

# HIDALGO COUNTY UNINCORPORATED SUBDIVISIONS STREET LIGHTS PROGRAM RULES & GUIDELINES

The Commissioners' Court of Hidalgo County (Commissioners' Court) has ordered these Unincorporated Subdivision Street Lights Program Rules & Guidelines (Rules and Guidelines). The Commissioners' Court is initiating this program for the establishment of street lights in these subdivisions for the benefit of landowners, and to improve the safety, security, and wellbeing of county residents living in subdivisions located in unincorporated areas of Hidalgo County characterized by poor infrastructure and higher incidences of crime.

## **AUTHORITY**

Under section 280.003 of the Texas Transportation Code, the commissioners' court of a county that has any of its territory located within 150 miles of an international border may establish street lights along a county road in a subdivision located in an unincorporated area, and Hidalgo County is such a county.

## **SCOPE**

The Commissioners' Court has authority to, by order, to provide for the establishment of streetlights, and may provide for:

- the installation, operation, and maintenance of street lights by the county or another public or private entity with which the county may contract;
- the imposition of a fee on landowners in the subdivision who benefit from the street lights;
- the collection of a fee imposed under this subsection by the county tax assessor-collector;
- any other matter the Commissioners' Court finds necessary to the installation, operation, or maintenance of the street lights.

## **APPLICATION**

A representative of each subdivision must submit the following documentation to the corresponding precinct commissioner's office for the area in which the subdivision is located:

- An application form indicating detailed information about the subdivision.
- A complete census listing signed by at least 75% of all landowners of the subdivision with the following data for each property:
  - Property Owner's Name
  - Property Owner's Mailing Address
  - City, Street and Zip Code
  - Property Description
  - Tax Property ID Number
  - Telephone/Cell Number (if any)
- If it is necessary, the subdivision should also present, along with the census, the appropriate Easement Agreements for placement of all new poles.
- Applications may be picked up at any of the four (4) County Precinct Administrative Offices or downloaded from the county's website at <http://www.co.hidalgo.tx.us/>.

## **APPLICATION PERIOD/PENDING APPLICATIONS**

Applications will be available beginning January 1st and will be accepted from January 1st through July 1st.

A pending application will remain active for a period of one (1) year from the date on which the application is filed. After one (1) year from this date, a still-pending application must be resubmitted for review. All applications will be evaluated according to the pre-approval factors listed below.

## **PRE-APPROVAL FACTORS**

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Each subdivision will be evaluated for participation in the Street Lights Program by the precinct commissioner for the area in which the applying subdivision is located, taking into consideration the following specific factors listed in the completed application:

- street lighting infrastructure;
- drainage system infrastructure;
- roadway conditions;
- residents' delinquent tax history;
- annual budgetary appropriations; and
- law enforcement statistics.

A precinct commissioner in receipt of an application shall provide an update as to the status of the application on or before sixty (60) days following the date of submission.

## **APPLICATION APPROVAL**

Once a precinct commissioner pre-approves an application, the precinct commissioner shall submit the application for the establishment of street lights in the particular subdivision to the Commissioners' Court.

Commissioners' Court approval of an application for the establishment of street lights shall be by Order. Following such an order, the appropriate precinct commissioner shall forward a complete list of all properties and property owners within the given subdivision, along with the corresponding Street Lights Electricity Fee (see below), to the Hidalgo County Tax Assessor-Collector's office.

## **IMPOSITION OF THE STREET LIGHT ELECTRICITY FEE**

Section 280.003 of the Texas Transportation Code authorizes the County to impose a fee (Street Light Electricity Fee) on landowners in a subdivision who benefit from the establishment of the street lights.

The Street Light Electricity Fee imposed shall consist of the estimated total cost of electricity consumed by all the street lights within a given subdivision (as provided by the appropriate electricity provider) divided equally among all property landowners included within the confines of the subdivision, and any additional costs of installation, operation, or maintenance, if applicable, so long as at least 75% of all landowners owners of the subdivision approve any additional cost. Street light service under these Rules and Guidelines shall commence following the January 1st date after the order establishing streetlights in a subdivision is entered.

The Street Light Electricity Fee imposed for each landowner shall be approved by a Commissioner Court Order as determined by the commissioner, and/or staff, of the precinct in which the subdivision is located upon approval of the application, and shall be adjusted annually thereafter.

The Street Light Electricity Fee imposed for each landowner shall include a Hidalgo County Tax Assessor-Collector cost of seven dollars and fifty cents (\$7.50) for manual preparation of property tax statements, and a notification letter for each landowner in the subdivision who benefits from the establishment street lights.

The Street Light Electricity Fee imposed annually may be increased when necessary to offset a percentage (not to exceed 25%) of landowners who fail to pay the assessed fee for the previous year.

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## **COLLECTION OF THE STREET LIGHT ELECTRICITY FEE**

The County Tax Assessor-Collector shall include the Street Light Electricity Fee in the annual Tax Bill statement for a landowner whose real property is benefited by the streetlights for which the Street Light Electricity Fee is imposed. The tax bill statement must separately state the amount of the Street Light Electricity Fee imposed, and shall be collected in the same manner that the Tax Assessor-Collector collects ad valorem taxes for the County, as authorized under Texas Transportation Code section 280.003.

In the event that payment of the Street Light Electricity Fee becomes delinquent, and/or is in arrears, the Commissioners' Court may obtain a lien against real property benefited by the street lights for which a fee has been imposed to secure payment of said fee. To obtain the lien, the Commissioners' Court must file a notice with the County Clerk that includes:

- a) a statement that the fee has been imposed on the landowner and the amount of the fee;
- b) a legal description of the property on which the lien is to be attached sufficient to identify the property; and,
- c) the name of the landowner, if known.

The lien authorized by this section exists in favor of the County. The lien shall attach to the real property on the date the notice of lien is filed with the County Clerk, and shall be inferior to a mortgage lien recorded with the County Clerk before the date the lien authorized by this program attaches to the property. The County may not foreclose a lien authorized by this section if the lien is the only lien attached to the property.

## **TERMINATION OF STREET LIGHT SERVICE FOR NON-PAYMENT**

Street light service established under the Street Lights Program Rules & Guidelines may be terminated if more than 25% of landowners in a subdivision fail or refuse to pay the imposed Street Light Electricity Fee in any given year.

Before service may be terminated, the County Tax Assessor-Collector's office shall send individual delinquent notices to all landowners within the subdivision advising the potential for termination of service and offering a 60-day period in which the landowners must make individual or collective payment of any uncollected balances. Any collective payments shall not relieve individual property owners of their responsibility to pay the Street Light Electricity Fee; nor shall collective payments prevent the placement of a lien on any property for non-payment of the Street Light Electricity Fee as authorized by Texas Transportation Code section 280.003.

If insufficient funds are collected by the County Tax Assessor-Collector for a subdivision notified of the potential termination within the designated period (60-days), the street light services may[shall] be terminated, and any funds collected shall be applied to any Street Light Fee arrearages.

Reactivation of street lights in a community where service has been terminated for non-payment will require submission of a new application for streetlight service and pre-payment of any arrearages and/or the annual Street Light Electricity Fee.

## **REAUTHORIZATION OF THE UNINCORPORATED SUBDIVISIONS STREET LIGHTS PROGRAM**

After a period of two years has elapsed after adoption and implementation of these Unincorporated Subdivision Street Lights Program Rules & Guidelines, a **public hearing** shall be held in each commissioner's precinct to elicit feedback regarding the experience of rural community residents with respect to the operation and administration of the Street Lights Program Rules & Guidelines. Suggestions, recommended changes, or improvements to the

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program may be considered by the Commissioners' Court for the purpose of considering amendments to the Street Lights Program implemented the next fiscal year, or sooner, as determined to be appropriate.