



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE June 17, 2008

SUBJECT: Public Hearing: Streng Pond L&L District

Report in Brief

The Streng Pond Lighting and Landscaping District (“L&L” or “District”) was formed to provide a funding source for maintenance and servicing of costs of certain improvements located within or adjacent to the District. State regulations require City Council action on an annual basis to allow assessment of the annual levy for each District.

Staff recommends that the City Council conduct a public hearing and adopt a resolution to approve the Engineer’s Report and order the levy and collection of the assessment as set forth in the annual report.

Background

The Landscaping and Lighting Act of 1972 (“the Act”) authorizes cities to impose assessments on benefitted properties to finance construction of street landscaping, street lighting, traffic signals, parks, street trees, sidewalk repair, recreational improvements; as well as maintenance and servicing of any of these improvements. In accordance with the Act, the City formed the Streng Pond L&L District.

The Streng Pond L&L is located in the southwest portion of the City, generally north of Gibson Road, west of Cottonwood Street and east of County Road 98. The District was formed in 1985 and reached the maximum allowable assessment of \$79.10 per single family home in 1995; there are no provisions for future CPI increases. The City attempted a property owner ballot proceeding in 1998 to increase the assessment to cover rising costs within the District, however the effort was unsuccessful.

On May 20, 2008, Council approved resolutions to preliminarily approve the Engineer’s Report and to initiate proceedings for the annual levy, which included setting the public hearing date for June 17, 2008. The Engineer’s Report is available for review in the Finance Department.

Discussion

Each year, the City prepares an Annual Report for each District, along with the District estimates for an operating budget, to calculate the assessment annually levied for each parcel. This budget determines what maintenance operations are performed for the fiscal year and directs the County Assessor what to levy each parcel. Excerpts from each of the District Engineer’s Reports are attached for Council’s review. The complete reports are available for review in the Finance Department.

State regulations require a two part process to complete the annual levy. The first part of the process requires Council to take action to initiate proceedings for the levy, preliminarily approve the Engineer’s Reports and call for a public hearing; this occurred at the May 20, 2008 Council meeting. Tonight’s public hearing is required to complete the levy process. Following the public hearing, Council may direct changes to the Engineer’s Report or to the levy, but may not increase the levy beyond the maximum approved amount.

Fiscal Impact

If approved, the proposed assessment for the District would generate \$14,436 in revenues.

Public Contact

Posting of the City Council agenda and required noticing in the Daily Democrat.

Recommendation for Action

Staff recommends that the City Council conduct a public hearing and adopt a resolution to approve the Engineer’s Report and order the levy and collection of the assessment as set forth in the annual report.

Prepared by: Kim McKinney
Senior Accountant

Reviewed by: Joan Drayton
Finance Director

Mark G. Deven
City Manager

Attachments

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND,
CALIFORNIA, AMENDING AND/OR APPROVING THE ANNUAL LEVY REPORT
AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN
THE STRENG POND LANDSCAPING MAINTENANCE DISTRICT,
FISCAL YEAR 2008/09.**

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has, by previous Resolutions, ordered the preparation of the Engineer's Annual Levy Report (hereafter referred to as the "Report") for said district known and designated as: Streng Pond Landscaping Maintenance District (hereafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"); and,

WHEREAS, there has been presented to this City Council the "Final Engineer's Annual Levy Report" as required by *Chapter 3, Section 22623* of said Act, and as previously directed by Resolution; and,

WHEREAS, this City Council has carefully examined and reviewed the Report as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed, as set forth in said Report; and,

WHEREAS, this City and its legal counsel have reviewed Proposition 218 and found that these assessments comply with applicable provisions of Section XIII D of the California State Constitution; and,

WHEREAS, upon reasonable written notice by Yolo County of any claim or challenge, the City of Woodland agrees to defend with counsel of its choice, indemnify and hold harmless Yolo County, its Board of Supervisors, officers, officials, agents and employees (collectively "the County"), against the payment of any liabilities, losses, costs and expenses, including attorney fees and court costs, not due to the County's own active negligence or willful misconduct, which the County may incur in the exercise and performance of its powers and duties in placing these assessments onto the County roll and taxbills for the City of Woodland; and,

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

Section 1 Following notice duly given, the City Council has held a full and fair public hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters.

Section 2 Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council, is hereby approved (as amended), and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance and servicing of improvements, located within the boundaries of the District; and,
- ii) the District includes all of the lands so benefited; and,
- iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the Fiscal Year commencing July 1, 2008, and ending June 30, 2009, is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated special benefits to be received by each parcel from the improvements and services.

Section 3 The maintenance, operation and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Act. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: the maintenance and operation of and the furnishing of services and materials for ground cover, turf, shrubs, and trees; irrigation and drainage systems and all necessary appurtenances.

Section 4 The County Auditor of the County of Yolo shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected, pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 5 The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund for the City of Woodland Streng Pond Landscaping Maintenance District and such money shall be expended only for the maintenance, operation and servicing of the improvements as described in Section 3.

Section 6 The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2008, and ending June 30, 2009.

Section 7 The City Clerk, or their designate, is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution, pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

Section 8 That the above recitals are all true and correct. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the final approval of the Report.

PASSED, APPROVED, AND ADOPTED THIS _____ day of _____, 2008.

David Flory, Mayor
City of Woodland

Sue Vannucci, City Clerk
City of Woodland

STATE OF CALIFORNIA)

COUNTY OF YOLO) ss.

CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of Woodland at a regular meeting of said council held on the _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Sue Vannucci, City Clerk
City of Woodland