

TO: James L. App, City Manager
FROM: Doug Monn, Director of Public Works
SUBJECT: Annual Levy Report for the Landscape/ Lighting and Drainage Districts
DATE: May 19, 2009

NEEDS: For the City Council to reopen the public hearing continued from the May 5, 2009 Council meeting and consider adopting the attached Resolutions to order collection of assessments for the Landscape/Lighting District and Drainage Districts for Fiscal Year 2009-2010.

- FACTS:**
1. At the meeting of April 7, 2009 City Council adopted Resolutions declaring the City's intention to levy Landscape and Lighting District and Drainage District assessments for Fiscal Year 2009/2010 and setting a public hearing May 5, 2009.
 2. Engineer's Reports for the Landscape/Lighting and Drainage Districts (outlining the proposed improvements and assessments for fiscal year 2009/2010) have been previously prepared and presented to the City Council and have been made available for public inspection – one copy in the Library, one copy at the City Clerk's office and an electronic copy on the City of Paso Robles website.
 3. At the May 5, 2009 public hearing, the City Council provided the public with an opportunity to provide oral or written comments, testimony or protest regarding the Districts and proposed assessments. In order to complete proper newspaper noticing (not done for the May 5th hearing) the City Council continued the public hearing to this May 19, 2009 for further comment and possible action.
 4. After consideration of testimony given at the public hearing the City Council may direct amendments to the Engineer's Reports and/or proposed assessments deemed appropriate, and accordingly adopt the resolutions necessary to levy the assessments for fiscal year 2009/2010 which shall be forwarded to the County by the end of June so that they may be included in the property tax roll.

ANALYSIS &

CONCLUSION: The Landscape and Lighting District and Drainage Districts assessments for the 2009/2010 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 Reports outline 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.

Resolution No. 08-036 forming the Paso Robles Drainage Maintenance District No. 2008-1.

FISCAL

IMPACT:

It is estimated that approximately \$1,416,300 will be assessed for the District in fiscal year 2009/2010 to fund the costs of those areas maintained under the Landscape and Lighting District.

It is estimated that approximately \$3,400 will be assessed for the Paso Robles Drainage District to fund district maintenance.

OPTIONS:

- a. Receive public testimony regarding the annual levy of the Landscape/Lighting And Drainage Districts; and
 - 1) Adopt Resolution No. 09-xx approving the Landscape/Lighting District Engineer's Report; and
 - 2) Adopt Resolution No. 09-xx approving the Drainage District Engineer's Report; and
 - 3) Adopt Resolution No. 09-xx ordering the Landscape/Lighting District Levy and Collection of Assessments.
 - 4) Adopt Resolution No. 09-xx ordering the Drainage District Levy and Collection of Assessments.
- b. Amend, modify, or reject the above option.

Attachments:

- 1) Resolutions (4)

RESOLUTION NO. 09-

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 2009/2010

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 2009/10.
- 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 AND ADOPTED by the City Council of the City of Paso Robles this 19th day of May 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

RESOLUTION NO. 09-

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 DRAINAGE MAINTENANCE
DISTRICT NO. 2008-1 FOR FISCAL YEAR 2009/2010

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 Drainage Maintenance District No. 2008-1

(Hereafter referred to as the "District") pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code*, beginning with Section 54703 (hereafter referred to as the "Act"), and

WHEREAS, there has been presented to this City Council the Report as required by 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 2009/10.
- e. The proposed assessment amounts for each of the Assessor Parcel Numbers to be assessed with the District.

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 AND ADOPTED by the City Council of the City of Paso Robles this 19th day of May 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

RESOLUTION NO. 09-

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 2009/2010

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, 2009 and ending June 30, 2010 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, 2009 and ending June 30, 2010 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, 2009 and ending June 30, 2010 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, 2009 and ending June 30, 2010 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, 2009 and ending June 30, 2010.

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 AND ADOPTED by the City Council of the City of Paso Robles this 19^h day of May 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

RESOLUTION NO. 09-

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 DRAINAGE MAINTENANCE
DISTRICT NO. 2008-1 FOR FISCAL YEAR 2009/2010

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 Drainage Maintenance District No. 2008-1 (hereafter referred to as “District”) for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010 pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code*, beginning with Section 54703 (hereafter referred to as the “Act”) to pay the costs and expenses of operating, maintaining, and servicing Drainage 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, 2009 and ending June 30, 2010 to pay the costs and expenses of operating, maintaining, and servicing Drainage, 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, 2009 and ending June 30, 2010 as described in the Report in accordance with the provisions of the Act and applicable provisions of Article XIID 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, 2009 and ending June 30, 2010 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 Drainage facilities, and appurtenant facilities 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 for City of El Paso De Robles Drainage Maintenance District No. 2008-1, and such money shall be expended only for the maintenance, operation, and servicing of Drainage, 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, 2009 and ending June 30, 2010.

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 AND ADOPTED by the City Council of the City of Paso Robles this 19th day of May 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

CITY COUNCIL
PROJECT NOTICING

Newspaper: The Tribune

Date of
Publication: May 2, 2009

Hearing
Date: May 19, 2009
City Council

Project: Notice of Public Hearing
Landscape/Lighting and Drainage Districts

I, Barbara Naftel-Anderton, employee of the Public Works
Department, 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: Barbara Naftel-Anderton
Barbara Naftel-Anderton

NOTICE OF PUBLIC HEARING
Landscape/Lighting and Drainage
Districts
City of Paso Robles

NOTICE IS HEREBY GIVEN that the Public Works Department of the City of El Paso de Robles will hold a Public Hearing to review adopted Resolutions declaring the City's intention to levy Landscape and Lighting District and Drainage District assessments for Fiscal Year 2009/2010 approved at the City Council Meeting of April 7, 2009 at a Public Hearing scheduled for May 19, 2009.

Engineer's Reports for the Landscape/Lighting and Drainage Districts (outlining the proposed improvements and assessments for fiscal year 2009/2010) has been prepared and presented to the City Council and has been made available for public inspection: one copy in the Library, one copy at the City Clerk's office and an electronic copy on the City of Paso Robles website.

At the Public Hearing, the City Council provides the public an opportunity to submit oral or written comments, testimony or protest regarding the Districts and proposed assessments. The Public Works Department's Public Hearing will take place in the City Hall Library/Conference Center located at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, May 19, 2009.

Please write to Public Works Superintendent Dennis Fansler or call at (805) 237-3873 should you have questions or comments regarding this notice or related matters.

Doug Monn, Public Works Director
May 2, 2009 6816130