

RESOLUTION NO. 2005-262

A RESOLUTION OF THE CITY COUNCIL OF ELK GROVE, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE FORMATION OF STREET LIGHTING MAINTENANCE DISTRICT NO. 1, ZONE 2, TO LEVY AND COLLECT ASSESSMENTS, APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2006/2007, TO CONDUCT A PROPERTY OWNER BALLOTING ON THE MATTER OF INCREASED ASSESSMENTS AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING

WHEREAS, the City Council (the "City Council") of the City of Elk Grove (the "City") pursuant to the provisions of the *Benefit Assessment Act of 1982, Part 1 of Division 2 of the California Government Code §54703* (the "Act") proposes to form Street Lighting Maintenance District No. 1, Zone 2 (the "Zone"), to finance for operation, maintenance and servicing of street lighting, safety lighting, and all appurtenant facilities related thereto; and

WHEREAS, the City Council by its Resolution No. 2005-207, adopted July 13, 2005 initiated proceeding to levy such assessments on property located within the boundaries of the City of Elk Grove Street Lighting Maintenance District No. 1 (the "District"); and

WHEREAS, the City Council has retained Koppel & Gruber Public Finance for the purpose of assisting with the formation of the Zone, the establishment of the assessments, and to assist the City with the preparation and filing of a report for fiscal year 2006-2007 (the "Engineer's Report") in accordance with Article 4 of the Act; and Section 4 of Article XIID of the California Constitution;

WHEREAS, there has now been filed with the City Clerk and presented to this City Council the Engineer's Report for the Zone, for fiscal year 2006/2007; and

WHEREAS, the City Council has carefully examined and reviewed the Engineer's Report as presented, and is satisfied with the Zone, each and all of the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the Zone, as set forth in the Engineer's Report.

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

Section 1: The Engineer's Report as presented, consists of the following:

- A Description of the Zone Boundary and Improvements; and,
- The Budget (Costs and Expenses of Services, Operation and Maintenance); and,
- The method of apportionment for calculating the assessment for each of the assessed lots, parcels and subdivisions of the land

located within the Zone and a roll containing the proposed levy amount for each assessed parcel within the Zone for fiscal year 2006/2007.

Section 2: The Engineer's Report is hereby approved.

Section 3: The City Council hereby declares that it is its intention to form the Zone pursuant to the Act, over and including all lots, parcels and subdivisions of the land located within the Zone's boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance, repair and servicing of street lighting and safety lighting and all appurtenant facilities and operations related thereto.

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 presentation of the Engineer's Report.

Section 5: An assessment ballot proceeding is hereby called on behalf of the Zone on the matter of confirming assessments for any property within the Zone subject to an increased assessment pursuant to *California Constitution Article XIID*.

The assessment ballot proceeding for the Zone on the matter of authorizing the levy of the assessments, pursuant to California Constitution, Article XIID, Section 4 consists of a ballot, included with mailed notice, distributed by mail, to the property owners of record. The property owner of record is defined as the owner of a parcel subject to the proposed assessment as the owner's name appears on the County of Sacramento most current equalized tax roll.

Each property owner's ballot is weighted by the amount of its proposed assessment. Each property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public input portion of the public hearing which is scheduled for Wednesday, November 9, 2005, at 6:30 p.m., at the City Council Chambers, 8400 Laguna Palms Way, Elk Grove, California. At the conclusion of the public input portion of the public hearing, the City shall cause the ballots to be tabulated to determine if a majority protest exists. A majority protest exists if, upon the conclusion of the hearing, ballots submitted (and not withdrawn) in opposition to the assessment exceed the ballots submitted (and not withdrawn) in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.


Section 6: NOTICE IS HEREBY GIVEN THAT WEDNESDAY, THE 9TH DAY OF NOVEMBER, 2005, AT 6:30 P.M. OR AS SOON THEREAFTER AS

FEASIBLE IN THE REGULAR MEETING CHAMBERS OF THE CITY COUNCIL LOCATED AT 8400 LAGUNA PALMS WAY, ELK GROVE, CALIFORNIA IS THE TIME AND PLACE FIXED FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE QUESTION OF THE FORMATION OF THE ZONE AND THE LEVY AND COLLECTION OF THE ASSESSMENT FOR FISCAL YEAR 2006-2007 AGAINST ASSESSABLE LOTS AND PARCELS OF LAND WITHIN THE ZONE. All interested persons shall be afforded the opportunity to hear and be heard. Any interested person may file a written protest with the City Clerk, or, having previously filed a protest, may file a written withdrawal of that protest, prior to the conclusion of the public input portion of the public hearing. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer thereof. The City Council shall consider all oral statements and all written protests made or filed by any interested person.


Section 7: The City Council hereby declares its intention to conduct a Public Hearing pursuant to California Constitution, Article XIII D, Section 4(e) concerning the formation of the Zone and the levy of assessments for the proposed Zone previously levied by the County at the rates shown in the Engineer's Report.

The City shall give notice of the time and place of the Public Hearing by posting a notice in the form attached hereto as Exhibit A in three public places and by publishing the notice in a local newspaper once a week for two successive weeks pursuant to Government Code 6066 as outlined in the Act in § 54716 (b).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of September 2005.


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A

[FORM OF PUBLISHED AND POSTED NOTICE]

CITY OF ELK GROVE

NOTICE OF HEARING ON
ENGINEER'S REPORT
CONCERNING SAFETY LIGHTING AND STREET LIGHTING ASSESSMENTS

Notice is hereby given that on Wednesday, November 9, 2005, as 6:30 p.m., or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California, the City Council of the City of Elk Grove shall hold a public hearing on the Engineer's Report prepared and filed in connection with proposed safety light and street light maintenance assessments on property identified in the Report, including the Laguna Ridge Specific Plan, Lent Ranch Specific Plan, Sterling Meadows and the Southeast Policy Area. The City has mailed a notice and ballot to each affected property owner specifying the amount of the proposed assessment on the owner's property. At the public hearing, the City Council shall hear and consider all protests.

Dated: _____

City Clerk, City of Elk Grove

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-262**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)


I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

