

RESOLUTION NO. 2018-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT PROCEEDING IN CONNECTION WITH LA HABRA HEIGHTS STREET MAINTENANCE ASSESSMENT DISTRICT NO. 7, ESTABLISHING STREET MAINTENANCE ASSESSMENT DISTRICT NO. 7, FINAL APPROVAL OF THE ENGINEER'S REPORT FOR SAID DISTRICT, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19

WHEREAS, on April 19, 2018, by adoption of Resolution No. 2018-11 (the "Resolution of Intention"), the City Council declared its intention to establish Street Maintenance Assessment District No. 7 (the "District") in accordance with the Benefit Assessment Act of 1982 (Gov't Code Section 54703 *et seq.*) (the "Act"); and

WHEREAS, the Act authorizes the City to levy an annual benefit assessment to fund street maintenance that specially benefits real property in the District; and

WHEREAS, the City has levied such an assessment Citywide from 1996 through 2012; and

WHEREAS, the City has caused the preparation of various public reports such as a Pavement Management Program describing a plan for necessary maintenance of streets and appurtenant drainage improvements, which are on file in the Office of the City Clerk and available for public inspection, as well an Engineer's Report (the "Report") describing the District and the proposed assessment to fund a portion of the costs outlined in the Pavement Management Program; and

WHEREAS, the Resolution of Intention preliminarily approved the Report, declared the date of the Hearing (see below) and explained the ballot tabulation/majority protest procedures for the proposed District and assessment; and

WHEREAS, the Report includes all information required by Section 54716 of the Act and serves as the "detailed engineer's report" required by Article XIII D, Section 4(b) of the California Constitution (Proposition 218); and

WHEREAS, on June 11, 2018, as ordered by the Resolution of Intention, the City Council held a full public hearing (the "Hearing") regarding the establishment of the District and the levy and collection of the assessment beginning Fiscal Year 2018-19; and

WHEREAS, notice of the Hearing was mailed to affected property owners as required by Government Code Section 53753(b) and the California Constitution; and

WHEREAS, each notice contained an assessment ballot as required by Government Code Section 53753(c) and the California Constitution; and

WHEREAS, following the close of the Hearing, returned assessment ballots were tabulated pursuant to the procedures set forth in Government Code Section 53753(e) and Exhibit A to the Resolution of Intention; and

WHEREAS, the City Council desires to declare the results of the tabulation to determine establishment of the District and the assessment in connection with the District.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, RESOLVES AS FOLLOWS:

Section 1. Declaration of Tabulation Results. The City Council declares and certifies that the results of the assessment ballot proceeding are that 599 ballots, representing \$117,084.41 in assessments were returned in favor of the proposed assessment and 365 ballots representing \$66,274.23 in assessments were returned in opposition to the proposed assessment. Therefore, a majority protest against the proposed assessment does not exist.

Section 2. Establishment of District. The District as described in the Report is hereby established.

Section 3. The Report. The assessable properties within the District receive special benefit from street maintenance improvements. The Report includes all properties receiving such special benefit. The Report and assessments, as presented, are hereby confirmed as filed.

Section 4. Assessment. The assessment is determined and levied as set forth in the Report.

Section 5. Method of Collection. Pursuant to Section 54718 of the Act, the assessment shall be collected on the property tax roll along with, in the same manner as, and subject to the same penalties as the *ad valorem* property tax. Staff is directed to transmit the FY 2018-19 levy, as set forth in the Report, to the County for collection and the County is authorized to retain from the assessment its customary charges for collection services.

Section 6. Collection by the City. The Finance Manager shall deposit all money representing assessments collected by the County to a fund specific to the District. Such funds shall be expended only for maintenance of streets and appurtenant drainage improvements within the District boundaries.

Section 7. Proposition 218. The City Council finds that the assessment, and ~~each proposed levy of the assessment for the ten-year life of the District is in~~ compliance with each applicable requirement of Article XIII D of the California Constitution, commonly known as Proposition 218. No additional balloting proceedings will be required to levy the annual assessment during the life of the District at the maximum rate set forth in the Report.

Section 8. District Oversight. The Roads Advisory Committee shall provide oversight as approved and set forth in Resolution 2018-14.

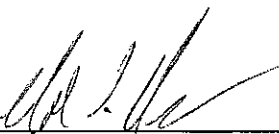
PASSED, APPROVED, AND ADOPTED this 11th day of June, 2018 by the City Council of the City of La Habra Heights in the State of California by the following vote:

AYES: COUNCIL MEMBERS: Bergman, Francis, Klingfus, Williams, and Zezula
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None



Roy Francis, Mayor

APPROVED AS TO FORM:



Michael Maurer, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jarad Hildenbrand, City Clerk do hereby attest to and certify the foregoing Resolution No. 2018-19 was adopted by the City Council of the City of La Habra Heights at a regular meeting held on June 11, 2018.



Jarad Hildenbrand, City Clerk

6.11.18

Date