

CITY OF ALAMEDA RESOLUTION NO. _____

CONFIRMING THE BALLOT RESULTS AND PROVIDING FOR NO MAJORITY PROTEST AND THE LEVY OF AN ANNUAL ASSESSMENT FOR ISLAND CITY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 84-2 ZONE 4 (PARK STREET)

WHEREAS, the City of Alameda (the "City") has duly created the Island City Landscaping and Lighting District 84-2 (the "District"), Zone 4 (the "Zone") under the Alameda Maintenance Procedure Code (Chapter III, Article V, et al.) (the "Municipal Code") which incorporates the provisions of the Landscaping and Lighting Act of 1972 (Sections 22500 and following of the Streets and Highways Code of California) (the "Act") to install and maintain certain landscaping and lighting improvements (the "Improvements"); and

WHEREAS, on May 19, 2015 by Resolution No. 15037, the City Council initiated proceedings to increase the assessments within Zone 4 to pay for the increased costs of maintenance and servicing of certain improvements pursuant to terms and provisions of the 1972 Act, Article XIII D of the Constitution of the State of California ("Article XIIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.) (the "Omnibus Act" and, together with the Alameda Municipal Code, the 1972 Act and Article XIIID, the "Assessment Law"); and

WHEREAS, the City Council did order and subsequently receive an Assessment Engineer's Report (hereafter referred to as the "Engineer's Report") prepared by NBS in accordance with the Assessment Law; and

WHEREAS, the Engineer's Report has been made a part of the record of these proceedings and is on file in the office of the City Clerk of the City (the "City Clerk"); and

WHEREAS, on May 19, 2015 by Resolution No. 15038, the City Council (a) set the time and place for conducting a public hearing for the purpose of hearing protests to the proposed maintenance and servicing of the improvements and the assessments proposed to be levied on land within Zone 4 and (b) ordered that the record owner of each parcel proposed to be assessed have the right to submit an assessment ballot in favor of or in opposition to the assessment proposed to be levied on such parcel; and

WHEREAS, notices of such hearing, accompanied by assessment ballot materials, were regularly mailed to each such record owner in the time, form and manner required by the Assessment Law, a full hearing has been given, and at this time all assessment ballots submitted and not withdrawn pursuant to the Assessment Law have been tabulated by the tabulation official appointed by the City (the "Tabulation Official"), all in the manner provided by the Assessment Law; and

WHEREAS, the Tabulation Official has prepared and submitted to this legislative body a Certificate of Tabulation Official and Statement of Assessment Ballots Submitted

(the "Certificate of the Tabulation Official"), a copy of which is attached as Exhibit A hereto and incorporated herein by this reference, which reflects the results of the tabulation of the assessment ballots submitted and not withdrawn; and

WHEREAS, this City Council is now satisfied with the assessments and all matters contained in the Engineer's Report as submitted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda, DOES HEREBY RESOLVE as follows:

1. The above recitals are all true and correct and by this reference made an operative part hereof.

2. The City Council hereby finds and determines that the procedures for the consideration of the levy of annual assessments within Zone 4 have been undertaken in accordance with the Assessment Law.

3. The Engineer's Report, as now submitted, is hereby approved and such Report shall stand as the report as required by the Assessment Law for all future proceedings for this Assessment District.

4. Assessment ballots were mailed, as required by the Assessment Law, to the record owners of all properties proposed to be assessed within Zone 4. The assessment ballots that were completed and received by the City Clerk, prior to the close of the Public Hearing, have been tabulated in accordance with the procedures established under the Assessment Law and the results of such tabulation have been submitted to this City Council.

5. This City Council hereby finds that the assessment ballots submitted, and not withdrawn, in favor of the levy of assessments exceed the assessment ballots submitted, and not withdrawn, in opposition to such levy as weighted by assessment amount in accordance with the Assessment Law. Therefore, no majority protest to the levy of the proposed assessments within Zone 8 has been found to exist.

6. The City Council hereby orders the increase in the assessments as set forth in the Engineer's Report.

7. Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments to be levied for Fiscal Year 2015/16.

a. The proportionate special benefit derived by each assessable parcel from the maintenance and servicing of the improvements has been determined in relationship to the entirety of the cost of such maintenance and service expenses.

b. The assessments do not exceed the reasonable cost of the proportional special benefits conferred on each parcel.

c. Only special benefits have been assessed, and the general benefits have been separated from the special benefits.

d. All publically owned parcels within the District that derive special benefits from the maintenance and servicing of the improvements have been assessed for such special benefits.

8. The assessments for Zone 4 contained in the Engineer's Report for Fiscal Year 2015/16 are hereby confirmed and levied upon the respective lots or parcels within Zone 4 as set forth in said Engineer's Report. Subsequent annual assessments, in amounts not to exceed an established maximum annual assessment may be confirmed and levied without further assessment ballot proceedings pursuant to the Assessment Law. Each fiscal year, beginning Fiscal Year 2015/16, the maximum amount of each assessment may be increased by the formula contained in the Engineer's Report without further compliance with the assessment ballot procedures required under the Assessment Law.

9. The public interest and convenience requires and this legislative body does hereby order the maintenance work to be made and performed as set forth in the Engineer's Report.

10. The diagram and assessments shall be filed in the Office of the City Clerk. Said diagram and assessments, and the certified copy thereof, shall be open for public inspection.

11. The City Clerk is hereby ordered and directed to immediately file by no later than the third Monday in August 2015 a certified copy of the diagram and assessment with the County Auditor.

12. After the filing of the diagram and assessment, the County Auditor shall enter onto the County assessment roll opposite each lot or parcel of land, the amount assessed thereon as shown in the assessment.

13. The assessments shall be collected at the same time and in the same manner as County secured taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection of the assessments.

14. The assessments as above confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements in the fiscal year commencing July 1, 2015, and ending June 30, 2016.

15. This Resolution shall take effect immediately upon its adoption.

Exhibit A

**Certificate of Tabulation Official and
Statement of Assessment Ballots Submitted**

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

The undersigned, the duly authorized tabulation official appointed by the City Council of the City of Alameda, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), I did tabulate the assessment ballots timely submitted, and not withdrawn, in the assessment ballot proceedings pertaining to the Island City Landscaping and Lighting Maintenance District No. 84-2, Zone 4 (Park Street).

I FURTHER CERTIFY that this Statement of Assessment Ballots Received shows the assessment ballots submitted, and not withdrawn, in favor of the proposed assessment and the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment, each total weighted according to the financial obligation of the affected properties for which the assessment ballots were submitted.

Total assessment ballots distributed	
Total assessment ballots submitted and not withdrawn	
Assessment ballots submitted, and not withdrawn, in favor of the proposed assessment	
Weighted value of assessment ballots submitted, and not withdrawn, in favor of the proposed assessment	
Assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment	
Weighted value of assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment	

This certification is executed this ____ day of _____, 2015 in Alameda, California.

By: _____

Title: _____

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 7th day of July, 2015, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8th day of July, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda