



Office of the City Manager

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CONSENT CALENDAR
March 22, 2022

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Department of Public Works
Subject: Fiscal Year 2023 Street Lighting Assessments – Initiating Proceedings

RECOMMENDATION

Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and order the preparation of Engineer’s Reports.

FISCAL IMPACTS OF RECOMMENDATION

Staff will prepare the Engineer’s Reports for Berkeley Street Lighting Assessment District No. 1982-1 (1982 District) and Street Lighting Assessment District No. 2018 (2018 District). This effort to prepare the reports has been included in the budget process for the City’s operation and maintenance of the street lights. These reports will be prepared in accordance with the Landscaping and Lighting Act of 1972 (Act), promulgated in California Streets and Highways Code Section 22500 et seq., and are required to be prepared for each fiscal year (FY) for which assessments are to be levied and collected.

In FY 2023, the assessments for the 1982 District and the 2018 District will generate approximately \$2.1 million in revenue for the Street Lighting program (Street Light Assessment District Fund 142).

CURRENT SITUATION AND ITS EFFECTS

The Act requires the City’s governing body adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessments levied for the City’s street lighting districts, and order the preparation of Engineer’s Reports for the assessments. These are the first steps in allowing the City to levy and collect the assessments necessary to operate and maintain the street lighting districts. The improvements to be made in these assessment districts are generally described as maintenance and/or servicing of existing and future public lighting facilities. Collecting the street lighting fees are necessary to maintain and implement needed improvements and services to support the Strategic Plan goals of creating a resilient, safe, connected,

and prepared city and of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The 1982 District was established in accordance with the requirements of the Act on July 27, 1982 (Resolution No. 51,449-N.S.). The 2018 District was established in accordance with the requirements of the Act on June 12, 2018 (Resolution No. 68,482-N.S.). The Act requires the City prepare Engineer's Reports for each fiscal year for which assessments are to be levied and collected. City staff will prepare the reports in accordance with the Act.

The City's original assessment for the 1982 District failed to generate sufficient revenue to sustain the long-term operations of the City's Street Lighting Program (Program). For a period beginning in FY 2006 and running through FY2017, the City used General Funds to sustain operations necessary to the Program. To establish financial sustainability for the Program and to avoid significant reductions to service in the future, the City moved forward with the formation of the 2018 District. This district was formed separately from the 1982 District, leaving the 1982 District's structure and rates in place. Assessments for the 2018 District were first levied in FY 2019. Allowable annual inflation adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City exclusively uses LED (light emitting diode) street lighting. LED lights provide environmental benefits by reducing the level of greenhouse gases emitted, reducing level of toxic materials disposed, maximizing energy cost savings, complying with the City's illumination standards, and minimizing administration costs and staff time for street light maintenance. Assessing and levying the street lighting fees for the 1982 District and the 2018 District will allow the City to sustain environmental benefits of the LED lights.

RATIONALE FOR RECOMMENDATION

Failure to adopt Resolutions ordering the preparation of Engineer's Reports for the City's street lighting assessments would result in non-compliance of the requirements set forth in the Act. Failure to comply with the Act would jeopardize the City's ability to levy and collect assessments in Fiscal Year 2023. The collection of these assessments is needed to establish financial sustainability for the Program and to avoid significant reductions in service.

CONTACT PERSON

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Attachments:

- 1: Resolution – Initial Proceedings – Street Lighting Assessment District 1982-1
- 2: Resolution – Initial Proceedings – Street Lighting Assessment District 2018

RESOLUTION NO. ##,###-N.S.

INITIATE PROCEEDINGS FOR BERKELEY STREET LIGHTING ASSESSMENT DISTRICT 1982-1 FOR FISCAL YEAR 2023 AND ORDER CITY STAFF TO PREPARE AND FILE THE ENGINEER'S REPORT FOR FISCAL YEAR 2023

WHEREAS, on July 27, 1982, the Council of the City of Berkeley Adopted Resolution No. 51,449–N.S. that completed proceedings to form the Berkeley Street Lighting Assessment District No. 1982-1 pursuant to Chapter II of the Landscaping and Lighting Act of 1972 Streets and Highways Code Section 22585-22613; and

WHEREAS, Section 22622 of the Street and Highway Code requires the City Council to adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessment levied for any assessment district created under the Landscaping and Lighting Act of 1972; and

WHEREAS, Section 22622 further requires that the City Council order the preparation of an Engineer's Report prior to initiating proceedings to set the annual levy and collection of assessments for such assessment districts.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that improvements to be included in Berkeley Street Lighting Assessment District No. 1982-1 for assessing Fiscal Year 2023 fees are generally described as maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water, irrigation, or drainage related to operation of the public lighting facilities.

BE IT FURTHER RESOLVED, Pursuant to Street and Highways Code Section 22622, that City Engineer is hereby directed to prepare the annual Engineer's Report prior to initiating proceedings to levy and collect the annual assessment for Berkeley Street Lighting Assessment District No. 1982-1 in Fiscal Year 2023.

RESOLUTION NO. ##,###-N.S.

INITIATE PROCEEDINGS FOR STREET LIGHTING ASSESSMENT DISTRICT 2018 FOR FISCAL YEAR 2023 AND ORDER CITY STAFF TO PREPARE AND FILE THE ENGINEER'S REPORT FOR FISCAL YEAR 2023

WHEREAS, on June 12, 2018, the Council of the City of Berkeley Adopted Resolution No. 68,432–N.S. that completed proceedings to form the Street Lighting Assessment District 2018 pursuant to Chapter II of the Landscaping and Lighting Act of 1972 Streets and Highways Code Section 22585-22613; and

WHEREAS, Section 22622 of the Street and Highway Code requires the City Council to adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessment levied for any assessment district created under the Landscaping and Lighting Act of 1972; and

WHEREAS, Section 22622 further requires that the City Council order the preparation of an Engineer's Report prior to initiating proceedings to set the annual levy and collection of assessments for such assessment districts.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that improvements to be included in Street Lighting Assessment District 2018 for assessing Fiscal Year 2023 fees are generally described as maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water or irrigation, drainage related to operation of the public lighting facilities.

BE IT FURTHER RESOLVED, Pursuant to Street and Highways Code Section 22622, that City Engineer is hereby directed to prepare the annual Engineer's Report prior to initiating proceedings to levy and collect the annual assessment for Street Lighting Assessment District 2018 in Fiscal Year 2023.

