

RESOLUTION NO. 2018-_____

A RESOLUTION OF INTENTION OF THE COUNCIL OF
THE CITY OF FRESNO, CALIFORNIA, TO INCREASE THE
ANNUAL ASSESSMENT FOR TRACT 3884 OF
LANDSCAPING AND LIGHTING DISTRICT NO. 1

WHEREAS, Article 2 of Chapter 8 of the Fresno Municipal Code (City Law) and the Landscape and Lighting Act of 1972 (Government Code Sections 22500 et s seq.) (LLMD Law) authorize the City to form assessment districts for the purpose of making improvements within district boundaries, including the installation and maintenance of landscaping; and

WHEREAS, in 1983, the City of Fresno (the City) formed Landscape and Lighting Maintenance District No. 1, originally known as Assessment District No. 89, (LLMD No. 1) pursuant to Resolution No. 83-93 for the maintenance and servicing of landscaping facilities; and

WHEREAS, in 1988, the City annexed Tract 3884 into LLMD No. 1 pursuant to Resolution No. 88-159; and

WHEREAS, property owners within Tract 3884 have requested upgrades to the landscaping within Tract 3884 and have requested heightened levels of maintenance services thereto; and

WHEREAS, the City Engineer or his or her designee has prepared, and filed with the City Clerk, an Engineer's Report, attached hereto as Exhibit A and incorporated herein by reference, which contains a description of the boundaries of Tract 3884, the improvements and activities proposed for Tract 3884 which will specially benefit

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Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



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assessed properties within the tract, and the proposed annual assessment for Tract 3884; and

WHEREAS, the Engineer's Report is on file in the office of the City Clerk and available for inspection during regular business hours; and

WHEREAS, it is the intent of the City Council of the City of Fresno to order levy and collection of the proposed annual assessment within Tract 3884 of LLMD No. 1, for Fiscal Year 2018-2019 and thereafter, under City Law, and in accordance with the procedures set forth in Article XIII D of the California Constitution and the Proposition 218 Omnibus Implementation Act (Gov. Code, §§ 53730 et seq.) (collectively Prop. 218), and to the extent not inconsistent with the aforementioned, the LLMD Law.

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

1. The recitals set forth herein are true and correct.
2. The Engineer's Report of the City Engineer as filed with the City Clerk is preliminarily approved. Reference is hereby made to the Engineer's Report for a full and detailed description of the improvements and activities, the boundaries of Tract 3884 of LLMD No. 1, and the proposed assessment upon assessable lots and parcels of land within Tract 3884.
3. The proposed annual assessment will be imposed on real properties within Tract 3884 of LLMD No. 1, beginning with Fiscal Year 2018-19 and thereafter, at the following rates:

Period	Assessment
Years 1 to 3	\$210.74
Year 4 and Onward	\$97.99*

*From year 4 and onward the assessment will be subject to an inflationary adjustment as follows: beginning in January of each year, the assessment may be adjusted upward annually at the discretion of the City with the rise, if any, in the Construction Cost Index (CCI) for the San Francisco Region for the prior 12-month period (December through December) as published in the Engineering News Record, or published in a comparable index if the Engineering News Record is discontinued or otherwise not available. Each annual adjustment of the assessment shall become effective on the subsequent July 1.

4. The time and place for the public hearing on the levy of the proposed assessment are set for 10:00 AM on June 28, 2018, at 2600 Fresno Street, Fresno, CA 93721. The City Council may continue the public hearing from time to time.

5. The City Clerk is directed to give notice of the time and place of the public hearing in accordance with Prop. 218. The City Clerk is to do this by mailing (or causing to be mailed) written notices and assessment ballots in the time, form, and manner provided by Government Code section 53753 to all persons who own real property within the Tract 3884 of LLMD No. 1 and will be subject to the proposed increased assessment no later than May 14, 2018. The City Clerk is further directed to file an affidavit with the City Council when all notices and ballots have been mailed, setting forth the time and manner of his or her compliance with the requirements of law for mailing the notices and ballots.

6. At the public hearing, the City Council will consider all objections or protests to the proposed assessment, and any interested person will be permitted to present written or oral testimony. At the conclusion of the public hearing, all ballots submitted and not withdrawn will be tabulated in accordance with Government Code section 53753.

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

Attachment: Exhibit A – Engineer's Report