

RESOLUTION NO. 08-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, DECLARING ITS INTENTION TO INCREASE TO THE ANNUAL ASSESSMENTS FOR PROPERTIES WITHIN SUB-AREA 112 OF THE CITY OF PASO ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1 COMMENCING FISCAL YEAR 2008/2009; AND CALLING FOR A PROPERTY OWNER PROTEST BALLOT PROCEEDING ON THE MATTER OF THE PROPOSED ASSESSMENT INCREASE INCLUDING AN ASSESSMENT RANGE FORMULA

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WHEREAS, the City Council, pursuant to provisions of the Landscaping and Lighting Act of 1972 (commencing with Section 22500) Part 2, Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act"), did by previous Resolution, initiate proceedings for a proposed assessment increase for Sub-Area 112 of the City of Paso Robles Landscape and Lighting District No. 1 (hereafter referred to the "District") to be levied and collected through annual assessments against lots and parcels within Sub-Area 112 commencing in fiscal year 2008/2009, and

WHEREAS, the City Council desires to enhance the level of maintenance and services that can currently be funded by the previously adopted assessments in Sub-Area 112 of the District; and therefore the City Council proposes to ballot the property owners of record for a proposed assessment increase against the lots and parcels of land within Sub-Area 112 deemed necessary to support and pay the cost and expenses related to this higher level of maintenance for which properties within Sub-Area 112 will receive special benefits; and,

WHEREAS, the Assessment Engineer of Work has prepared and filed an Engineer's Report in connection with the proposed assessment increase for Sub-Area 112 commencing in fiscal year 2008/2009 (beginning July 1, 2008 and ending June 30, 2009) with the City Clerk pursuant to Section 22623 of the Act, and said report has been presented to the City Council, and is incorporated herein by reference, and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals: The above recitals are true and correct.

Section 2. Report: The Report as presented consists of the following:

- a. A Description of the Sub-Area and Improvements (Plans and Specifications).
- b. The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcel including a description of an "Assessment Range Formula" applicable to subsequent assessments.
- c. The estimated annual costs and expenses to provide the improvements (Budget) that establishes the proposed new "Maximum Assessment Rate" for the Sub-Area and the assessment rate for the upcoming year.
- d. An Assessment Diagram (Boundary Map).

- e. An Assessment Roll containing the assessment to be levied for each Assessor Parcel Number within the Sub-Area commencing in fiscal year 2008/2009 based on the maximum assessment rate and method of apportionment.

Section 3. Engineer's Report, Approval: The Engineer's Report is hereby approved on a preliminary basis as submitted or amended by direction of this City Council, and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 4. Intention: The City Council hereby declares its intention to modify the level of service and maintenance of specified improvements within Sub-Area 112 of the District and proposes an increase to the annual assessments necessary to fund the cost and expenses associated with those modifications; and to levy and collect such assessments against parcels of land within Sub-Area 112 commencing with fiscal year 2008/2009 in accordance with the Act and the provisions of the California Constitution Article XIID.

The City Council further declares its intention to conducted public hearing regarding Sub-Area 112 of the District and the proposed levy of an increased assessment pursuant to the Act and calls for a property owner protest balloting proceeding related thereto in accordance with the provisions of the California Constitution Article XIID. The City Council finds that the public's best interest requires such action and levy of assessments.

Section 5. Territory: The City Council hereby finds that the lots, parcels of land and subdivisions within the boundaries of Sub-Area 112, includes all properties that receive special benefits from the improvements for which the City proposes to modify and enhance the current level of service.

Section 6. Improvements: The proposed improvements and services to be provided and for which properties shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the landscaped areas and facilities within the public right-of-ways or easements associated with the development of properties within Sub-Area 112, that may include, but are not limited to: parkways, slopes, open space, detention basins, drainage improvements, and street lighting improvements. The Engineer's Report prepared in connection with these proceedings for a proposed assessment increase in Sub-Area 112 provides a more detailed description of the improvements and associated costs.

Section 7. Assessments: The City Council hereby determines that in order to provide an appropriate level of maintenance and related services and activities for the improvements within Sub-Area 112 as generally described in section 6 of this resolution, it is necessary to increase the annual assessments to be levied against lots and parcels within Sub-Area 112 commencing in fiscal year 2008/2009. The Engineer's Report referred to in Section 2 of this resolution establishes the estimated budget of anticipated expenses and the resulting new maximum assessments for Sub-Area 112 including the annual inflationary adjustment, that will be necessary to provide ongoing funding for a higher level of maintenance and servicing of Sub-Area 112's improvements including all operational and incidental expenses related to such improvements and services.

Section 8. Compliance with the Constitution: Pursuant to California Constitution, Article XIID, an assessment ballot proceeding is hereby called on the matter of confirming the proposed assessment increase for Sub-Area 112. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and property owner or owners of each affected parcel 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 9. Public Hearing: The City Council hereby declares its intention to conduct a public hearing concerning Sub-Area 112, the improvements therein and the proposed assessment increase connected therewith, in accordance with Government Code, Section 54954.6 and California Constitution, Article XIID, Section 4(e);

Notice is hereby given that a public hearing on these matters will be held by the City Council on Tuesday, May 6, 2008 at 7:30 P.M., or as soon thereafter as feasible in the City Council Chambers, located at 1000 Spring Street, Paso Robles, at the time so fixed. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 10. Notice and Ballot: The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing and property owner protest ballots to the property owners of record regarding the proposed assessment increase for Sub-Area 112 including the assessment range formula as outlined in the Engineer's Report, for return receipt prior to the date and time of the public hearing set forth in this resolution.

A notice of the hearing and ballot shall be distributed by first class mail to the property owner of record for each parcel within the Sub-Area 112 subject to an assessment not less than 45 days before the date of the public hearing pursuant to California Constitution, Article XIID.

Section 11. Protest Proceedings: The property owner protest ballot proceeding conducted for Sub-Area 112 shall constitute the property owners' approval or rejection of the proposed assessment increase and assessment range formula. Each property owner may return the ballot by mail or in person to the City Clerk no later than the conclusion of the public hearing scheduled for Tuesday, May 6, 2008. After the close of the Public Hearing, pursuant to Section 4 (e) of the California Constitution, the City Clerk or their designee shall open and tabulate the ballots returned to determine if majority protest exists. Only those ballots issued by or on behalf of the City for Sub-Area 112 shall be considered as valid ballots and shall be weighted according to the proportional financial obligation of each affected property. Majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment.

In addition to the ballot proceedings property owners may also file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed such written protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and such protest by a property owner within the District shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 12. Notice: The City Clerk is hereby authorized and directed to give notice of such Public Hearing as provided by law

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18th day of March 2008 by the following votes:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah D. Robinson, Deputy City Clerk