

RESOLUTION NO. 03-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE EL PASO DE
ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR
2003/2004 AND TO CONDUCT A PROPERTY OWNER PROTEST BALLOTING ON THE
MATTER OF PROPOSED INCREASED ASSESSMENTS

WHEREAS, the City Council has, by previous Resolutions, formed the El Paso De Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District") and initiated proceedings for Fiscal Year 2003/04 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") that provides for the levy and collection of assessments by the County of San Luis Obispo for the City of El Paso De Robles to pay the maintenance and services of all improvements and facilities related thereto; and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the City Council has retained MuniFinancial for the purpose of assisting with the Annual Levy of the District and to prepare and file a Report with the City Clerk in accordance with the Act, and that said Report has been prepared and filed with the City Clerk and presented to the City Council.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT AS FOLLOWS:

SECTION 1. Intention: The City Council hereby declares that it intends to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance, and servicing of lighting, landscaping, and all appurtenant facilities and operations related thereto.

SECTION 2. Description of Improvements and Any Substantial Changes Proposed: The improvements within the District include: the maintenance and operation of and the furnishing of services and materials for street lighting facilities, fencing, detention basins, open space areas, landscaping, irrigation systems, bike paths, pedestrian pathways, slope maintenance, graffiti abatement, local parks, entry monuments, landscaping which includes trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities, including irrigation systems and drainage devices within the District. The Engineer's Annual Levy Report describes all new improvements or substantial changes in existing improvements.

SECTION 3. Boundaries and Designation: The boundaries of the District are described as the boundaries previously defined in the formation documents of the original District. The District includes sixty-eight (68) Sub Areas: (1) Tract 1581 1-2; (2) Tract 1632 1-9; (3) Tract 1457; (4) Tract 1619; (5) Tract 1508 1-2; (6) Tract 1463-1; (7) Woodland Plaza; (8) Tract 1630; (9) Tract 1942; (10) Tract 2036; (11) Tract 1723; (12) Tract 2070; (13) Tract 1886; (14) Williams Brothers; (15) Tract 1832; (16) Tract 1508-3; (18) Tract 1581-2; (19) Tract 1463-2; (20) PR 91-088; (21) Tracts 1754 1-2; (22) PR 91-095; (23) PR 93-085; (25) PR 94-016; (27) Tract 1508-4; (28) Tract 1718; (29) PR 95-013; (30) PR 91-089; (31) PR 94-128; (32) Tract 2223-1; (33) PR 97-167; (34) Target Center; (35) CUP 95-018; (36) Tract 1895 1-2; (37) Tract 2269; (38) PR 98-008; (39) PR 98-009; (40) PR 93-087; (41) PR 97-138; (42) Tract 2214 1-4; (43) Tract 1951; (44) Tract 2186; and (45) Tract 1771-1 and 3-6; (46) PR 98-038; (47) Tract 2137-1; (48) Tract 2284; (49) Tract 2276; (50) Tract 2311; (51) Tract 2259; (52) 2281 1-5; (53) PR 91-045; (54) Tract 1983; (55) Tract 1463-2; (56) Tract 2137-2; (57) Tract 2223-2; (58) Tract 2137-3; (59) Tract 2352; (60) Tract 2071; (61) Tract 2005 and (62) PR 01-007; (63) Tract 2351; (64) PR 01-186; (66) PD 00-029; (67) Tract 2373; (68) PD 01-003; (69) Tract 2369-1; (70) Tract 2254 1-2; (71) PR 01-263; (72) Tract 2350. The District is designated as "El Paso de Robles Landscape and Lighting Maintenance District No. 1."

SECTION 4. Balloting for Assessment Increase: Pursuant to California Constitution Article XIID, an assessment ballot proceeding is hereby called on behalf of the District on the matter of confirming proposed increased assessments for specific Sub Areas and properties within the District. The assessment ballot proceeding for the District, authorizing an increase of the existing maximum assessments and the application of an inflationary formula shall be presented to property owners pursuant to California Constitution Article XIID, Section 4 consisting of a ballot, included with a mailed notice, distributed by mail to the property owners of record as of the last County equalized roll and subject to the proposed assessment increase. Each property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing for this matter.

SECTION 5. Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22626* of the Act and protest ballot proceedings for proposed assessment increases in accordance with the provisions of the *California Constitution Article XIID, Section 4*.

SECTION 6. Ballot Tabulation: Upon conclusion of public testimony at the Public Hearing, the City Clerk or their designee shall open and tabulate the ballots returned to determine if a majority protest exists. The ballots shall be weighted according to the proportional financial obligation of the affected properties. A majority protest exists if ballots submitted in opposition to the assessments exceed the ballots submitted in favor of the assessment. The determination of majority protest will first be evaluated for all ballots received. If majority protest exists for all ballots received, property owner ballots received will be evaluated individually for each Sub Area balloted.

SECTION 7. Notice: Pursuant to sections 22626, 22552 and 22553 of the 1972 Act and 6061 of the Government Code, the City Clerk shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the El Paso De Robles Press one time not less than ten (10) days before the date of the public hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices; and the City Clerk or their designee shall cause a ballot and notice of the hearing to be distributed by first class mail to the property owners of record as of the last County equalized roll subject to a proposed assessment increase pursuant to the *California Constitution Article XIID*.

SECTION 8. Time of Public Hearing: Notice is hereby given that a public hearing will be held by the City Council of the City of El Paso De Robles on **Tuesday, June 17, 2003 at 7:30 p.m.** and/or as soon thereafter as feasible in the Regular Meeting Chambers located within the Paso Robles City Hall Conference Center located at 1000 Spring Street, El Paso De Robles.

SECTION 9. Other Actions: The City Council and such employees of the District as are appropriate, are authorized and directed to execute such other documents and take such further action as shall be consistent with the intent and purpose of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of April 2003 by the following vote:

AYES: Finigan, Heggarty, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Nemeth

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk