

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Landscaping & Lighting District No. 1 Proposed FY07 Assessments
DATE: June 20, 2006

NEEDS : For the City Council to consider adopting the necessary resolutions confirming the balloting results of the Public Hearing of June 6, 2006 and approving and ordering the improvements and assessments for fiscal year 2006/2007.

FACTS:

1. At the February 21, 2006 intent meeting, the City Council had initiated proceedings for and declared its intent to levy assessments for fiscal year 2006/2007 and to conduct ballot proceedings for those properties that would be affected by a proposed new or increased assessment within the Landscape & Lighting 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.
2. On June 6, 2006, the City Council conducted the annual Public Hearing for the Landscape & Lighting Assessment District (L&L District) and proposed assessments that included proposed new or increased assessments for specific developments within the District. After receiving public testimony and comments, the public hearing was closed and ballots were tabulated. Due to the large number of ballots to be counted, the results of the ballot tabulation were not available on the night of the public hearing.
3. The Council has now been presented with the results of the majority protest ballot proceeding by the City Clerk, and may now adopt the accompanying resolutions and Engineer's Report for fiscal year 2006/2007, which has been amended to coincide with the Ballot results and the maximum assessments previously adopted or approved through the recent balloting process.

**ANALYSIS
AND**

CONCLUSION The new or increased assessments were brought before the property owners within the District, Sub Areas or Zones for a vote in accordance with the California Constitution and Government Code Section 53753.

In conjunction with the property owner balloting, the existing district structure was re-engineered; grouping seventy-four (74) of the District's existing Sub Areas into one of thirteen (13) larger zones of benefit (Zones) based on geographical boundaries and shared benefit from one or more specific improvement or type of improvement. Properties within twelve (12) of these thirteen newly established Zones required ballot proceedings; and an additional eight (8) of the remaining fifty standalone Sub Areas were also balloted for an increased assessment.

There was majority protest in eight (8) of the twelve (12) Zones balloted and six (6) of the eight (8) standalone Sub Areas balloted. Accordingly, the Engineer's Report that was originally presented to the City Council has been modified and amended to reflect the

appropriate assessments and budgets for providing the District improvements based on the results of the ballot proceedings. The assessments as presented in this Report, are consistent with the maximum assessments previously adopted for the various Sub Areas or as approved in this latest ballot proceeding.

FISCAL

IMPACT:

All costs of City staff time related to the administration of the District and costs to prepare the engineer's report (as amended), to conduct the balloting, to administer the District, and to file the levy with San Luis Obispo County is funded from District Assessments. Since property owners in all the Zones or Sub Areas balloted did not approve the proposed new or increased assessments balloted (majority protest existed), the Engineer's Report has been amended to reflect a reduced budget in those respective Zones and Sub Areas for fiscal year 2006/2007. The amended budgets are consistent with the revenues that can be generated at an assessment rate equal to or less than the maximum assessment rates previously approved for the respective Sub Areas and 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.

OPTIONS:

- 1) Receive public testimony regarding the annual levy of the Landscape and Lighting District, receive the tabulation of the ballots, and
 - a. Adopt Resolution No. 06-xxx approving the Engineer's Annual Levy Report; and
 - b. Adopt Resolution No. 06-xxx ordering the Levy and Collection of Assessments; and
 - c. Adopt Resolution No. 06-xxx declaring the results of the property owners balloting.
- 2) Amend, modify, or reject the above option.

Attachments:

- 1) Resolutions (3)
- 2) Final Levy Report

RESOLUTION NO. 06-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES CALIFORNIA, APPROVING THE FINAL ENGINEER'S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS AND THE PROPOSED NEW OR INCREASED ASSESSMENTS CONNECTED THEREWITH FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1, COMMENCING IN FISCAL YEAR 2006-2007

WHEREAS, the City Council has by previous Resolutions, formed the El Paso de Robles Landscape and Lighting District No. 1 (hereinafter referred to as the "District"), and annually levied special benefit assessments 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 (hereinafter referred to as the "1972 Act"); and,

WHEREAS, the City Council has initiated proceedings for the levy and collection of assessments of said District, for Fiscal Year 2006-2007 in accordance with the 1972 Act, and declared its intention to conduct a property owner protest ballot proceeding for the levy and collection of new or increased assessments to pay for the cost of improvements related thereto commencing with Fiscal Year 2006-2007, in accordance with the provisions of the California Constitution Article XIID; and,

WHEREAS, the City Council has, by previous Resolutions, ordered the preparation of an Engineer's Report (hereafter referred to as "Engineer's Report") regarding the District territory, the improvements, expenses and assessments related thereto, as required by Chapter 3, Section 22623 of the 1972 Act, and said Engineer's Report has been prepared, filed with the City Clerk's Department and previously presented to the City Council; and,

WHEREAS, the City Council called and duly held property owner protest ballot proceedings for the proposed new or increased assessments related to the each affected Zone or Sub Area within the District territory in accordance with the provisions of the California Constitution Article XIID, the results of which have been presented and confirmed by City Council; and,

WHEREAS, the City Council has carefully examined and reviewed the Engineer's Report, considered all public testimony and written protests presented, and evaluated the results of the property owner protest ballot proceedings to determine if majority protest exists; and,

NOW, THEREFORE, be it Resolved for the El Paso de Robles Landscape and Lighting District No. 1, pursuant to Chapter 3 of the 1972 Act and the provisions of the California Constitution Article XIID, as follows:

- Section 1. That the above recitals are all true and correct.
- Section 2. Based on testimony given, the results of the property owner protest ballot proceedings and the documents and discussion presented, the City Council has directed and confirmed any necessary modifications or amendments to the Engineer's Report previously presented and filed, and said modifications or

amendments so reflected by the minutes of this meeting shall by reference be incorporated into the approved Engineer's Report.

- Section 3. The Engineer's Report as approved shall constitute the territory and properties including Zones and Sub Areas within the District in Fiscal Year 2006-2007, and confirms and establishes the maximum assessment rates and method of apportionment adopted by the City Council in accordance with the benefits received from the improvements, operation, maintenance and services to be performed and authorized within each Zone and Sub Area of the District.
- Sections 4. All new or increased assessments incorporated in the Engineer's Report have been approved by the property owners of record pursuant to the provisions of the California Constitution Article XIID.
- Section 5. The Engineer's Report as presented or amended is ordered to be filed in the City Clerk's Department as a permanent record and to remain open to public inspection.
- Section 6. The City Clerk's Department 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 Engineer's Report.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 20th day of June, 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

APPROVED AS TO FORM:

Iris Yang, City Attorney

APPROVED AS TO ADMINISTRATION:

James L. App, City Manager

RESOLUTION NO. 06-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDINGS CONDUCTED FOR THE LEVY OF ASSESSMENTS RELATED TO THE PROPOSED NEW OR INCREASED ASSESSMENTS FOR PROPERTIES OF THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1 COMMENCING FISCAL YEAR 2006-2007

WHEREAS, the City Council on behalf of the El Paso de Robles Landscape and Lighting District No. 1 (hereafter referred to as the "District") initiated proceedings to conduct a protest balloting for the levy of proposed new or increased assessments within specified territory of the District for Fiscal Year 2006-2007 and further declared its intention to levy new or increased annual assessments on said territory for the special benefits received from improvements related thereto, 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; and,

WHEREAS, in accordance with the provisions of the California Constitution, Article XIIIID, the City Council has caused and conducted a property owner protest ballot proceeding for the proposed new or increased assessments to be levied on properties within the District territory; and,

WHEREAS, the proposed assessments presented to each property owner of record within each affected Zone and Sub Area within the District territory reflects their property's benefit and proportional financial obligation for maintaining landscaping and/or lighting improvements associated with that property. The ballots presented clearly identified the total amount balloted to all properties, the proposed assessment rates, the property's proportional annual amount within each Zone and Sub Area commencing with Fiscal Year 2006-2007 and the inflationary adjustment applicable to future assessments; and,

WHEREAS, upon the close of the Public Hearing held on June 6, 2006 the protest ballots returned by the landowners of record within the District territory, were opened and tabulated, the results of which are illustrated in Exhibit A:

NOW, THEREFORE, be it Resolved for the El Paso de Robles Landscape and Lighting District No. 1, pursuant to the provisions of the California Constitution Article XIIIID, as follows:

Section 1. The above recitals are true and correct.

Section 2. The proceedings were conducted with the notices and ballots of the proposed new or increased assessments presented to the affected qualified property owners within the District in Fiscal Year 2006-2007 as required by law, with a required receipt of the returned ballots to the City Clerk's Department prior to the close of the Public Hearing on June 6, 2006.

Section 3. The canvass of the protest ballots cast for each affected Zone and Sub Area within the District territory and received prior to the close of the public hearing, weighted according to the proportional financial obligation of the affected properties within each such designation herein is hereby approved and confirmed.

Section 4. The City Clerk's Department is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest proceeding.

Section 5. This Resolution shall become effective immediately upon its adoption.

Section 6. The City Clerk's Department shall certify the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 20th day of June, 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

APPROVED AS TO FORM:

Iris Yang, City Attorney

APPROVED AS TO ADMINISTRATION:

James L. App, City Manager

EXHIBIT A

Balloting Results

	YES Assessment (\$)	NO Assessment(\$)	(Pass)	(Fail)
Zone 01	\$35,231.60	\$36,467.92		X
Zone 02	\$11,372.14	\$37,517.16		X
Zone 03	\$79.96	\$39.98	X	
Zone 04	\$3,838.32	\$10,235.52		X
Zone 05	\$22,666.50	\$31,495.50		X
Zone 07	\$24,329.14	\$21,788.12	X	
Zone 08	0	\$4,196.56		X
Zone 09	\$20,529.06	\$10,503.24	X	
Zone 10	\$19,818.72	\$44,167.24		X
Zone 11	\$9,754.40	\$23,898.28		X
Zone 12	\$10,805.32	\$13,957.40		X
Zone 13	\$3,344.05	\$2,561.38	X	
Sub Area 8	0	\$7,330.40		X
Sub Area 9	0	\$1,849.40		X
Sub Area 11	0	\$1,416.24		X
Sub Area 14	0	\$7,703.34		X
Sub Area 28	\$44.80	\$44.80	X	
Sub Area 33	0	0	X	
Sub Area 41	0	\$475.76		X
Sub Area 44	\$609.94	\$5,489.46		X

RESOLUTION NO. 06-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA, ORDERING THE LEVY OF EXISTING AND THE IMPOSITION OF NEW OR INCREASED ASSESSMENTS FOR FISCAL YEAR 2006/2007 FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1, AND THE LEVY AND COLLECTION OF ASSESSMENTS RELATED THERETO

WHEREAS, the City Council has, by previous Resolutions, formed the El Paso de Robles Landscape and Lighting District No. 1 (hereinafter 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 (hereinafter referred to as the "1972 Act"); and,

WHEREAS, the City Council has, by Resolution initiated proceedings and declared its intention to propose existing, new or increased assessments for territory within specified Zones and Sub Areas within the District for Fiscal Year 2006-2007 and to impose on said territory and properties an annual levy of assessments for special benefits received from improvements related thereto; and,

WHEREAS, the City Council called and duly held a property owner protest ballot proceeding for the levy and collection of assessments for the costs and expenses of the landscaping, lighting and appurtenant facilities and improvements benefiting properties within the District territory, in accordance with the provisions of California Constitution, Articles XIID; and,

WHEREAS, the City Council has by previous Resolutions declared the results of said property owner protest ballot proceeding regarding the proposed levy and collection of existing, new or increased assessments for improvements related to the District territory including an annual inflationary adjustment; and,

WHEREAS, the City Council has by Resolution approved the Final Engineer's Report (hereafter referred to as the "Engineer's Report") that describes each Zone and Sub Area and the assessments against parcels of land within each such designation therein within the District territory commencing with Fiscal Year 2006-2007; and,

WHEREAS, the City Council desires to levy and collect annual special benefit assessments against parcels of land within the District territory commencing with Fiscal Year 2006-2007 to pay the costs and expenses of operating, maintaining and servicing of lighting, landscaping, and appurtenant facilities within public places that are provided by the District; and,

NOW, THEREFORE, be it Resolved for the El Paso de Robles Landscape and Lighting District No. 1, pursuant to the provisions of the 1972 Act and the California Constitution Article XIID, as follows:

Section 1 Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, each Zone and Sub Area within the District territory, the levy and collection of assessments, the Engineer's 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 on public testimony, the facts presented and the results of the property owner protest ballot proceedings, the City Council by resolution has approved the Engineer's Report as presented or amended and hereby finds and determines:

2a. The land within each Zone and Sub Area within the District territory receives special benefit from the operation, maintenance and servicing of improvements, located in public places associated with each such designation therein within the District; and,

2b. The District territory includes all of the lands receiving such special benefit; and,

2c. The net amount to be assessed upon the lands within each Zone and Sub Area within the District territory is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels within each such designation therein in proportion to the estimated special benefits to be received by each parcel from the improvements and services and said apportionment of fees was approved by the property owners as defined in the Engineer's Report.

Section 3 The improvements and assessments as presented in the Engineer's Report on file in the Office of the City Clerk are hereby confirmed as filed or as amended by City Council action and the minutes of this meeting.

Section 4 The maintenance, operation and servicing of the improvements and appurtenant facilities shall be performed pursuant to the 1972 Act. The City Council hereby orders the proposed improvements to be made, which are briefly described as the maintenance, operation and the furnishing of services and materials for: public landscaping and lighting facilities.

Section 5 The Auditor of the County of Ventura shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy approved by the City Council each year, 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 1972 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 specifically established by the City for the El Paso de Robles Landscape and Lighting District No. 1," and such money shall be expended only for the maintenance, operation and servicing of the improvements, and facilities as described in Section 4 including all administrative and incidental expenses authorized by the provisions of the 1972 Act.

Section 7 The adoption of this Resolution constitutes the confirmation of the maximum

assessment and inflationary formula applicable to each Zone and Sub Area within the District's said properties, commencing with Fiscal Year 2006-2007. The assessment amount to be levied for each Zone and Sub Area within the District territory in Fiscal Year 2006-2007 (commencing July 1, 2006 and ending June 30, 2007) will be reviewed and approved during the annual public hearing for the entire El Paso de Robles Landscape and Lighting District No. 1, but in no case shall exceed the maximum assessment rates approved by property owner ballot proceedings.

Section 8 The City Clerk's Department is hereby directed to enter this Resolution on the minutes of the City Council meeting and shall constitute the official declaration of the confirmation of the maximum assessment and inflationary formula applicable to each Zone and Sub Area within the District's said properties, commencing with Fiscal Year 2006-2007 for properties within the El Paso de Robles Landscape and Lighting District No. 1 as outlined in the final Engineer's Report.

Section 9 This Resolution shall become effective immediately upon its adoption.

Section 10 The City Clerk's Department shall certify the adoption of this Resolution.

PASSED AND ADOPTED, by the City Council of the City of Paso Robles this 20th day of June, 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

APPROVED AS TO FORM:

Iris Yang, City Attorney

APPROVED AS TO ADMINISTRATION:

James L. App, City Manager

Copy of the Final Levy Report
Available through:

Paso Robles City Clerk's Office
or the Paso Robles Public Library
1000 Spring Street –

or

www.prcity.com