RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A approving the final Engineer’s Report regarding the Street and Storm Drain Maintenance District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto for fiscal year 2011/2012; and,
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 01 – Apple Valley; and,
3. Adopt Draft Resolution C approving the final Engineer’s Report regarding the Landscaping and Lighting District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto in fiscal year 2011/2012; and,
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2011/2012 for Landscaping and Lighting District No. 01 – Apple Valley.

DISCUSSION:

The City Council formed and began assessing Street and Storm Drain Maintenance District No. 01 – Apple Valley in 2005. This district was formed to provide funding for future routine maintenance of the streets, storm drains and sidewalks in the Apple Valley subdivision.

The City Council also formed and began assessing Landscaping and Lighting Maintenance District No. 01 – Apple Valley in 2005. This district was formed to provide for funding and maintenance of street trees, open space, park area, medians, walkways, paths and other landscape and lighting improvements within the Apple Valley subdivision.
Willdan Financial Services, an independent financial consultant, was hired to prepare the Engineer’s Reports for the two districts. The Engineer’s Reports and the levies must be approved by Council annually. This is done in a two-step process. Last month, three resolutions for each district (a total of 6 resolutions in all) were passed to begin the process of continuing the levies. At that time, the Engineer’s Reports were preliminarily approved, proceedings were initiated for the levy, and the date of tonight’s public hearing was established. The resolutions that are before you tonight are for the final approval of the Engineer’s Reports and for the approval of the annual levies.

The proposed assessments for fiscal year 2011/2012 are less than the Maximum Assessment Rate. In accordance with the formula voters of the district adopted in 2005, the City may increase the Maximum Assessment Rate for inflation by the greater of the Consumer Price Index (CPI) or 3.0%. The Maximum Assessment Rate was increased 3.0% this year for both districts. The Landscape and Lighting District has a surplus fund balance, so the City staff held a neighborhood meeting to receive input from property owners as to the preference on how to treat the surplus. The property owners in attendance requested an assessment of about 35% of the allowable maximum annual assessments for the Landscaping and Lighting District, and about 95% for the Street and Storm Drain District.

<table>
<thead>
<tr>
<th>District</th>
<th>Amount Per EBU</th>
<th>Amount Per EBU</th>
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<tr>
<td></td>
<td>Maximum Assessment</td>
<td>Proposed Assessment</td>
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<td>Fiscal Year 2011-12</td>
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<td>Maintenance District No. 01 Apple Valley</td>
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</tbody>
</table>

**FISCAL IMPACT:**

Annual assessments for 2011/2012 will total $39,620 for road/drainage system maintenance and $31,850 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley.

**ATTACHMENTS:**

1. **Draft Resolution A** - approving the final Engineer’s Report regarding the Street and Storm Drain Maintenance District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto for fiscal year 2011/2012
2. **Draft Resolution B** - ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 01 – Apple Valley

3. **Engineer’s Annual Levy Report** - for the levy and collection of fiscal year 2011/2012 assessments for Street and Storm Drain Maintenance District No. 01 – Apple Valley

4. **Draft Resolution C** - approving the final Engineer’s Report regarding the Landscaping and Lighting District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto in fiscal year 2011/2012

5. **Draft Resolution D** - ordering the levy and collection of assessments for fiscal year 2011/2012 for Landscaping and Lighting District No. 01 – Apple Valley

6. **Engineer’s Annual Levy Report** - for the levy and collection of fiscal year 2011/2012 assessments for Landscaping and Lighting District No. 01 – Apple Valley
DRAFT RESOLUTION A


WHEREAS, the City Council of the City of Atascadero, California (hereafter referred to as “City Council”), pursuant to the provisions the Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703 (hereafter referred to as the “Act”), did by previous Resolution order the Engineer, Willdan Financial Services, to prepare and file a report in accordance with the Act in connection with Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”) and the proposed levy and collection of assessments related thereto for fiscal year 2011/2012, said fiscal year starting July 1, 2011 and ending June 30, 2012; and,

WHEREAS, the Engineer has prepared and filed with the City Clerk of the City of Atascadero and the City Clerk has presented to the City Council such report entitled “Engineer’s Annual Levy Report for Street and Storm Drain Maintenance District No. 01 (Apple Valley), fiscal year 2011/2012” (hereafter referred to as “Engineer’s Report”) in accordance with the Act; and,

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

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The Engineer’s Report as presented, consists of the following:

a) Plans and specifications that describe the District and Improvements.

b) Method of Apportionment that outlines the special benefit conferred on properties within the District from the improvements and the calculations used to establish each parcel’s proportional special benefit assessment.

c) The Budget that outlines the costs and expenses to service, and maintain the improvements including incidental expenses to operate the District.

d) An Assessment Diagram that identifies the boundaries of the District.
e) An Assessment Roll containing each of the Assessor Parcel Numbers that comprise the District and the proportional maximum assessment and the assessment for fiscal year 2011/2012.

SECTION 3. The Engineer’s Report as presented, is hereby approved, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the adoption and approval of the Engineer’s Report.

On motion by Council Member _______________________ and seconded by Council Member ________________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED: CITY OF ATASCADERO

By: ________________

Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

________________________

Brian A. Pierik, City Attorney
DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011/2012 FOR STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY)

WHEREAS, the City Council of the City of Atascadero, California (hereafter referred to as City Council) has by previous Resolutions initiated proceedings to levy special benefit assessments against parcels of land within Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”) for the fiscal year commencing July 1, 2011 and ending June 30, 2012; pursuant to the provisions of the Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703 (hereafter referred to as the “Act”) to pay the costs and expenses of operation, maintenance, repair and servicing of local street right-of-way improvements and storm drain facilities related thereto; and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council an Engineer’s Report in connection with the proposed levy of special benefit assessments upon eligible parcels of land within the District, and the City Council did by previous Resolution adopt and approve said Engineer’s Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2011 and ending June 30, 2012, to pay the costs and expenses of operation, maintenance, repair and servicing of local street right-of-way improvements and storm drain facilities related thereto; and,

WHEREAS, the City Council conducted in May 2005 a property owner protest ballot proceeding for the District assessments proposed to be levied and majority protest of the assessments described in the Engineer’s Report did not exist pursuant to the provisions of the California State Constitution Article XIIID.

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

SECTION 1. Following notice duly given, the City Council has held a full and fair Public Hearing regarding its Resolution approving the Engineer’s Report prepared in connection therewith; the levy and collection of assessments, and considered the oral and written statements, protests and communications made or filed by interested persons.

SECTION 2. Based upon its review of the Engineer’s Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:
a) The land within District will receive special benefit by the operation, maintenance and servicing of improvements to be provided by the District.

b) The District includes the lands receiving such special benefit.

c) The net amount to be assessed upon the lands within the District is in accordance and apportioned by a formula and method which fairly distributes the net amount among the eligible parcels in proportion to the special benefit to be received by each parcel from the improvements and services for the fiscal year commencing July 1, 2011 and ending June 30, 2012.

SECTION 3. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as the maintenance, operation, administration and servicing of the improvements that may include, but is not limited to local street right-of-way improvements and storm drain facilities within the District and the appurtenant facilities related thereto.

SECTION 4. The maintenance, operation and servicing of improvements shall be performed pursuant to the Act and the County Auditor of San Luis Obispo County shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City.

SECTION 5. The City shall deposit the money representing assessments collected by the County for the District to the credit of a fund for the Street and Storm Drain Maintenance District No. 01 (Apple Valley), and such money shall be expended only for the maintenance, operation and servicing of the improvements as described in the Engineers Report and generally described in Section 3 of this Resolution.

SECTION 6. The adoption of this Resolution constitutes the establishment of the maximum assessment rate described in the Engineer’s Report and the levy of assessments for the fiscal year commencing July 1, 2011 and ending June 30, 2012.

SECTION 7. The City Clerk or her designee is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.
On motion by Council Member _______________________ and seconded by Council Member ________________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ________________

Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

________________________

Brian A. Pierik, City Attorney
Engineer's Annual Levy Report for the levy and collection of fiscal year 2011/2012 assessments for Street and Storm Drain Maintenance District No. 01 – Apple Valley. (Click here to access link.)
DRAFT RESOLUTION C


WHEREAS, the City Council of the City of Atascadero, California (hereafter referred to as the “City Council”), pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code, did by previous Resolution order the Engineer, Willdan Financial Services, to prepare and file a report in accordance with Article 4 of Chapter 1 of Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500, in connection with the proposed levy for Landscaping and Lighting District No. 01 (Apple Valley) (hereafter referred to as the “District”) and the collection of assessments related thereto for the fiscal year starting July 1, 2011 and ending June 30, 2012; and,

WHEREAS, the Engineer has prepared and filed with the City Clerk of the City of Atascadero and the City Clerk has presented to the City Council such report entitled “Engineer’s Annual Levy Report for the Landscaping and Lighting District No. 01 (Apple Valley), fiscal year 2011/2012” (hereafter referred to as the “Engineer’s Report”) in accordance with 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, the City Council has carefully examined and reviewed the Engineer’s Report as presented, and is satisfied with the items and documents as set forth therein, and finds that the levy of assessments has been spread in accordance with the special benefits received from the improvements, operation, maintenance and services to be performed, as set forth in said Engineer’s Report;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The Engineer’s Report as presented, consists of the following:

f) Plans and specifications that describe the District and Improvements.

g) Method of Apportionment that outlines the special benefit conferred on properties within the District from the improvements and the calculations used to establish each parcel’s proportional special benefit assessment as well as a description of the assessment range formula that establishes the maximum assessment rate in subsequent fiscal years.

h) The Budget that outlines the costs and expenses to service, and maintain the improvements including incidental expenses authorized by the Act to operate the District.
i) An Assessment Diagram that identifies the boundaries of the District.

j) An Assessment Roll containing each of the Assessor’s Parcel Numbers that comprise the District and the proportional maximum assessment and annual assessment for fiscal year 2011/2012.

SECTION 3. The Engineer’s Report as presented, is hereby approved, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the adoption and approval of the Engineer’s Report.

On motion by Council Member _______________________ and seconded by Council Member ________________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:  

CITY OF ATASCADERO

By:  

_______________________________
Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________
Brian A. Pierik, City Attorney
DRAFT RESOLUTION D

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011/2012 FOR LANDSCAPING AND LIGHTING DISTRICT NO. 01 (APPLE VALLEY)

WHEREAS, the City Council of the City of Atascadero, California (hereafter referred to as City Council) has by previous Resolutions initiated proceedings and declared its intention to levy special benefit assessments against parcels of land within the Landscaping and Lighting District No. 01 (Apple Valley) (hereafter referred to as the “District”) for fiscal year 2011/2012, said fiscal year commencing July 1, 2011 and ending June 30, 2012; pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereinafter referred to as the "Act") to pay the costs and expenses of operation, maintenance, repair and servicing of local landscaping, street lighting and appurtenant facilities related thereto; and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council an Engineer’s Report in connection with the proposed levy of special benefit assessments upon eligible parcels of land within the District, and the City Council did by previous Resolution adopt and approve said Engineer’s Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2011 and ending June 30, 2012, to pay the costs and expenses of operation, maintenance, repair and servicing of local landscaping, street lighting, and appurtenant facilities related thereto; and,

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

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

SECTION 1. Following notice duly given, the City Council has held a full and fair Public Hearing regarding its Resolution approving the Engineer’s Report prepared in connection with the levy and collection of assessments, and considered the oral and written statements, protests and communications made or filed by interested persons.

SECTION 2. Based upon its review of the Engineer’s Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:

d) The land within District will receive special benefit by the operation, maintenance and servicing of improvements to be provided by the District.
e) The net amount to be assessed upon the lands within the District is in accordance and
apportioned by a formula and method which fairly distributes the net amount among the eligible
parcels in proportion to the special benefit to be received by each parcel from the improvements
and services for the fiscal year commencing July 1, 2011 and ending June 30, 2012.

SECTION 3. The City Council hereby orders the proposed improvements to be made,
which improvements are briefly described as the maintenance, operation, administration and
servicing of the improvements that may include, but is not limited to local street lights, landscaping,
parks and open space areas within the District and appurtenant facilities related thereto.

SECTION 4. The maintenance, operation and servicing of improvements shall be
performed pursuant to the Act and the County Auditor of San Luis Obispo County shall enter on the
County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be
collected at the same time and in the same manner as the County taxes are collected. After
collection by the County, the net amount of the levy shall be paid to the City.

SECTION 5. The City shall deposit the money representing assessments collected by the
County for the District to the credit of a fund for the Landscaping and Lighting District No. 01
(Apple Valley), and such money shall be expended for the maintenance, operation and servicing of
the improvements as described in the Engineers Report and generally described in Section 3 of this
Resolution.

SECTION 6. The adoption of this Resolution constitutes the levy of assessments for the
fiscal year commencing July 1, 2011 and ending June 30, 2012.

SECTION 7. The City Clerk or her designee is hereby authorized and directed to file the
levy with the County Auditor upon adoption of this Resolution.
On motion by Council Member ________________________ and seconded by Council Member ________________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: _________________________________
   Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_____________________________________

Brian A. Pierik, City Attorney
Engineer's Annual Levy Report for the levy and collection of fiscal year 2011/2012 assessments for Landscaping and Lighting District No. 01 – Apple Valley. (Click here to access link.)