

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DECLARING THE RESULTS OF THE MAJORITY PUBLIC HEARING PROCEEDINGS TO INCREASE ASSESSMENTS FOR TRACT 3884 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 AND AUTHORIZING THE LEVY OF INCREASED ASSESSMENTS

WHEREAS, pursuant to Article 2 of Chapter 8 of the Fresno Municipal Code (City Law), Part 2 of Division 15 of the Streets and Highways Code - the Landscaping and Lighting Act of 1972 (LLMD Law), and Article XIII D of the California Constitution and the Proposition 218 Omnibus Implementation Act (Gov. Code, §§ 53730 et seq.) (collectively Prop. 218), the City Council of the City of Fresno (City Council) adopted Resolution No. 2018-116 (the Resolution of Intention) on May 10, 2018, to initiate the process for increasing the annual assessment within Tract 3884 of City of Fresno Landscaping and Lighting Maintenance District No. 1 (LLMD No. 1); and

WHEREAS, the boundaries of Tract 3884 are set forth in the Engineer's Report, dated May 2, 2018, on file with the City Clerk (Engineer's Report) and attached hereto Exhibit A and incorporated herein by reference, which was approved by Council with the adoption of the Resolution of Intention; and

WHEREAS, the Resolution of Intention set the public hearing on the proposed assessment increase for June 28, 2018, at 10:00 a.m. and directed the City Clerk to provide notice as required by Prop. 218; and

WHEREAS, on May 14, 2018, in accordance with Government Code Section 53753, the City Clerk mailed to each record owner of each parcel within Tract 3884, a

1 of 4

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval:



Resolution No.

notice concerning the public hearing on the proposed assessment increase, together with a description of the majority protest procedure, and an assessment ballot; and

WHEREAS, on June 28, 2018, in the City Council chambers at 2600 Fresno Street, the City Council held a public hearing regarding the levy of the increased assessment and heard and received all objections and protests to the assessment increase; and

WHEREAS, at the conclusion of the hearing and in accordance with Government Code Section 53753, the City Clerk tabulated the assessment ballots submitted and not withdrawn and determined that the assessment represented by the assessment ballots submitted and not withdrawn in opposition to the proposed assessment did not exceed the assessment represented by ballots submitted and not withdrawn in favor of the proposed assessment increase, with ballots weighted according to the amount of the assessment to be imposed upon the parcel or parcels for which each ballot was submitted, and that therefore a majority protest against the proposed assessment increase does not exist; and

WHEREAS, the territory within Tract 3884 will benefit from the improvements, service, maintenance, and activities described in the Engineer's Report; and

WHEREAS, all actions and proceedings described in the foregoing Recitals were undertaken and completed in accordance with Prop. 218 and applicable law.

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

1. Recitals Adopted as Findings. The City Council finds that the foregoing Recitals are each and all true and adopts them as findings.

2. No Majority Protest. A majority protest has not been filed against the levy of the increased assessment.

3. Boundaries. The assessment diagram in the Engineer's Report that shows the boundaries of Tract 3884 of LLMD No. 1 is approved and confirmed as the diagram of the properties subject to the increased assessment.

4. Amount of Assessment. The total and the individual assessments set forth in the Engineer's Report and the Resolution of Intention, upon the subdivisions of land within Tract 3884 of LLMD No. 1, are finally approved and confirmed as the assessment for the fiscal year 2018-2019, and thereafter as applicable.

5. Levy of Assessment. The adoption of this resolution shall constitute the levy of the assessment for the fiscal year 2018-2019 that are described in the Resolution of Intention and the Engineer's Report.

6. Filing with County. The City Clerk shall file the diagram and assessment, as confirmed, or a certified copy thereof, with the County of Fresno immediately after adoption.

Attachment: Exhibit A – Engineer's Report

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
RAJ SINGH BADHESHA Date
Senior Deputy City Attorney