Walton Area**



**Yuba City Residential Street Light Maintenance District
Tierra Buena Area**



ATTACHMENT 2

EXHIBIT A

WALTON RESIDENTIAL STREET LIGHT DISTRICT

| Affected Subdivision | Proposed Assessment (per single unit - \$) | Change From Previous Year (\$) | Maximum Levy Allowed (\$) |
|----------------------|---|-----------------------------------|------------------------------|
| Bogue Ranch | \$37.00 | \$0.00 | \$37.00 |
| Bogue Ranch II | \$59.40 | \$0.00 | \$59.40 |
| Cypress | \$41.74 | \$0.00 | \$41.74 |
| Hampton Estates I | \$45.58 | \$0.00 | \$45.58 |
| Hampton Estates II | \$41.80 | \$0.00 | \$41.80 |
| Kushlia Village | \$62.00 | \$0.00 | \$62.00 |
| Lincoln Park II | \$52.56 | \$0.00 | \$52.56 |
| Lincoln Pointe | \$51.48 | \$0.00 | \$51.48 |
| Lincoln Village I | \$61.44 | \$0.00 | \$61.44 |
| Lincoln Village II | \$50.78 | \$0.00 | \$50.78 |
| Meadowood I | \$73.12 | \$0.00 | \$73.12 |
| Meadowood II | \$111.88 | \$0.00 | \$111.88 |
| Orchard II | \$62.92 | \$0.00 | \$62.92 |
| Orchard III | \$34.60 | \$0.00 | \$34.60 |
| Ravenwood I | \$54.06 | \$0.00 | \$54.06 |
| Ravenwood II | \$67.28 | \$0.00 | \$67.28 |
| Ravenwood III | \$40.40 | \$0.00 | \$40.40 |
| Sanborn Estates | \$63.58 | \$0.00 | \$63.58 |
| Sandpiper I, II, III | \$46.32 | \$0.00 | \$46.32 |
| Sun Valley II | \$51.48 | \$0.00 | \$51.48 |
| Sunrise Village | \$58.56 | \$0.00 | \$58.56 |
| W Ranch Meadowood | \$67.06 | \$0.00 | \$67.06 |
| Walton Park Estates | \$38.00 | \$0.00 | \$38.00 |
| Walton Ranch | \$60.06 | \$0.00 | \$60.06 |
| Woodside Village II | \$67.56 | \$0.00 | \$67.56 |

TIERRA BUENA RESIDENTIAL STREET LIGHT DISTRICT

| Affected Subdivision | Proposed Assessment (per single unit) | Change From Previous Year | Maximum Levy Allowed |
|----------------------------|--|---------------------------|----------------------|
| Bryn Mawr Estates III | \$25.38 | \$0.00 | \$61.22 |
| Bryn Mawr Estates IV | \$27.16 | \$0.00 | \$65.52 |
| Buena Vista I | \$14.94 | \$0.00 | \$36.04 |
| Buena Vista II | \$34.78 | \$0.00 | \$83.90 |
| Butte Rancho | \$27.93 | \$0.00 | \$67.38 |
| Butte View Estates | \$36.94 | \$0.00 | \$89.10 |
| Country Aire | \$32.22 | \$0.00 | \$77.72 |
| Kira Estates | \$33.20 | \$0.00 | \$80.08 |
| Loma Vista | \$34.14 | \$0.00 | \$82.36 |
| Quail Pointe Estates | \$37.10 | \$0.00 | \$89.50 |
| Ranchero II & III | \$45.15 | \$0.00 | \$108.90 |
| Ranchero IV & VI | \$20.13 | \$0.00 | \$48.54 |
| Ranchero Estates I | \$26.72 | \$0.00 | \$64.46 |
| Ranchero Estates V | \$24.90 | \$0.00 | \$60.06 |
| Rancho De Royo I Ph I | \$52.42 | \$0.00 | \$126.44 |
| Rancho De Royo II Ph II | \$27.18 | \$0.00 | \$65.56 |
| Skyview Place | \$33.95 | \$0.00 | \$81.90 |
| Stonegate Village Unit I | \$24.59 | \$0.00 | \$59.32 |
| Stonegate Village Unit II | \$21.52 | \$0.00 | \$51.90 |
| Stonegate Village Unit III | \$17.24 | \$0.00 | \$41.58 |
| Suburban Acres | \$20.31 | \$0.00 | \$49.00 |
| Tara Estates | \$21.09 | \$0.00 | \$50.86 |
| Teja IV | \$29.73 | \$0.00 | \$71.72 |
| Walnut Acres | \$21.69 | \$0.00 | \$52.32 |