Atascadero City Council
Staff Report – Administrative Services Department

Apple Valley Assessment Districts

RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2011/2012.
2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
3. Adopt Draft Resolution C declaring the City’s intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2011/2012, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2011/2012 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer’s Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2011/2012.
6. Adopt Draft Resolution F declaring the City’s intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2011/2012.

DISCUSSION:

The City Council formed and began assessing Atascadero 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 Atascadero Landscape 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, an independent financial consultant, was hired to prepare the engineer’s report for the two districts. The engineer’s report and the levies must be approved by Council annually. This is done in a two-step process. Tonight, there are three resolutions for each district (a total of 6 resolutions in all) that must be passed in order to continue the assessments within the districts. The resolutions passed tonight will also establish the date and time for the public hearing. The public hearing is tentatively scheduled for June 14, 2011 at 6:00 p.m., at which time the final resolutions will be presented to the Council for passage.

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 Maximum Assessment Fiscal Year 2011-12</th>
<th>Amount Per EBU Proposed Assessment Fiscal Year 2011-12</th>
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<tr>
<td>Atascadero Street and Storm Drain Maintenance District No. 01 Apple Valley</td>
<td>$595.39</td>
<td>$566.00</td>
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<tr>
<td>Atascadero Landscaping and Lighting Maintenance District No. 01 Apple Valley</td>
<td>$1,301.13</td>
<td>$455.00</td>
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</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.
1. Draft Resolution A - initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2011/2012
2. Draft Resolution B - accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley)
3. Draft Resolution C - declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2011/2012, and to appoint a time and place for the public hearing on these matters.
4. Engineer's Annual Levy Report - for the levy and collection of fiscal year 2011/2012 assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley)
5. Draft Resolution D - initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2011/2012 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
7. Draft Resolution F - declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2011/2012.
8. Engineer's Annual Levy Report - for the levy and collection of fiscal year 2011/2012 assessments for Atascadero Landscaping and Lighting District No. 01 (Apple Valley)
DRAFT RESOLUTION A


The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council 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 “1982 Act”) formed an assessment district to be designated as Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”), for the purpose of funding the ongoing operation, maintenance and servicing of public streets, sidewalks, storm drain and flood control facilities installed in conjunction with the development of properties known as Apple Valley Tract 2495; and to levy and collect annual assessments related thereto. The 1982 Act provides for the formation of such an assessment district pursuant to Article 3 Section 54710, and provides for the levy and collection of assessments by the County on behalf of the City pursuant to Article 4 Section 54718; and,

WHEREAS, the City Council has retained Willdan Financial Services as the Engineer of Work, for the purpose of assisting with the administration of the District, the establishment of annual assessments, and to prepare and file an Engineer’s Report with the City Clerk in accordance with the 1982 Act; and in accordance with the requirements of the California Constitution, Articles XIIIC and XIIIID;

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

SECTION 1. The City Council hereby orders the Engineer to prepare and file an Engineer’s Annual Levy Report concerning the levy of assessments for properties within the District as specified by Article 4 Section 54716 of the 1982 Act.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District, and dedicated to the City of Atascadero for such maintenance.
SECTION 3. The territory within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) consists of lots, parcels and subdivisions of land located in the development known as Apple Valley Tract 2495.

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

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolution, ordered the preparation of an Engineer’s Annual Levy Report (hereafter referred to as the “Report”) regarding the assessment district to be designated as the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”), and the levy and collection of assessments related thereto, 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 “1982 Act”); and,

WHEREAS, there has now been presented to this City Council the Report as specified by Article 4 Section 54716 of said 1982 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented, and is preliminarily satisfied with the District and the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the special benefits received from the improvements, operation, administration, maintenance and services to be performed within the District, as set forth in said Report.

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

SECTION 1. The preceding recitals are true and correct.

SECTION 2. That the Report as presented, consists of the following:

a. A Description of Improvements.
b. A Boundary Diagram of the District.
c. The Method of Apportionment that details the method of calculating each parcel’s proportional special benefits and annual assessment.
d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.
e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2011/2012.
SECTION 3. The Report is hereby approved on a preliminary basis, and 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 Maximum Assessment described in the Report is hereby approved on a preliminary basis.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the 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 C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) IN FISCAL YEAR 2011/2012, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS.

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council 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 “1982 Act”) did by previous Resolution approve the levy and collection of annual assessments to pay for the operation, maintenance and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto for the assessment district designated as Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”); and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2011/2012 (July 1, 2011 and ending June 30, 2012) in accordance with Chapter 1, Article 4 of the 1982 Act and in accordance with the requirements of the California Constitution, Articles XIIIC and XIIID, and the City Council did by previous Resolution preliminarily approve such Report.

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

SECTION 1. The City Council hereby declares its intention to seek the annual levy of the District pursuant to the 1982 Act, over and including the land within the District boundary, and to levy and collect special benefit assessments on parcels of land within the District to pay for the costs and expenses associated with the operation, maintenance, repair and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District, and dedicated to the City of Atascadero for such maintenance. The Engineer’s Report, as ordered by previous Resolution, provides a full and complete description of the improvements within the District.
SECTION 3. The proposed territory within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) consists of lots, parcels and subdivisions of land located in the development known as Apple Valley Tract 2495.

SECTION 4. The proposed assessments for the District are outlined in the Engineer’s Report. The Report details the proposed assessments necessary to provide for the annual operation, administration, services and maintenance of the improvements described in Section 2 of this Resolution.

SECTION 5. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2011 at 6:00 p.m. or as soon thereafter as feasible in the regular meeting chambers of the City Council located at 6907 El Camino Real, Atascadero, California, in accordance with Government Code, Section 53753 and California Constitution, Article XIIID, Section 4(e). The City shall give notice of the time and place of the Public Hearing by posting a copy of this resolution on the official bulletin board customarily used by the Council for the posting of notices and by publishing this resolution in a local newspaper pursuant to Government Code Section 6066 as outlined in the 1982 Act. At the Public Hearing, interested persons shall be permitted to present written and/or oral testimony.
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 Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley)

(click here to follow link)
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2011/2012 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolutions, formed the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) (hereafter referred to as “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”) that provides for levy and collection of assessments by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of lighting facilities, landscaping, and appurtenant facilities and operations related thereto; and,

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIIID; and,

WHEREAS, the City Council has retained Willdan Financial Services for the purpose of assisting with the Annual Levy of the District and to prepare and file a report with the City Clerk in accordance with the Act;

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

SECTION 1. Engineer’s Annual Levy Report: The City Council hereby orders Willdan Financial Services to prepare the Engineer’s Annual Levy Report concerning the levy of assessments for the District in accordance with Chapter 3, Section 22622 of the Act.

SECTION 2. Proposed Improvements and Any Substantial Changes in Existing Improvements: The improvements within the District include the ongoing operation, administration, maintenance, servicing and incidental expenses related to the dedicated landscape areas, public street lighting and appurtenant facilities authorized pursuant to the Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District. The Engineer's Annual Levy Report describes all new improvements or substantial changes in existing improvements.
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 E


The City Council of the City of Atascadero (hereafter referred to as “City Council”) does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions, ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the “Report”) for the district known and designated as the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”) pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500 (hereafter referred to as the “Act”); and,

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIIID; and,

WHEREAS, the City Council has now been presented with the Report as required by Chapter 1, Article 4, Section 22566 of said Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents as set forth therein and is satisfied on a preliminary basis that the proposed assessments have been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed within each benefit zone as set forth in said 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. That the presented Report consists of the following:
   a. A Description of the Improvements
   b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
   c. The Method of Apportionment that details the method of calculating each parcel’s proportional special benefits and annual assessment.
   d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2011/2012.
SECTION 3. The Report is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the 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 F


The City Council of the City of Atascadero (hereafter referred to as “City Council”) does resolve as follows:

WHEREAS, The City Council has by previous Resolution initiated proceedings for fiscal year 2011/2012 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 01 (Apple Valley) (hereafter referred to as the “District”). Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500) (hereafter referred to as the “Act”), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and,

WHEREAS, the proposed District assessments for fiscal year 2011/2012 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIIID; and,

WHEREAS, there has now been presented to this City Council an Engineer’s Annual Levy Report (hereafter referred to as the “Engineer’s Report”), and said Engineer’s Report has been filed with the City Clerk in accordance with the Act; and,

WHEREAS, the City Council has examined and reviewed the Engineer’s Report as presented and is satisfied with the District, each of the budget items and documents as set forth therein and is satisfied that the proposed assessments contained therein, have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Atascadero, pursuant to Chapter 3, Section 22624 of the Act, as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2011/2012.

SECTION 3. The boundaries of the District are described in the Engineer’s Report and are consistent with the boundary established and described in the original formation documents, on file with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the City of Atascadero, within the County of San Luis Obispo, State of California and includes the territory known as Apple Valley and referred to as the “Atascadero Landscaping and Lighting District No. 1”.

SECTION 4. The improvements within the District include the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District.

SECTION 5. The proposed assessments for fiscal year 2011/2012, as outlined in the Engineer’s Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIIIID.

SECTION 6. The City Council hereby declares its intention to conduct a Public Hearing concerning the District and the levy of assessments in accordance with Chapter 3, Section 22626 of the Act.

SECTION 7. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2011, at 6:00 p.m., at the City Council Chambers, 6907 El Camino Real, Atascadero, California or as soon thereafter as feasible.

SECTION 8. The City Council hereby authorizes and directs the City Clerk to give notice of the time and place of the Public Hearing to all property owners within the District pursuant to Sections 22626, 22552 and 22553 of the Act and 6061 of the Government Code. The City Clerk shall give notice to all property owners by: causing notice of the public hearing to be published in the local newspaper one time at least 10 days prior to the Public Hearing; and, posting a copy of this resolution on the official bulletin board (s) customarily used for posting such notices.
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 Atascadero Landscaping and Lighting District No. 01 (Apple Valley)

(click to follow link)