

RESOLUTION No. 2007-21

A RESOLUTION OF INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT No.1 (LLMD), ZONES 5, 7 AND 10, OF THE CITY OF LEMOORE.

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on June 5, 2007, at 7:30 p.m., it was moved by Council Member _____, seconded by Council Member _____ 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) (the "Act"), within Landscaping and Lighting Maintenance District No. 1 ("LLMD"), Zones 5, 7 and 10, of the City of Lemoore for fiscal year 2007-08. The assessments are proposed to increase from the previous fiscal year, and the methodology for calculating the amount of the assessment is proposed to be revised.
2. The territories of LLMD Zones 5, 7 and 10 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 5, 7 and 10, generally described in Exhibit A, attached to and incorporated in this Resolution.
3. The Engineer has prepared and filed with the Clerk of the City of Lemoore a report titled Engineer's Report of the City of Lemoore Landscaping and Lighting Maintenance District No.1, Zones 5, 7 and 10, dated June 2007, to which reference is 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 5, 7 and 10. No substantial changes are proposed to be made in the existing improvements, and no new improvements are proposed for LLMD Zones 5, 7 or 10.
4. The Engineer's Report in the form on file with the City Clerk as of the date of this Resolution, and each and every part thereof, are preliminarily approved and confirmed, and shall stand as the engineer's report for all further proceedings pursuant to this Resolution, the Act and the Proposition 218 Omnibus Implementation Act, Government Code Sections 53750 through 53754.

5. Notice is hereby given that August 7, 2007, at 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 fixed as the time and place for the 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 5, 7 and 10 for fiscal year 2007-08, 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, before the conclusion of public testimony at the hearing, the record owner(s) of each lot or parcel in LLMD Zones 5, 7 or 10 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.

6. The City Clerk is 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 5, 7 and 10 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 public hearing described in Section 4. 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 Zone 5, 7 or 10, as applicable, (iv) the amount of increased assessment chargeable to the record owner's lot or parcel in that Zone, (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 required pursuant to Government Code Section 53753(c), including a statement that the increased assessment shall not be imposed in that particular Zone and the assessment methodology shall not be revised for that Zone if the ballots submitted by owners of lots and parcels in that Zone 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 mailed 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, including the proposed revision to the methodology for calculating the amount of the assessment. Each assessment ballot shall be in a form that conceals its contents once it is sealed by the person submitting the assessment ballot. A separate envelope for sealing the assessment ballot and an envelope for the return of the sealed ballot shall be included with each notice. All assessment ballots shall be signed, sealed in the separate sealing envelope and returned by mail or otherwise delivered at the address indicated in the assessment ballot prior to the date and hour set for the hearing. Assessment ballots shall remain sealed until the tabulation of the ballots commences. If the return envelope is opened by the City prior to the tabulation, the enclosed assessment ballot shall remain sealed as provided in the preceding sentence. An assessment ballot may be submitted, changed or withdrawn prior to the conclusion of the public testimony on the proposed assessment at the hearing.

- 7. The City Clerk also is authorized and directed to give notice of the public hearing in accordance with Section 22626 (a) of the Act.
- 8. Harry A. Tow, P.E., City Engineer, is designated as the person to provide additional information and answer inquiries concerning the proposed annexation, annual assessment and protest proceedings.
- 9. This Resolution shall take effect immediately upon adoption.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 5th, day of June, 2007 by the following vote:

AYES

NOES:

ABSENT:

ABSTAINING:

APPROVED:

John Murray
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 the 5th day of June, 2007

DATED: June 6, 2007 .

Nanci C.O. Lima
City Clerk