

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Landscaping & Lighting District No. 1
Proposed Assessments Fiscal Year 2006/2007
DATE: June 6, 2006

NEEDS: For the City Council to conduct a public hearing for the Landscape and Lighting District (“District”) and the proposed assessments that include proposed new or increased assessments for common area facilities and landscape maintenance within the District as more particularly described in Paragraph 1, below (collectively “Improvements”). After receiving public testimony and comments, make a final announcement that all ballots regarding the proposed new or increased assessments be submitted to the City Clerk. Once all ballots have been received, close the Public Hearing and direct the City Clerk or his/her designee to begin tabulation of the ballots. Once the ballots have been tabulated for the purpose of determining if a “majority protest” exists, the City Clerk will provide the City Council with the results of the ballot tabulation.

FACTS:

1. The City formed a Landscape & Lighting Assessment District (L&L District) in 1989 for the maintenance of public street lighting and landscape improvements including street lighting, trees, turf shrubs and other planting materials, irrigation systems, drainage systems, hardscapes, detention basins, parkways, median islands, open space areas, slopes, public pedestrian paths, entry monuments, and other appurtenant facilities related to the L&L District (“Improvements”).
2. The City began assessing levies in 1993 and by fiscal year 2005/2006, the District was comprised of 114 designated Sub Areas that corresponded to specific developments within the District and a broad range of assessments. Ten new Sub Areas have been balloted and annexed to the District since the assessments were last placed on the property tax rolls for fiscal year 2005/2006, bringing the total number of Sub Areas to 124, with and over 3,784 individual lots within the L&L District.
3. Over the last several years, the costs to maintain Improvements associated with several of these Sub Areas have not been fully recovered through the existing assessments, and, in many cases, the Improvements are associated with more than a single Sub Area. These issues, coupled with the continued expansion of the District over the years, has prompted the City to conduct a review and analysis of the District Improvements and cost allocation of special benefit resulting in a re-organization of the District’s current structure for fiscal year 2006/2007. As part of this re-organization, seventy-four (74) of the Sub Areas have been grouped into one of thirteen (13) larger consolidated Zones of benefit based on their shared benefit from one or more specific Improvements.
4. Within these Zones, sub-zones have been established to reflect differences in benefit from Improvements that are not shared by all the properties within the Zone. These sub-zones may incorporate one or more of the existing Sub Areas within each respective Zone. While this re-organization of the District provides a clearer nexus between the

District Improvements and the properties assessed for those Improvements, it does not eliminate the need to increase assessment revenues to support the maintenance of many of these Improvements. Although this re-organization has not directly facilitated the need for increased assessments, a property owner protest ballot proceeding is being conducted for a new maximum assessment for all affected properties within twelve of the thirteen newly established Zones (Zone 06 does not require ballot proceedings). Eight (8) of the fifty standalone Sub Areas have not been consolidated into a Zone.

5. At the February 21, 2006 meeting, the City Council initiated proceedings for, and declared its intent to levy, new or increased assessments and to conduct ballot proceedings for the affected properties within the District. The Council directed the timing for proceedings to be such that the results could be incorporated into the Annual Levy for fiscal year 2006/2007.
6. Ballot Proceedings. New or increased assessments must be balloted by the property owners within the District, Sub Areas, or zones for a vote. Government Code Section 53753 outlines the assessment ballot procedure.
 - Prior to levying a new or increased assessment, an agency shall give notice by mail at least 45 days prior to the date of the Public Hearing upon the proposed assessment. The notice shall contain the total amount of the proposed assessment chargeable to the entire District, Zone or Sub Area, the amount chargeable to the record owner's parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, and the date, time, and location of a Public Hearing on the proposed assessment. The notice shall include a statement that the assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.
 - The Assessment Ballot proceeding is not an election for purposes of Article II of the California Constitution or of the California Elections Code
 - Ballots are mailed to affected property owners no less than 45 days in advance of the deadline for receipt by the City Clerk
 - Assessment ballots are mailed, with the above referenced Notice, to property owners as documented in the most recent County tax secured roll
 - Ballots are to be received by the City Clerk by mail at 1000 Spring Street, Paso Robles, California, and in person by the close of the public testimony portion of the Public Hearing
 - With limited exceptions, only the affected property owner(s) may submit a valid ballot
 - Ballots may be rescinded or altered by the property owner until the close of the public testimony portion of the Public Hearing
 - Ballots shall remain sealed until the close of the public testimony portion of the Public Hearing at which time the City Clerk shall be directed to open and tabulate

the ballots returned. The City Clerk will not accept ballots for tabulation after the close of public testimony portion of the Public Hearing.

- The City Clerk, or impartial designee, will count and tabulate all valid, completed ballots; after counting, the ballots are public record.
- The ballot process is based upon protest. If a weighted majority (weighting based upon each parcel's proposed proportional maximum L&L assessment) of ballots received protests the proposed new or increased assessment, the proposed assessment shall not be adopted, but the maximum assessment previously approved and adopted by the City Council remains in effect.
- Due to the large number of ballots to be counted, the results of the ballot tabulation are not expected to be available on the night of the Public Hearing, but should be available within 48 hours.
- At the Public Hearing, the City shall consider all objections or protests, if any, to the proposed assessment. During the Public Hearing any interested person is permitted to present written or oral testimony. The Public Hearing may be continued from time to time. (See recommendation of Staff, Option A, below.
- The Council will be presented with the results of the majority protest ballot proceeding, and may then adopt the accompanying resolutions and Engineer's Report, with any needed amendments to coincide with the Ballot results, to properly assess the L&L District for FY 2006/2007.

POLICY

REFERENCE: Resolution No. 89-89 which formed the Landscape & Lighting District No. 1 for the City of Paso Robles; California Constitution Articles XIII C and XIII D; Government Code Section 53753; Proposition 218 Omnibus Implementation Act

FISCAL

IMPACT: All costs of City staff time related to the administration of the District and costs to prepare the engineer's report, to conduct the balloting, to administer the District, and to file the levy with San Luis Obispo County is funded from District Assessments. Should the ballot proceeding fail in certain Zones or Sub Areas due to majority protest, City staff will make necessary modifications to the level of service and improvement activities as needed in fiscal year 2006/2007, to be commensurate with the assessment revenues available from each of the existing Sub Areas. Within the Zones, the highest priority for continued maintenance will be given to those improvements that are shared.

OPTIONS:

- a. Close the public testimony portion of the Public Hearing, direct the City Clerk, or designee, to begin tabulation of the ballots and continue agenda item to the June 20th City Council meeting for City Clerk's announcement of the ballot outcome and consider adopting Resolution consistent with the City Clerk's determination.
- b. Amend, modify, or reject the above option.

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Paso Robles Press

Date of Publication: May 26, 2006

Meeting Date: June 6, 2006
(City Council)

Project: L&LD Assesments 2006/07

I, Deborah Robinson, employee of the
, of the City of El Paso de Robles, do hereby certify
that this notice is a true copy of a published
legal newspaper notice for the above named project.

Signed: 
Deborah Robinson

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

The City of Paso Robles, San Luis Obispo County, California hereby gives notice of a Public Hearing regarding the District and Proposed New or Increased Assessments within the El Paso de Robles Landscape and Lighting Maintenance District No. 1 and the Levy and Collection of Assessments related thereto commencing in Fiscal Year 2006/2007.

Per the requirements of California Constitution Articles XIII C and XIII D (Proposition 218) and the Landscaping and Lighting Act of 1972, the City will hold a Public Hearing to allow public testimony regarding the District and the proposed assessments.

Tuesday June 6, 2006 at 7:30 P.M.
At the City Council Chambers/Library-City Hall Conference Center
1000 Spring Street, Paso Robles CA