



March 19, 2009

President

Joe Sparks

Vice-President

Marshall Ochylski

Director

Chuck Cesena
Maria Kelly
Steve Senet

General Manager

Utilities Manager

George J. Milanés

Fire Chief

Matt Jenkins

TO: LOCSD Board of Directors
FROM: Mitch Cooney, Interim General Manager *MC*
SUBJECT: Agenda Item 5G– 3/19/09 Board Meeting
Status Update on Assessment Proceedings for Cabrillo Estates Lighting District

BACKGROUND

In 1999, at the time the Los Osos Community Services District was formed, various zones of benefit of County Service Area (CSA) No. 9 were transferred from the County of San Luis Obispo to the District. These zones included CSA 9 - Zone D, Cabrillo Estates, which provided street lighting and drainage services. At this time, a separate budget fund was established for Cabrillo Estates which was adequate at the time to cover the cost of providing these services. This budget is no longer adequate as presented below:

Fund Designation: 700 – Cabrillo Estates
Services Provided: Drainage, Lighting

Fiscal Year	Total Budget	Street Lighting Service Charge	Interest Income	Transfer In-Property Taxes from 100
2006-07	\$19,197	\$2,170	\$114	\$16,913
2007-08	\$14,750	\$1,736	\$1,114	\$11,900
2008-09	\$19,465	\$1,700	\$0	\$17,765



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As shown in the above table, the street lighting service charge funding that is collected on the tax rolls is insufficient. Therefore, property tax transfers from Fund 100 are necessary to address the annual budget shortfall. In addition, due to the budget shortfall, District staff has been charging the expenses for drainage maintenance in the Cabrillo Estates area to Fund 800, the District's overall drainage fund.

By updating the street lighting service charge through a revised assessment district, the general population would no longer be subsidizing the services being specifically provided to the parcels in the Cabrillo Estates area. In order to raise the amount of the street lighting services charges or assessments, an Engineer's Report must be prepared, and a Proposition 218 process must be followed for the service area.

DISCUSSION

As approved by the Board in November, 2008, the District entered into a contract with Wallace Group for the preparation of an engineer's report for the Cabrillo Estates Lighting District. The status of this authorized activity is summarized below:

To initiate Proposition 218 ballot proceedings, the Board must approve a Resolution Approving a Boundary Map and a Resolution of Intention to Undertake Proceedings Pursuant to the Landscaping and Lighting Act of 1972. These Resolutions are included with this staff note and, if approved, will establish the Board's desire to levee assessments upon properties within the proposed assessment boundary which receive will special benefit.

In order to establish the special benefit, and as required by the Landscaping and Lighting Act of 1972, an Engineer's Report is to be prepared that will describe the improvements to be constructed, operated, maintained, and serviced by the District, provide an estimated budget for the District, and list the proposed assessments to be levied upon each assessable lot or parcel within the District. An administrative draft of the Preliminary Engineer's Report, which includes the Assessment Roll and Assessment Diagram, has been prepared and submitted to the District.

It is proposed that at its April 2, 2009, meeting, the Board consider a Resolution Approving the Preliminary Engineer's Report and Setting a Date for the Public Hearing of Protests of the Cabrillo Estates Lighting District.

RECOMMENDATION

1. Staff recommends the Board approve the Resolution Approving a Boundary Map for the Cabrillo Estates Lighting District.
2. Staff recommends the Board approve the Resolution of Intention to Undertake Proceedings Pursuant to the Landscaping and Lighting Act of 1972 for the Cabrillo Estates Lighting District.

GM

Attachments

DATE: MARCH 19, 2009
AGENDA ITEM NO:
() APPROVED
() DENIED
() CONTINUED TO

RESOLUTION NO. 2009-___

**A RESOLUTION OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
RESOLUTION APPROVING BOUNDARY MAP
OF THE CABRILLO ESTATES LIGHTING DISTRICT
LOS OSOS COMMUNITY SERVICES DISTRICT
SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA**

WHEREAS, attached to this resolution as Exhibit A and by this reference incorporated herein is a map of proposed boundaries, said map entitled "Proposed Boundaries of Cabrillo Estates Lighting District, Los Osos Community Services District, County of San Luis Obispo, State of California" (the "Proposed Cabrillo Estates Lighting District"), which map shows the area proposed to be assessed in this proposed assessment district; and

WHEREAS, said map has been filed with the Office of the Secretary to the Board of Directors (the "Secretary"), and said map constitutes the map of the proposed boundaries of the Proposed Cabrillo Estates Lighting District (the "Boundary Map");

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT ES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER:

1. The Board of Directors of the Los Osos Community Services District (this "Board") approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as the "Cabrillo Estates Lighting District, Los Osos Community Services District, County of San Luis Obispo, State of California."

2. This Board hereby finds and determines that the Boundary Map contains the matters and is in the form prescribed by Section 3110 of the California Streets and Highways Code (the "Code"), and hereby authorizes and directs the Secretary to the Board of Directors to file a copy thereof with the San Luis Obispo County Recorder (the "County Recorder") for placement in the Book of Maps of Assessment and Community Facilities Districts. Such filing with the County Recorder shall be accomplished within 15 days of the date hereof, as specified by Section 3111 of the Code.

On the motion of **Director** _____, seconded by **Director** _____ and on the following roll call, to wit:

AYES:
NOES:
ABSENT:
CONFLICT:

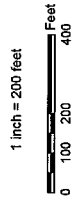
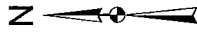
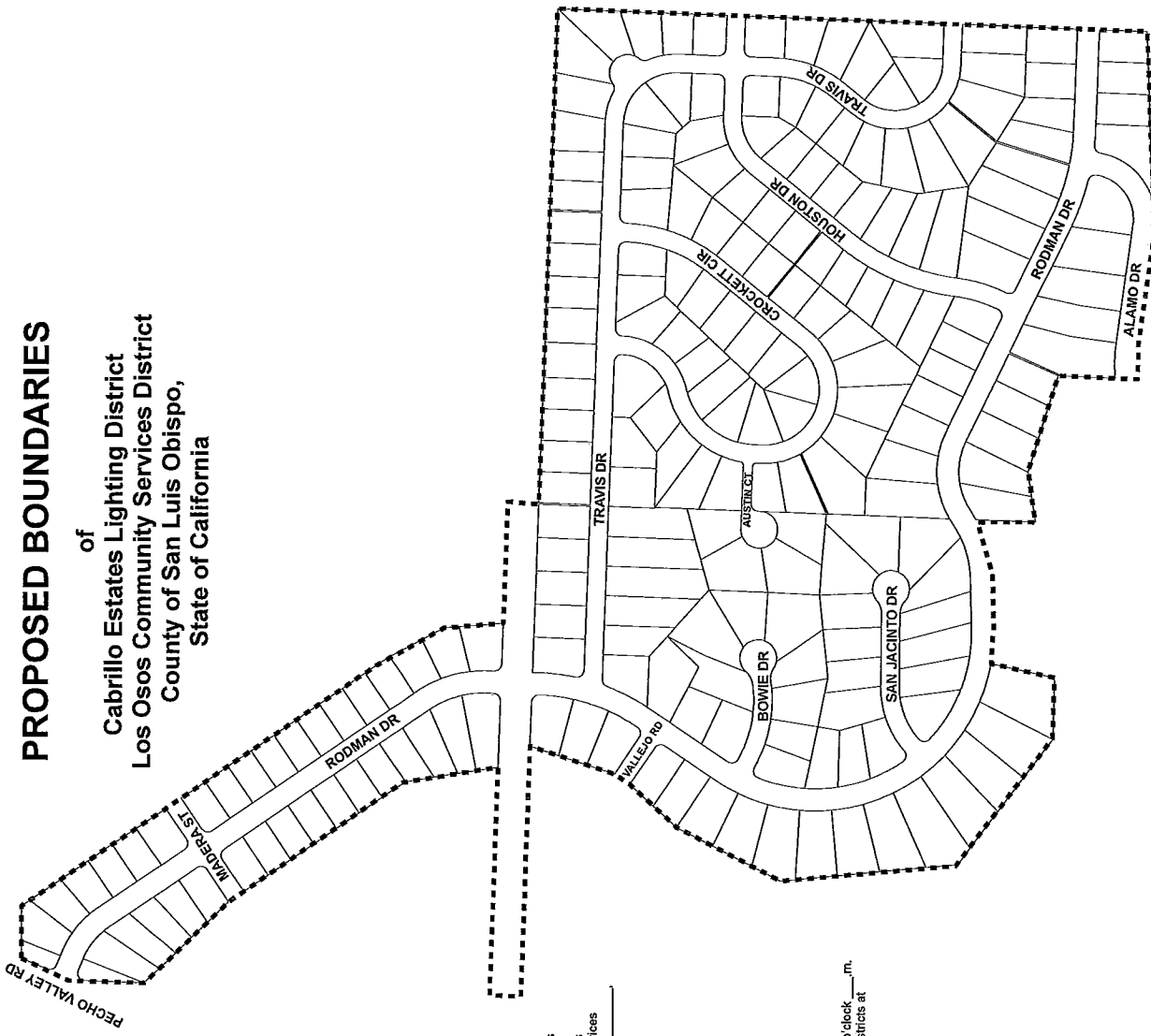
This foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Los Osos Community Services District this _____ day of March 2009.

Joe Sparks
President, Board of Directors
Los Osos Community Services District

ATTEST:

Francis M. Cooney
Interim General Manager and Secretary to the Board

PROPOSED BOUNDARIES
of
Cabrillo Estates Lighting District
Los Osos Community Services District
County of San Luis Obispo,
State of California



Secretary's Certificate of Filing

Filed in the Office of the Secretary to the Board of Directors of the Los Osos Community Services District, County of San Luis Obispo, California, this ____ day of _____, 2009.

Secretary to the Board of Directors

Secretary's Certificate of Board Approval

I hereby certify that the within map showing the proposed boundaries of the Cabrillo Estates Lighting District, Los Osos Community Services District, County of San Luis Obispo, State of California, was prepared by the Board of Directors of the Los Osos Community Services District at a regular meeting thereon, held on the ____ day of _____, 2009, by its Resolution No. _____

Secretary to the Board of Directors

County Recorder's Certificate

Filed this ____ day of _____, 2009, at the hour of ____ o'clock ____ m. in Book ____ of Maps of Assessment and Community Facilities Districts at page ____ in the Office of the County Recorder in the County of San Luis Obispo, State of California.

County Recorder of the County of San Luis Obispo



Reference is hereby made to the Assessor maps for the County of San Luis Obispo for a description of the lines and dimensions of these lots and parcels.

DATE: MARCH 19, 2009
AGENDA ITEM NO:
() APPROVED
() DENIED
() CONTINUED TO

RESOLUTION NO. 2009-___

**RESOLUTION OF INTENTION TO INITIATE PROCEEDINGS
PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE
PROPOSED CABRILLO ESTATES LIGHTING DISTRICT
LOS OSOS COMMUNITY SERVICES DISTRICT
SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA**

WHEREAS, the "Cabrillo Estates Lighting District, Los Osos Community Services District, County of San Luis Obispo, State of California" (the "Proposed Cabrillo Estates Lighting District"), is being formed pursuant to the Landscaping and Lighting Act of 1972 (the "Act"), Part 2, Division 15 of the Streets and Highways Code of the State of California, for the maintenance and servicing of street lighting and other improvements; and

WHEREAS, this Board finds that the land specially benefited by the improvements is a portion of the land shown within the boundaries shown on the Boundary Map previously approved by resolution of this Board. The land within the exterior boundaries shown on the map shall be designated the "Proposed Boundaries of Cabrillo Estates Lighting District, Los Osos Community Services District, County of San Luis Obispo, State of California" (the "Proposed Cabrillo Estates Lighting District"),

WHEREAS, Section 22585 of the Act provides that the formation of a Landscaping and Lighting Assessment District shall be initiated by Resolution.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT ES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER:

1. The Board of Directors of the Los Osos Community Services District (this "Board") hereby declares its intent to initiate proceedings to levy and collect a special assessment upon designated portions of the land within the Proposed Cabrillo Estates Lighting District in accordance with the special benefit to be received by each parcel of land, respectively, from the maintenance and servicing of street lighting and other improvements.

2. The proposed assessment district shall be designated as Cabrillo Estates Lighting District , Los Osos Community Services District, County of San Luis Obispo, State of California.

3. Wallace Group, is hereby designated engineer for the purpose of these formation proceedings. The District hereby directs the engineer to prepare and file with the Secretary to the Board a report in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the Landscaping and Lighting Act of 1972.

On the motion of **Director** _____, seconded by **Director** _____ and on the following roll call, to wit:

AYES:

NOES:

ABSENT:

CONFLICT:

This foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Los Osos Community Services District this _____ day of March 2009.

Joe Sparks
President, Board of Directors
Los Osos Community Services District

ATTEST:

Francis M. Cooney
Interim General Manager and Secretary to the Board