

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 18, 2010

NEEDS: For the City Council to hold a public hearing and consider adopting the attached Resolutions to order collection of assessments for the Landscape/Lighting District and Drainage Districts for Fiscal Year 2010/2011.

- FACTS:**
1. At the meeting of April 20, 2010 City Council adopted Resolutions declaring the City's intention to levy Landscape and Lighting District and Drainage District assessments for Fiscal Year 2010/2011 and setting a public hearing May 18, 2010.
 2. Engineer's Reports for the Landscape/Lighting and Drainage Districts (outlining the proposed improvements and assessments for fiscal year 2010/2011) 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 public hearing, the City Council will provide the public with an opportunity to provide oral or written comments, testimony or protest regarding the Districts and proposed assessments.
 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 2010/2011 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 2010/2011 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.

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

Proposition 218.

FISCAL

IMPACT:

It is estimated that approximately \$1,426,122 will be assessed for the District in fiscal year 2010/2011 to fund the costs of those areas maintained under the Landscape and Lighting District.

It is estimated that approximately \$2,000 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. 10-xx approving the Landscape/Lighting District Engineer's Report; and
 - 2) Adopt Resolution No. 10-xx approving the Drainage District Engineer's Report; and
 - 3) Adopt Resolution No. 10-xx ordering the Landscape/Lighting District Levy and Collection of Assessments.
 - 4) Adopt Resolution No. 10-xx ordering the Drainage District Levy and Collection of Assessments.
- b. Amend, modify, or reject the above option.

Attachments:

Resolutions (4)

RESOLUTION NO. 10-

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 2010/2011

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 2010/11.
- 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 18th day of May 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

RESOLUTION NO. 10-

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 2010/2011

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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011.

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 18th day of May 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

RESOLUTION NO. 10-

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 2010/2011

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 2010/2011.
- 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 18th day of May 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

RESOLUTION NO. 10-

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 2010/2011

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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011 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, 2010 and ending June 30, 2011.

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 18th day of May 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

PROOF OF PUBLICATION

STATE OF CALIFORNIA } **SS**
County of San Luis Obispo

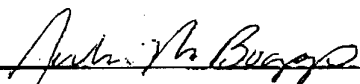
I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer, Paso Robles Press (aka Country News-Press); a newspaper of general circulation, printed and published in Paso Robles, Calif., County of San Luis Obispo, and which newspaper has been adjudged a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on July 1, 1952. Court Decree #19945, Case #19176, under the provisions of Chapter 1, Division 7, Title 1 of the Government Code of the State of California, that the notice of which the annexed is a printed copy (set in type no smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following days, to wit

4-30-2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Dated at Paso Robles, CA this

Dated

4-30-2010



Signature: Autumn Boggs

Proof of Publication of:

NOTICE OF PUBLIC HEARING

Legal # 2691

RESOLUTION NO. 10-042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010/2011.

The City Council of the City of El Paso De Robles ("City Council"), California does resolve as follows:

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 2010/2011 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 XIII; and,

WHEREAS, the City Council has retained Willdan Financial Services to prepare and file an Engineer's Report with the City Clerk for the purposes of establishing ongoing annual assessments in accordance with the Act and the provisions of the California Constitution, Article XIII.

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 is its intention to seek the levy of annual assessments for Fiscal Year 2010/2011 over and including the land within the District boundary to pay the costs of the operation, maintenance, and servicing of lighting, landscaping, and appurtenant facilities and operations related thereto, pursuant to Chapter 3, Section 22624 of the Act, and the California Constitution, Article XIII.

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 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 and the annexation documents for all subsequent annexations. The District is designated as "El Paso de Robles Landscape and Lighting Maintenance District No. 1."

Section 4 Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of the fiscal year 2010/2011 assessments for the District in accordance with Chapter 3, Section 22628 of the Act.

Section 5 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 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.

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, May 18, 2010 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 20th day of April 2010 by the following vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:
PUB: 4-30-2010
LEGAL#2691

PROOF OF PUBLICATION

STATE OF CALIFORNIA

County of San Luis Obispo

} SS

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer, Paso Robles Press (aka Country News-Press); a newspaper of general circulation, printed and published in Paso Robles, Calif., County of San Luis Obispo, and which newspaper has been adjudged a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on July 1, 1952. Court Decree #19945, Case #19176, under the provisions of Chapter 1, Division 7, Title 1 of the Government Code of the State of California, that the notice of which the annexed is a printed copy (set in type no smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following days, to wit

4-30-2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Dated at Paso Robles, CA this

Dated

4-30-2010

Signature: Autumn Boggs

Proof of Publication of:

NOTICE OF PUBLIC HEARING

Legal # 2690

RESOLUTION NO. 10-047

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN

DRAINAGE MAINTENANCE DISTRICT NO. 2008-1 IN FISCAL YEAR 2010/2011, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS.

The City Council of the City of El Paso de Robles (hereafter referred to as "City Council") hereby finds, determines, resolves, and orders as follows:

WHEREAS, the City Council 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 "1982 Act") did by previous Resolution approve the levy and collection of annual assessments to pay for the operation, maintenance and servicing of the drainage improvements for the assessment district designated as "Drainage Maintenance District No. 2008-1" (hereafter referred to as the "District"); and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2010/2011 (July 1, 2010 and ending June 30, 2011) in accordance with Chapter 3, Article 4 of the 1982 Act and in accordance with the requirements of the California Constitution, Articles XIII C and XIII D, and the City Council did by previous Resolution preliminarily approve such Report. NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles as follows:

SECTION 1. The City Council hereby declares its intention to seek the annual levy of the

DISTRICT PURSUANT TO THE 1982 Act, over and including the land within the District boundary, and to levy and collect special benefit assessments on parcels of land within the District to pay for the costs and expenses associated with the operation, maintenance, repair and servicing of drainage improvements.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the drainage improvements authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to all materials, equipment, labor, and incidental expenses deemed necessary to keep these improvements in satisfactory condition as well as the collection of assessment installments for the periodic service activities, repair, or refurbishments of the improvements. The Engineer's Report, as ordered by previous Resolution, provides a full and complete description of the improvements within the District.

SECTION 3. The proposed territory within Drainage Maintenance District No. 2008-1 consists of lots and parcels of land located in the planned residential development known as PR03-0338.

SECTION 4. The proposed assessments for the District are outlined in the Engineer's Report. The Report details the proposed assessments necessary to provide for the annual operation, administration, services, and maintenance of the improvements described in Section 2 of this Resolution.

SECTION 5. 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, May 18, 2010 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, in accordance with Government Code, Section 53753 and California Constitution, Article XIII D, Section 4(e). The City shall give notice of the time and

place of the Public Hearing by posting a copy of this resolution on the official bulletin board customarily used by the Council for the posting of notices and by publishing this resolution in a local newspaper pursuant to Government Code Section 6066 as outlined in the 1982 Act. At the Public Hearing, interested persons shall be permitted to present written and/or oral testimony. PASSED AND ADOPTED by the City Council of the City of Paso Robles this 20th day of April 2010 by the following vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

PUB: 4-30-2010
LEGAL#2690