

RESOLUTION NO. 2008-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA DECLARING ITS
INTENTION TO LEVY AND COLLECT ASSESSMENTS
WITHIN VALLE VISTA LANDSCAPE AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2008-09 AND SETTING
THE TIME AND PLACE FOR A HEARING ON SAID ASSESSMENT**

WHEREAS, by prior action the City Council established the Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 (“District”) pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 2250 *et seq.*) (“Act”); and

WHEREAS, pursuant to Resolution No. 2008-08, this Council ordered preparation of an Engineer’s Report (“Report”) with respect to the assessment proposed to be levied in connection with the District for Fiscal Year 2008-2009; and

WHEREAS, by its Resolution No. 2008-09, this Council approved the Report as filed; and

WHEREAS, a copy of the approved Report is on file in the Office of the City Clerk, available for public inspection at said Office, and incorporated herein by reference; and

WHEREAS, the City Council desires to declare its intention to levy the proposed assessment for Fiscal Year 2008-09.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista as follows:

1. The Council hereby declares its intention to levy and collect assessments in connection with the District for Fiscal Year 2008-09, as set forth in the Report.
2. The District is designated by the following distinctive name: “Valle Vista Landscaping and Lighting Maintenance Assessment District No. 1.” The District is generally described as a district including the parcels on both sides of Awanhee Street and Donner Street, bounded by San Juan Highway and Third Street. Reference is made to the Report for a more complete and exact definition of the territory included in the District.
3. The improvements to be maintained, operated and serviced in connection with the District are generally described as: street lighting and street landscaping within the District; as well as lighting and landscaping associated with the detention basin, sanitary sewer pump station, and public park located within the District.

4. Reference is hereby made to the Report for a full and detailed description of the public improvements, the boundaries of the District, and the proposed Fiscal Year 2008-2009 assessments upon assessable lots and parcels of land within the District. There are no substantial changes proposed to be made in existing improvements. Because no assessment was levied and collected in the previous fiscal year (or in the three fiscal years prior to the previous fiscal year), the City will proceed as though the assessment proposed for Fiscal Year 2008-2009 has increased from that levied in prior fiscal years.

5. It is ordered that Tuesday, May 20, 2008 at the hour of 6:30 o'clock p.m., in the regular meeting place of this Council, the Council Chambers, City Hall, 311 Second Street, San Juan Bautista, California, is the time and place where this Council will hold a public hearing on the proposed assessment. At the Hearing, all interested persons will be permitted to present written and/or oral testimony regarding the proposed assessment. The City Clerk is directed to give notice of the Hearing by one publication of a copy of this Resolution in the local newspaper published and circulated in the City, pursuant to Section 6061 of the California Government Code, said publication to be had and completed at least ten (10) days before the date herein set for the Hearing

6. The City Clerk is **also** directed to give notice of the Hearing as required by Article XIID of the California Constitution ("Proposition 218"), the Act, and Section 53753 of the California Government Code. Notice mailed to the owners of parcels subject to the assessment shall include an assessment ballot as required by Section 4(d) of Proposition 218.

7. At the Hearing, the City Council will consider all protests against the proposed assessment and tabulate the assessment ballots. The City Council will not levy the assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the Hearing, ballots submitted in opposition to the Assessment exceed the ballots submitted in favor of the Assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

8. The City Council adopts the "Procedures for the Completion, Return, and Tabulation of Assessment Ballots", attached hereto and incorporated herein by reference, to govern the completion, return and tabulation of assessment ballots.

9. The City Council intends to conduct annual proceedings for the levy of assessments in future years pursuant to Chapter 3 of the Act, at a rate which will be no higher than that described in the Report. Such annual levy of the assessment shall not be considered an "extension" of the assessment pursuant to Article XIID of the California Constitution.

The rate described in the report is subject to an annual inflation adjustment, as described in the Report. This inflation adjustment is a part of the assessment rate and implementation of such adjustment in any year shall not be considered an "increase" of the assessment for that year pursuant to Article XIID of the California Constitution.

10. The City Council designates Mitch Gabriel of Hanna & Brunetti, Gilroy, CA, who may be contacted by telephone at (408) 842-2173, as the person whom interested parties may contact for additional information regarding the District or the proposed assessment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 18th day of March, 2008, by the following vote:

Ayes: Dias, Edge, Hill, Paradise

Noes: None

Absent: None

Abstain: Laverone

George Dias III, Mayor

ATTEST:

Trish Paetz, Acting City Clerk