

TO: James L. App, City Manager
FROM: Doug Monn, Director of Public Works
SUBJECT: Annual Levy Report for the Landscape and Lighting District
DATE: June 5, 2007

NEEDS: For the City Council to hold a public hearing and consider adopting the attached Resolutions to order collection of assessments for the Landscape and Lighting District for Fiscal Year 2007-2008.

- FACTS:**
1. The City Council on May 1, 2007 adopted Resolution No. 07-88 declaring the City's intention to levy Landscape and Lighting District assessments for Fiscal Year 2007/2008 and setting a public hearing for June 5, 2007.
 2. An Engineer's Report outlining the proposed improvements and assessments for fiscal year 2007/2008 has been previously prepared and presented to the City Council and has been made available for public inspection.
 3. At the public hearing, the City Council will provide the public an opportunity to provide oral or written comments, testimony or protest regarding the District and proposed assessments.
 3. After consideration of testimony given at the public hearing the City Council may direct amendments to the Engineer's Report and/or proposed assessments deemed appropriate, and accordingly adopt the resolutions necessary to levy the assessments for fiscal year 2007/2008 which shall be forwarded to the County by the end of June so that may be included in the property tax roll.

ANALYSIS &

CONCLUSION: The assessments for the 2007/2008 Fiscal Year have been developed for each of the sub-areas based on an estimate of the cost to maintain the associated improvements within the maximum assessment revenues permitted. The Engineer's Report outlines the budgets and assessments for each of the designated Zones and/or Sub-Areas and this report has been made available to the public.

POLICY

REFERENCE: Resolution No. 89-89, forming the Paso Robles Landscape and Lighting District. Proposition 218.

FISCAL

IMPACT: It is estimated that approximately \$1,357,890 will be assessed for the District in fiscal year 2007/2008 to fund the costs of those areas maintained under the Landscape and Lighting District.

- OPTIONS:**
- a. Receive public testimony regarding the annual levy of the Landscape and Lighting District and
 - 1) Adopt Resolution No. xx-xx approving the Engineer's Report; and
 - 2) Adopt Resolution No. xx-xx ordering the Levy and Collection of Assessments.
 - b. Amend, modify, or reject the above option.

Attachments:

- 1) Resolutions (2)
- 2) Final Levy Report

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES,
CALIFORNIA AMENDING AND/OR APPROVING THE ENGINEER'S ANNUAL
LEVY REPORT FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2007/2008

The City Council of the City of El Paso De Robles, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council has by previous Resolutions ordered the preparation of the Engineer's Annual Levy Report (hereafter referred to as the "Report") for said district known and designated as:

El Paso De Robles Landscape and Lighting Maintenance District No. 1

(Hereafter referred to as the "District") pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"); and,

WHEREAS, there has been presented to this City Council the Report as required by *Chapter 3, Section 22623* of said Act and as previously directed by Resolution; and,

WHEREAS, this City Council has examined and reviewed the Report as presented and is satisfied with each and all of the items and documents as set forth therein or as amended herein by direction of the City Council, and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed as set forth in said Report, and such assessments as described are in compliance with the provisions of the Act and the California Constitution Article XIID;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT AS FOLLOWS:

SECTION 1. That the above recitals are true and correct.

SECTION 2. The Report as presented (or amended) consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2007/08.
- e. The proposed assessment amounts for each of the existing District Zones and Sub Areas

SECTION 3. That the Report as presented (or amended) is hereby approved and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of and final approval of the Report.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Paso Robles on this 5th day of June 2007 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES,
CALIFORNIA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2007/2008

The City Council of the City of El Paso De Robles, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council has by previous Resolutions initiated proceedings, declared its intention to levy assessments against parcels of land within the El Paso De Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as "District") for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining, and servicing landscaping, lighting, and appurtenant facilities located within the District; and,

WHEREAS, the Engineer selected by the Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, the Engineer's Report (hereafter referred to as the "Report") in connection with the proposed levy and collection of assessments upon eligible parcels of land within the District, and the Council did by previous Resolution approve such Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008 to pay the costs and expenses of operating, maintaining, and servicing landscaping, lighting, and appurtenant facilities located within public places in the City as described in the Report; and,

WHEREAS, the City Council has noticed and held a Public Hearing regarding the District, the proposed improvements and assessments for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008 as described in the Report in accordance with the provisions of the Act and applicable provisions of Article XIII D of the California State Constitution;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT AS FOLLOWS:

SECTION 1. Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests, and communications made or filed by interested persons regarding these matters.

SECTION 2. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which as been filed with the City Clerk, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance, and servicing of improvements located in public places within the boundaries of the District; and,
- ii) the District includes all of the lands so benefited; and,
- iii) the net amount to be assessed upon the lands within the District for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefits to be received by each parcel from the improvements and services and such assessments do not exceed the maximum assessments previously established in accordance with the provisions of Article XIID of the California State Constitution.

SECTION 3. The Report and assessments as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed.

SECTION 4. The maintenance, operation, and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Act. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: the maintenance and operation of and the furnishing of services and materials for street lighting facilities, detention basins, open space areas, landscaping, irrigation systems, public pedestrian paths, slope maintenance, entry monuments; landscaping includes trees, shrubs, grass, and other ornamental vegetation and appurtenant facilities including, but not limited to, irrigation systems and drainage devices within the District. The Report describes any new improvements or substantial changes in existing improvements.

SECTION 5. The assessments as confirmed shall be submitted to the County Auditor of the County of San Luis Obispo and the County Auditor of the County of San Luis Obispo shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

SECTION 6. The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund known as the "Improvement Fund, City of El Paso De Robles Landscape and Lighting Maintenance District No. 1," and such money shall be expended only for the maintenance, operation, and servicing of the landscaping, lighting, and appurtenant facilities as described in Section 4.

SECTION 7. The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008.

SECTION 8. The City Clerk or their designate is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Paso Robles on this 5th day of June 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk