

Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

RESOLUTION ORDERING THE IMPROVEMENTS, CONFIRMING THE ENGINEER'S REPORT, AND LEVYING ANNUAL ASSESSMENTS FOR THE LANDSCAPE ASSESSMENT DISTRICTS FOR THE FISCAL YEAR 23/24

WHEREAS, Chapter 3 of the Landscape and Lighting Act of 1972 (the Act), commencing with Section 22620 of the Streets and Highways Code, applies to all annual assessments levied after the formation of an assessment district, except annual assessments to pay the principal of, and interest on, previously issued bond debt or notes; and

WHEREAS, in accordance with Section 22621 of the Act, proceedings shall be taken pursuant to Chapter 3 of the Act for any fiscal year during which an assessment is to be levied and collected within an existing assessment district; and

WHEREAS, in accordance with Section 22622 of the Act, such proceedings shall include the adoption of a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and file a report in accordance with Article 4 of the Act (commencing with Section 22565); and

WHEREAS, in accordance with Section 22623 of the Act, upon completion, the engineer shall file the report with the clerk for submission to the legislative body, and the legislative body may approve the report, as filed, or it may modify the report in any particular and approve it as modified; and

WHEREAS, in accordance with Section 22624 of the Act, after approval of the Engineer's Report, either as filed or as modified, the legislative body shall adopt a resolution of intention that shall:

- a) Declare the intention of the legislative body to levy and collect assessments within the assessment district for the fiscal year stated therein.
- b) Generally, describe the existing and proposed improvements and any substantial changes proposed to be made in existing improvements.
- c) Refer to the assessment district by its distinctive designation and indicate the general location of the district.
- d) Refer to the report of the engineer, on file with the clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e) Give notice of the time, as fixed by Section 22625, and the place for hearing by the legislative body on the levy of the proposed assessment, and
- f) State whether the assessment is proposed to increase from the previous year; and

WHEREAS, in accordance with Section 22625 of the Act, the date, hour, and place of the hearing is to be fixed as the date, hour, and place of a regular meeting before August 10, as specified in any ordinance, resolution, or order of the legislative body fixing the time and place of its regular meetings; and

WHEREAS, in accordance with Section 22626 of the Act, notice of the hearing shall be given by either of the following methods:

- a) If the assessments are to be levied in the same or lesser amounts than in any previous year, the clerk shall give notice by causing the resolution of intention to be published pursuant to Sections 22552 and 22553, or

- b) If the assessments are to be increased from any previous year, the legislative body shall cause notice of the public hearing with respect to the increase to be given pursuant to Section 53753 of the Government Code; and

WHEREAS, in accordance with Section 22628 of the Act, any interested person may, prior to the conclusion of the hearing, file a written protest with the clerk or, having previously filed a protest, may file a written withdrawal of that protest; written protests shall state all grounds of objection, and protests by a property owner shall contain a description sufficient to identify the property owned by him or her; and

WHEREAS, in accordance with Section 22629 of the Act, if notice is given pursuant to subdivision (a) of Section 22626, the legislative body shall hold the public hearing pursuant to Section 53753 of the Government Code at the time and place specified in the notice and in any order continuing the hearing, and if notice is given pursuant to subdivision (b) of Section 22626, the legislative body shall hold the public meeting and public hearing held pursuant to Section 53753 of the Government Code at the time and place specified in the joint notice and in any order continuing the hearing; all interested persons shall be afforded the opportunity to hear and be heard; the legislative body shall consider all oral statements and all written protests made or filed by any interested person; and the legislative body may continue the hearing from time to time, provided that no continuance shall be made to a date subsequent to August 10 without the prior consent of the county auditor; and

WHEREAS, in accordance with Section 22630 of the Act, during the course or upon the conclusion of the hearing, the legislative body may order changes in any of the matters provided in the report, including changes in the improvements, any zones within the assessment district, and the proposed diagram or the proposed assessment; and

WHEREAS, in accordance with Section 22630.5 of the Act, if there is a majority protest as provided in Section 53753 of the Government Code against the levy of an annual assessment after the formation of the assessment district that is increased from any previous year as provided in Section 54954.6 of the Government Code, the proposed increase in the assessment shall be abandoned; and

WHEREAS, in accordance with Section 22631 of the Act, if a majority protest has not been filed, the legislative body may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it, and the adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment; and

WHEREAS, on June 5, 2023, the City Council adopted Resolutions 2023-086 N.C.S., 2023-087 N.C.S., and 2023-088 N.C.S. Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 23/24 Annual Assessment for Landscape Assessment Districts, listed in Exhibits A and B of the Engineer's Report on file, Providing Preliminary Approval of Engineer's Report for Landscape Assessment Districts, Fiscal Year 23/24, and setting a virtual Public Hearing on July 17, 2023, at the hour of 6:30 PM, to order the levy and collection of assessments; and

WHEREAS, the Engineer's Report was duly made and filed with the City Clerk of the City of Petaluma, whereupon said Clerk presented it to the Council for consideration; and

WHEREAS, a notice of the Public Hearing on levy of the assessments duly and regularly published on June 9, 2023, in the Argus-Courier, Petaluma's official newspaper, in accordance with the requirements of the Act, as evidenced by the affidavits and certificates on file with said Clerk; and

WHEREAS, persons interested had the opportunity to file written protests with the City Clerk of the City of Petaluma at or before the conclusion of said hearing, and all persons interested, desiring to be heard, were given an opportunity to be heard, and all matters and things pertaining to the levy and collection of assessments for the improvements, including the maintenance thereof were fully heard and considered by the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. The protests against the improvements, including the maintenance thereof, or to the extent of the assessment districts or any zones therein, or to the proposed assessments or diagrams, or to the Engineer's estimates of costs thereof, for the Fiscal Year 23/24 have been received and considered.
2. The public interest, convenience, and necessity require, and the Council does hereby order, the levy and collection of assessments pursuant to the Act, for the construction or installation of the improvements, including the maintenance thereof, more particularly described in the Engineer's Report, which is made a part hereof by reference.
3. The assessment districts and the boundaries thereof benefited and to be assessed for the costs of the improvements, including the maintenance thereof, are situated in the City of Petaluma, California, and are more particularly described by reference to maps on file in the office of the City Clerk of said City. The maps indicate by a boundary line the extent of the territory included in each district and of any zone thereof and the general location of each district.
4. The plans and specifications for the existing improvements and for the proposed improvements to be made within the assessment districts or within any zone thereof contained in the Engineer's Report are hereby approved.
5. The Engineer's estimates of the itemized and total costs and expenses of the improvements and maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in the report as amended, are hereby approved.
6. The public interest and convenience require, and the Council does hereby order the improvements to be made as described in the Engineer's Report.
7. The diagram showing the exterior boundaries of the assessment districts, and also the boundaries of any zones therein, and the lines and dimensions of each lot or parcel of land within each district, as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which it applies, which is made a part hereof by reference is hereby approved.
8. The assessments of the total amount of the costs and expenses of the improvements upon the several lots or parcels of land in each District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements, and the maintenance thereof, and of the expenses incidental thereto, contained in the Engineer's Report are hereby approved.
9. In accordance with Section 22631 of the Act, by the adoption of this resolution the City Council hereby levies the assessments for the Fiscal Year 23/24 Annual Assessment for the Landscape Assessment Districts as described in the Engineer's Report.
10. The City Clerk is hereby directed to file a copy of the Landscape Assessment Districts diagram and the assessments, or a certified copy, with the Sonoma County Auditor before August 10, 2023.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE: I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 17th day of July 2023, by the following vote: Approved as to form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor