

**California City
City Council
Staff Report
Assistant City Manager Terry G. Hicks**

Status: X Routine _____Closed Session

Meeting Date: June 5, 2007

ITEM: Aspen Mall Landscape and Lighting District
FY 2007-2008 Tax Roll Compliance

BACKGROUND:

Pursuant to the Landscaping and Lighting Act of 1972, the governing body is required to approve by resolution; the engineer's report which has been filed with the City Clerk and order the levy and collection of assessments.

The engineer's report contains:

1. A description of improvements
2. Proposed FY 07-08 budget
3. District diagram of each parcel
4. Proposed levy for each parcel

The governing body may approve the engineer's report on a preliminary basis or amend the report. The proposed district assessments must be equal to or less than the maximum assessments previously approved under article XIID of the California Constitution.

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RECOMMENDATION:

1. Council consider adopting resolution for approval of engineer's report.
2. Council consider adopting resolution ordering levy and collection of assessments.

SOURCE OF FUNDING:

Not Applicable

ENVIRONMENTAL ACTION:

Not Applicable

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA, AMENDING AND/OR APPROVING THE ENGINEER'S REPORT FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2007/08

The City Council of the City of California City (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code* (hereafter referred to as the "Act"), did by previous resolution declared its intention to levy and collect annual assessments for the **Aspen Mall Landscaping and Lighting District** (hereafter referred to as the "District"), for the fiscal year commencing July 1, 2007 and ending June 30, 2008; and,

WHEREAS, pursuant to *Article 4 of Chapter 1, commencing with Section 22565* of said Act, the City Council ordered the preparation of an Engineer's Report. Said Report, entitled "Engineer's Annual Levy Report, Aspen Mall Landscaping and Lighting District, Fiscal Year 2007/08" (hereafter referred to as the "Report") has been filed with the City Clerk and presented to the City Council; and,

WHEREAS, the City Council has examined and reviewed the Report and is satisfied with each of the items and documents as set forth therein or as amended and finds that the levy of assessments has been spread in accordance with the benefits received from the improvements and services to be performed, as set forth in said Report.

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: That the "Engineer's Report" as presented, consists of the following:

- a) A Description of Improvements.
- b) The Annual Budget (Costs and Expenses of Services, Operations and Maintenance).
- c) A diagram of the District that identifies the parcels within the District.
- d) The District Roll containing the proposed levy of assessments for each Assessor Parcel within the District for fiscal year 2007/08.

Section 3: The "Engineer's Report" as presented or as amended is hereby approved and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to

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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 the Engineer's Report.

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PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

STATE OF CALIFORNIA)
COUNTY OF KERN) ss.
CITY OF CALIFORNIA CITY)

David Evans, Mayor
City of California City

I, _____, City Clerk of the City of California City, County of Kern, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of California City at a regular meeting of said council held on the _____ day of _____, 2007, by the following vote:

Ayes:

Noes:

Absent:

Abstained:

Denise Hilliker, City Clerk
City of California City

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA
CITY ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR
THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL
YEAR 2007/08**

The City Council of the City of California City (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions initiated proceedings and declared its intention to levy assessments against parcels of land within the Aspen Mall Landscaping and Lighting District (hereafter referred to as the "District") for the fiscal year commencing July 1, 2007 and ending June 30, 2008, 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* (hereinafter referred to as the "Act"); and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, an Engineer's Report in connection with the proposed levy and collection upon eligible parcels of land within District, and the City 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, 2007 and ending June 30, 2008 to pay the costs and expenses of operating, maintaining and servicing landscaping and appurtenant facilities located within public places in the District.

**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 its Resolution approving the Engineer's Report prepared in connection therewith; the levy and collection of assessments, and considered the oral and written statements, protests and communications made or filed by interested persons.

Section 2: Pursuant to the provisions of California Constitution Article XIID, a maximum assessment for the District has been established and previously approved by the property owners through an assessment ballot proceeding. The City Council has determined that the proposed assessments presented in the Engineer's Report are less than or equal to the maximum assessment amount previously approved by the property owners. The City Council further declares that the proposed assessments are spread by the rate (assessment) and method approved by the property owners, and therefore in full compliance with both the substantive and procedural requirements of the California Constitution.

Section 3: Based upon review (and amendments, as applicable), the City Council hereby finds and determines that the Engineer's Report sufficiently and accurately describes:

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- a) The land within the District will receive special benefit by the operation, maintenance and servicing of landscaping, lighting, and appurtenant facilities within the boundaries of the District.
- b) The District includes the lands receiving such special benefit.
- c) The net amount to be assessed upon the lands within the District is apportioned by a formula and method that fairly distributes the net amount among eligible parcels in proportion to the special benefit to be received by each parcel from the improvements and services.

Section 4: The Report and assessment as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 5: The City Council hereby orders the proposed improvements to be made for Fiscal Year 2007/08, and the improvements are briefly described as follows: turf, ground cover, shrubs, trees, drainage systems, irrigation systems, lighting, hardscape, and associated appurtenances within the public rights-of-way and specific easements. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, landscaping and appurtenant facilities, including repair, removal or replacement of the landscaping or appurtenant facilities; providing for the satisfactory working condition, life, growth, health and beauty of the improvements, including cultivation, irrigation, trimming, spraying, fertilization and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water and electricity for the irrigation and control of the landscaping or appurtenant facilities.

Section 6: The maintenance, operation and servicing of the landscaping and appurtenant facilities shall be performed pursuant to the Act; and the County Auditor of Kern shall enter on the County Assessment Roll opposite each parcel of land the amount of levy; and such levies shall be collected at the same time and in the same manner as the County taxes are collected. 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 the money representing assessments collected by the County for the District to the credit of a fund for the Aspen Mall Landscaping and Lighting District, and such money shall be expended only for the maintenance, operation and servicing of the appurtenant facilities as described in Section 5.

Section 8: The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008.

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.

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PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

STATE OF CALIFORNIA)
COUNTY OF KERN) ss.
CITY OF CALIFORNIA CITY)

David Evans, Mayor
City of California City

I, _____, City Clerk of the City of California City, County of Kern, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of California City at a regular meeting of said council held on the _____ day of _____, 2007, by the following vote:

- Ayes:**
- Noes:**
- Absent:**
- Abstained:**

Denise Hilliker, City Clerk
City of California City

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