

RESOLUTION NO. 2013-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA CONFIRMING A DIAGRAM AND
ASSESSMENT IN CONNECTION WITH VALLE VISTA
LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT
DISTRICT NO. 1 FOR FISCAL YEAR 2013-14

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500 *et seq.*) (“Act”), the City levies an annual assessment in connection with its Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 (“District”); and

WHEREAS, by prior resolution, this Council declared its intention to levy the assessment in connection with the District for Fiscal Year 2013-14; and

WHEREAS, on June 18, 2013, this Council held a full and fair public hearing with respect to the proposed assessment at which all interested persons were permitted to give oral testimony and written protests; and

WHEREAS, notice of the hearing was published in accordance with applicable law; and

WHEREAS, the City Council desires to proceed with the levy of the assessment in connection with the District for Fiscal Year 2013-14.

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

1. The foregoing recitals are all true and correct.
2. The City Council overrules all objections and protests.
3. The Diagram and Assessment contained in the Report entitled “Engineer’s Report, Valle Vista Lighting and Landscape Maintenance Assessment District No. 1, Fiscal Year 2013-14” and dated May 16, 2013 (the “Report”), which Report is on file in the Office of the City Clerk and incorporated herein by reference is hereby approved.
4. The adoption of this Resolution constitutes the levy of the assessment within the District for Fiscal Year 2013-14.
5. Due to efficient operations, the assessments for Fiscal Year 2013-14 will be less than anticipated in 2008 when property owners approved the assessment with a provision for increases based on the increases in the Consumer Price Index (CPI). The City Council desires to return these savings to property owners by temporarily reducing the assessment rate, and has done so by adopting this Resolution. Consequently, the assessment applied by this Resolution is

less than the full assessment that the City is authorized to impose. For reference, the full authorized rate for assessment per unit for Fiscal Year 2013-14 is \$603.34. It is the intent of the Council that, for purposes of Article XIID of the California Constitution, as well as applicable state law, no action taken in years subsequent to Fiscal Year 2013-14 will constitute an “increase” of the assessment rate if that action would not have constituted an “increase” if the assessment for Fiscal Year 2013-14 were levied at the full authorized rate. The Council declares that it would not have temporarily reduced the assessment rate for Fiscal Year 2013-14 if restoring the full authorized rate in subsequent years would constitute an “increase.” Instead, the Council would have imposed the assessment for Fiscal Year 2013-14 at the full authorized rate in order to build additional operational reserves into the assessment district program.

6. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

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 June, 2013, by the following vote:

Ayes: Boch, Cosio, Moore, Edge, Lund

Noes: None

Absent: None

Abstain: None

Tony Boch, Mayor

ATTEST:

Linda G. McIntyre, City Clerk