

**RESOLUTION No. 2006-33**

**A RESOLUTION OF INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT No.1 (LLMD), ZONES 4, 6, 7 AND 11, OF THE CITY OF LEMOORE.**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on June 20th, 2006 at 7:30 p.m. on said day, it was moved by Council member \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ and carried that the following Resolution be adopted:

1. It is the intention of the Council to order the levy and collection of assessments under the Landscape and Lighting Act of 1972, Part Two of Division 15 of the Streets and Highways Code (beginning with Section 22500 and herein the "Act"), within Landscaping and Lighting Maintenance District No. 1, ("LLMD"), Zones 4, 6, 7 and 11, of the City of Lemoore for fiscal year 2006-07. The assessments are proposed to increase from the previous fiscal year.
2. The territories of LLMD Zones 4, 6, 7 and 11, are comprised of various territories generally located on the attached vicinity map which is the real property particularly, distinctly and specially benefited and to be assessed for the maintenance and operation of the landscaping, street lighting and appurtenant facilities of LLMD Zones 4, 6, 7 and 11, generally described in Exhibit "A" attached hereto and by reference incorporated herein.
3. The Engineer has prepared and filed with the Clerk of the City of Lemoore a report labeled Engineer's Report of the City of Lemoore Landscaping and Lighting Maintenance District No.1, Zones 4,6,7 and 11, dated June 20, 2006 to which reference is hereby made for a description of the existing improvements, the boundaries of the assessment district and the referenced zones therein, including the general location, and the proposed assessment upon assessable lots and parcels of land within, LLMD Zones 4,6,7 and 11. No substantial changes are proposed to be made in the existing improvements, and no new improvements are proposed to LLMD Zones 4, 6, 7 and 11.
4. Notice is hereby given that on the 20<sup>th</sup>, day of July, at the hour of 7:00 p.m. in the Council Chambers of the City of Lemoore, Lemoore, California is hereby fixed as the time and place for a public meeting to allow public testimony regarding proposed assessment.
5. Notice is further hereby given that on the 15th day of August, 2006, at the hour of 7:30 p.m. or as soon thereafter as possible, in the regular meeting place of the City Council, Council Chambers, 429 C Street, Lemoore, California, is hereby fixed as the time and place for public hearing when and where all interested persons may be heard regarding the question of levy and collection of the proposed increased assessments in LLMD Zones 4, 6, 7 and 11 for fiscal year 2006-07, including the proposed revision to the methodology for calculating the amount of the assessment. At the hearing, any interested person shall be permitted to present written or oral testimony. Also, prior to the conclusion of public testimony at the hearing, the record owner(s) of each lot or parcel in

**LLMD Zones 4, 6, 7 and 11 identified in the Engineer's Report as having special benefit conferred on it and on which an increased assessment is proposed to be imposed may submit, change or withdraw an assessment ballot as provided in Section 6 below. The hearing shall be conducted, and assessment ballots tabulated, as described in the Section 6.**

- 6. The City Clerk is hereby authorized and directed to give notice of the public hearing in accordance with Section 22626(b) of the Act. The City Clerk shall mail notice to the record owner(s), as shown in the last equalized assessment roll of the County of Kings, the State Board of Equalization assessment roll or as known to the City Clerk, of each lot or parcel in LLMD Zones 4, 6, 7 and 11 and identified in the Engineer's Report as having special benefit conferred on it and on which an increased assessment is proposed to be imposed. The notice shall be given by mail at least 45 days before the hearing on the Engineer's Report, the proposed revision in the methodology for calculating amount of the assessment, and the proposed levy and collection of increased assessments in LLMD Zones 4, 6, 7 and 11. Each notice shall include (i) the name and address of the City, (ii) the reason for the assessment, (iii) the total amount of the increased assessment chargeable to the entire territory within LLMD Zones 4, 6, 7 and 11, (iv) the amount of increased assessment chargeable to the record owner's lot or parcel, (v) the duration of the payments, (vi) the basis on which the amount of the proposed increased assessment was and will be calculated for each fiscal year, including the proposed revision to the methodology for calculating the amount of the assessment, (vii) in a conspicuous place, a summary of the procedures for completion, return and tabulation of assessment ballots, including a statement that the increased assessment shall not be imposed and the assessment methodology shall not be revised if the ballots submitted in opposition to the increased assessment exceed the ballots submitted in favor of the increased assessment, with ballots weighted according to the proportional financial obligation of the affected lots or parcels, (viii) the date, time and place of the public hearing, and (ix) the name and telephone number of the person designated by the Council to answer inquiries regarding the protest and assessment ballot proceedings.**

**Each notice also shall contain an assessment ballot that includes the City's address for receipt of the form and a place where the person returning the assessment ballot may indicate his or her name, a reasonable identification of the lot or parcel, and his or her support of or opposition to the proposed increased assessment. An envelope for the return of the assessment ballot shall be included with each notice. All assessment ballots shall be signed and returned by mail or otherwise delivered at the address indicated in the assessment ballot, or the site of the public hearing, prior to the date and hour set for the hearing. An assessment ballot may be submitted, changed or withdrawn prior to the conclusion of the public testimony on the proposed assessment at the hearing.**

**At the time, date and place stated in the notice, the Council shall conduct a public hearing on the proposed increased assessment and, at the hearing, shall consider all objections and protests, if any, to the proposed increased assessment and proposed revision to the methodology for calculating the amount of the assessment, and shall consider the adoption of a resolution finally approving the**

**Engineer's Report and confirming the diagram, approving the revision to the methodology for calculating the amount of assessment and ordering the levy and imposition of the increased assessment, either as originally proposed or as changed by the Council. Any interested person shall be permitted to present written or oral testimony at the hearing. The Council may continue the hearing from time to time.**

**At the conclusion of the public hearing, an impartial person designated by the Council, who does not have a vested interest in the outcome of the proposed assessment and who may be the City Clerk, will tabulate the assessment ballots submitted and not withdrawn in support of or in opposition to the proposed increased assessment. If the assessment ballots submitted and not withdrawn in opposition to the proposed increased assessment exceed the assessment ballots submitted and not withdrawn in favor of the proposed increased assessment (weighting the assessment ballots by the amount of the proposed increased assessment to be imposed on the lot or parcel for which each assessment ballot was submitted), a majority protest shall exist and the Council shall not impose the increased assessment or revise the methodology for calculating the amount of the assessment. In the event, the Council intends to levy and impose on the lots and parcels in LLMD Zones 4, 6, 7 and 11 assessments for fiscal year 2006-07 in an amount no greater than the assessment levied and imposed for fiscal year 2005-06 or any previous fiscal year. If a majority protest (determined as described above) does not exist, the Council intends to proceed to revise the methodology for calculating the amount of the assessment and to levy and impose the increased assessments in LLMD Zones 4, 6, 7 and 11 in accordance with applicable law.**

**Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 20<sup>th</sup>, day of June, 2006 by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

**APPROVED:**

**\_\_\_\_\_  
Thomas E. Buford  
Mayor**

**ATTEST:**

**\_\_\_\_\_  
Nanci C.O. Lima, City Clerk**

**CERTIFICATE**

**STATE OF CALIFORNIA     )**  
**COUNTY OF KINGS        ) ss.**  
**CITY OF LEMOORE        )**

**I Nanci C.O. Lima, City Clerk of the City of Lemoore do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting held on \_\_\_\_\_,2006**

**DATED:\_\_\_\_\_.**

\_\_\_\_\_  
**Nanci C.O. Lima**  
**City Clerk**