



## Council Agenda Report

**From:** Freda Berman, Maintenance Superintendent

**Subject:** Public Hearing for the Annual Levy of Landscape & Lighting Maintenance District No. 1 and Drainage Maintenance District 2008-1 for Fiscal Year 2017/2018.

**Date:** May 16, 2017

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### Facts

1. At the meeting of April 18, 2017 City Council adopted Resolutions declaring the City's intention to levy Landscape and Lighting District and Drainage District assessments for Fiscal Year 2017/2018 and setting a Public Hearing on May 16, 2017.
2. Engineer's Reports for the Landscape/Lighting and Drainage Districts (outlining the proposed improvements and assessments for fiscal year 2017/2018) 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's website at: <http://www.prcity.com/government/departments/commserv/parks/landscape-lighting.asp>
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 the testimony given at the Public Hearing, the City Council may direct amendments to the Engineer's Reports and/or proposed assessments as deemed appropriate, and accordingly adopt the resolutions necessary to levy the assessments for Fiscal Year 2017/2018. The assessments will be forwarded to San Luis Obispo County by the end of June so that they may be included in the property tax roll.

### Options

1. Do nothing.
2. Adopt the following:
  - a. Resolution No. 17-XXX approving the Landscape/Lighting District Engineer's Report; and
  - b. Resolution No. 17-XXX approving the Drainage District Engineer's Report; and
  - c. Resolution No. 17-XXX ordering the Landscape/Lighting District Levy and Collection of Assessments; and
  - d. Resolution No. 17-XXX ordering the Drainage District Levy and Collection of Assessments.
3. Amend, modify, or reject the above option(s).

### Analysis and Conclusions

The Landscape and Lighting Maintenance District and Drainage Maintenance District assessments for Fiscal Year 2017/2018 are developed for each Sub-Area 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. These reports have been made available to the public for their inspection.

Approximately \$1,597,192 will be assessed in Fiscal Year 2017/2018 to fund the costs of maintaining the Landscape and Lighting District. Approximately \$350 will be assessed in Fiscal Year 2017/2018 to fund the costs of maintaining the Drainage District.

**Fiscal Impact**

All costs associated with maintaining and administering the Landscape and Lighting and Drainage Maintenance Districts are funded through annual assessments.

**Recommendation**

Approve Resolutions 17-XXX(1) through 17-XXX(4) approving the Landscape and Lighting Maintenance District and Drainage Maintenance District Engineers Reports and ordering the annual levy and collection of assessments.

**Attachments**

1. Resolutions (4)

RESOLUTION NO. 17-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
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 2017/2018

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, this City Council has been presented 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, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

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 2017/2018
- e. The proposed assessment amounts for each of the existing District Zones and Sub Areas

Section 3. 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.

APPROVED this 16<sup>th</sup> day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Kristen L. Buxkemper, Deputy City Clerk

RESOLUTION NO. 17-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES 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 2017/2018

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, this City Council has been presented 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, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

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 2017/2018.
- e. The proposed assessment amounts for each of the Assessor Parcel Numbers to be assessed with the District.

Section 3. 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.

APPROVED this 16<sup>th</sup> day of May, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Kristen L. Buxkemper, Deputy City Clerk

RESOLUTION NO. 17-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE  
EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1  
FOR FISCAL YEAR 2017/2018

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, 2017 and ending June 30, 2018 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, 2017 and ending June 30, 2018 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, 2017 and ending June 30, 2018 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, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. 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 3. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:

- a. 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
- b. The District includes all of the lands so benefited; and,
- c. The net amount to be assessed upon the lands within the District for the Fiscal Year commencing July 1, 2017 and ending June 30, 2018 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 4. 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 5. 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 6. 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 7. 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 8. The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2017 and ending June 30, 2018.

Section 9. 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.

APPROVED this 16<sup>th</sup> day of May, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Kristen L. Buxkemper, Deputy City Clerk

RESOLUTION NO. 17-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ORDERING  
THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE EL PASO DE ROBLES  
DRAINAGE MAINTENANCE  
DISTRICT NO. 2008-1 FOR FISCAL YEAR 2017/2018

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, 2017 and ending June 30, 2018 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, 2017 and ending June 30, 2018 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, 2017 and ending June 30, 2018 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, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. 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 3. 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:

- a. 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.
- b. The District includes all of the lands so benefited.
- c. The net amount to be assessed upon the lands within the District for the Fiscal Year commencing July 1, 2017 and ending June 30, 2018 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 XIIIID of the California State Constitution.

Section 4. 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 5. 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 6. 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 6.4, Article 4, Section 54718* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 7. 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 8. The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2017 and ending June 30, 2018.

Section 9. 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 6.4, Article 4, Section 54718* of the Act.

APPROVED this 16<sup>th</sup> day of May, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Kristen L. Buxkemper, Deputy City Clerk