RESOLUTION NO. 22-41
(FORMATION)

RESOLUTION OF THE CITY OF ANGELS CAMP CITY COUNCIL APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT, AND ORDERING LEVY OF LANDSCAPING AND LIGHTING DISTRICT NO. 2 GREENHORN CREEK FOR FISCAL YEAR 2022-23

WHEREAS, by Resolution No. 22-11, approved on March 15, 2022, the City Council ordered the initiation of proceedings for the formation of a landscape and lighting district pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with § 22500 thereof) ("Act") and Article XIII-D of the California Constitution to be known as the Landscape and Lighting District No. 2 – Greenhorn Creek ("Assessment District") of the City of Angels Camp, for the purpose of financing the cost of installation, maintenance and servicing as detailed in the Engineer's Report prepared by the Assessment Engineer, SCI Consulting Group.

WHEREAS, the City Council has adopted a resolution approving and filing an Engineer's Report which includes: (1) a description of the Improvements to be funded with assessment proceeds; (2) an estimate of the annual cost of the Improvements described in the Engineer's Report; (3) a description of the assessable parcels of land within the District and proposed to be subject to the new assessment; (4) a description of the proportionate special and general benefits conferred on property by the proposed assessment; (5) a diagram and boundary map for the Assessment District, and (6) a specification of the amount to be assessed upon various types of assessable land within the Assessment to fund the cost of the Improvements. The Engineer's Report is incorporated herein by this reference.

WHEREAS, the City Council adopted Resolution No. 22-23, on May 17, 2022, a Resolution of Intention to Conform with Proposition 218 and its requirements.

WHEREAS, the City Council adopted Resolution No. 22-25 on June 7, 2022, a Resolution Declaring Intention to Levy Assessments, Preliminarily Approving the Engineer's Report, Providing Notice of Public Hearing and the Mailing of the Assessment Ballots. The annual assessment rates for various types of real property within the proposed assessment, the total number of parcels to be assessed, and the total amount of annual assessment revenue is contained within the Engineer's Report.

WHEREAS, the City Council has provided a 45-day written mailed notice to each record owner of assessable parcels of real property located within the Assessment boundaries for the proposed Landscape Assessment District, as set forth on the Assessment Diagram and Boundary Map, of a public hearing which was held at a regular meeting of the City Council on August 2, 2022, at 6:00 p.m. in the Angels Fire House, located at 1404 Vallecito Road, Angels Camp, CA, on the issue of whether the Assessment District should be formed and assessments levied and collected as proposed in the Engineer's Report for Fiscal Year 2022-23 and future Fiscal Years.

WHEREAS, the form of written mailed public notice of the public meeting contained the following information: (a) the total amount of assessments proposed to be levied within the District for Fiscal Year 2022-23; (b) the assessment chargeable to each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the assessment; (e) the basis upon which the amount of the proposed assessment was calculated; (f) the date, time and place of the public hearing as specified in this resolution; and (g) a summary of the voting procedures and the effect of a majority protest. The form of the written mailed public notice also included an Assessment ballot by which each property owner could express their support or opposition to the proposed assessment. The ballot indicated that it must be returned before the conclusion of the public hearing on August 2, 2022, in order to be valid and counted, and that all assessment ballots received by the City Clerk (the "Tabulator"), would be tabulated after the conclusion of the public input portion of the public hearing on August 2, 2022, by the City Clerk.

WHEREAS, pursuant to the provisions of California Constitution Article XIIID, an opportunity for protest has been afforded, and the assessment ballots mailed to owners of assessable real property within the proposed boundaries of the Landscape and Lighting District No. 2 – Greenhorn Creek have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel.

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

Section 1. The above Recitals are in all respects true and correct.

Section 2. The canvass of the assessment ballots submitted by the property owners is complete and certified by the Tabulator, and the votes cast are as follows:

Total Number of Valid Ballots Processed:	332
Total Assessment Amount of Valid Ballots:	$ 209,787.50
Total Number of "Yes" Votes Processed:	276
Total Assessment Amount of "Yes" Votes Processed:	$ 177,515.00
Percentage of "Yes" votes, unweighted:	83.13 %
Total Percentage of "Yes" Ballots, weighted:	84.62 %
Total Number of "No" Votes Processed:	56
Total Assessment Amount of "No" Votes Processed:	$ 32,272.50
Percentage of "No" votes, unweighted:	16.87 %
Total Percentage of "No" Ballots, weighted:	15.38 %
Total Number of "Invalid" Votes Processed	3
Total Assessment Amount of "Invalid" Votes Processed:	$ 1,950.00

Section 3. 335 assessment ballots were returned and received prior to the close of the public hearing on August 2, 2022. This represents a 72.9 % ballot return rate on the 459 ballots mailed. Of the assessment ballots returned, 3 assessment ballots were declared invalid in that they were either not marked with a "Yes" or "No", were marked with both a "Yes" and a "No", were not signed, or the property ownership and barcode information was illegible."

Section 4. As determined by ballots cast, as weighted according to the amount of assessment for each parcel, 84.62 % of the property owners cast ballots in support of Landscape and Lighting District No. 2 – Greenhorn Creek. Since a majority protest, as defined by Article XIIID of the California Constitution, did not exist, this City Council thereby acquired jurisdiction to order the levy of assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

Section 5. The Final Engineer's Report for Landscape and Lighting District No. 2 – Greenhorn Creek, together with the diagram of the Assessment District contained therein, and the proposed assessment roll for Fiscal Year 2022-23 are hereby confirmed and approved.

Section 6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, the City Council expressly finds and determines that: (a) each of the several assessed lots and parcels of land within the District will be specially benefited by the Improvements (as described in the Engineer's Report) in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property with the District from the Improvements to be financed with assessment proceeds.

Section 7. Landscape and Lighting District No. 2 – Greenhorn Creek is hereby formed, and assessments consistent with the Engineer's Report are hereby levied, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code.

Section 8. Assessments for Fiscal Year 2022-23 shall be levied at the Single-Family Equivalent ("SFE") assessment rate of SIX HUNDRED AND FIFTY DOLLARS ($650.00) as specified in the Engineer's Report for Fiscal Year 2022-23 with estimated total annual assessment revenues as set forth in the Engineer's Report.

Section 9. The Landscape and Lighting District No. 2 – Greenhorn Creek Improvements to be financed with assessment proceeds described in the Engineer's Report are hereby ordered.

Section 10. The authorized maximum assessment to be levied in future Fiscal Years shall be increased by an amount up to the change in the Northern California (San Francisco-Oakland-Hayward) Consumer Price Index-All Urban Consumers (the "CPI"),

which adjustment shall be based on actual costs, including any reasonable reserves, supported by an Engineer's Report prepared in accordance with Article XIIID of the California Constitution.

Section 11. The assessment is in compliance with the provisions of the Act, and the City Council has complied with all laws pertaining to the levy of an annual assessment pursuant to the Act. The assessment is levied for the purpose of paying the costs and expenses of the improvements described in the report referred to hereinabove for fiscal year 2022-23.

Section 12. The City of Angels Camp City Council hereby certifies that the assessments to be placed on the 2022-23 property tax bills meet the requirements of Proposition 218 that added Article XIIID to the California Constitution.

Section 13. The assessments are levied without regard to property valuation.

Section 14. Immediately upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption, the City Council shall file a certified copy of the Diagram and Assessment and a certified copy of this resolution with the Auditor/Tax Collector of the County of Calaveras ("County Auditor/Tax Collector"). Upon such filing, the County Auditor/Tax Collector shall enter on the County tax roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the Assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County Tax Collector, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Angels Camp Landscape and Lighting District No. 2 – Greenhorn Creek.

Section 15. The monies representing assessments collected shall be deposited in a separate fund established under the distinctive designation of the Landscape and Lighting District No. 2 – Greenhorn Creek. Funds collected from Landscape and Lighting District No. 2 – Greenhorn Creek Assessment shall be expended only for the special benefit of parcels within the District.

Section 16. The Landscape and Lighting District No. 2 – Greenhorn Creek Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the City Council by a determination from the Assessment Engineer that the Assessment should be revised to be consistent with the method of assessment established in the Engineer's Report. Any such corrections, cancellations or refunds shall be limited to the current Fiscal Year.

Section 17. The City Clerk shall certify to the adoption of this Resolution; and staff shall cause a true and correct copy of this Resolution to be published pursuant to California Government Code § 6061.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Angels, State of California this 2nd day of August 2022, by the following vote:

Jennifer Herndon, Vice- Mayor

ATTEST:

I, Rose Beristianos, City Clerk of the City of Angels Camp, do hereby certify that the foregoing Resolution was passed, approved, and adopted at the regular meeting of the City Council of the City of Angels Camp held on the 2nd day of August 2022, by the following roll call vote:

AYES: Jennifer Herndon, Isabel Moncada, Caroline Schirato
NOES:
ABSENT: Alvin Broglio
ABSTAINED: Gretel Tiscornia

Rose Beristianos, City Clerk

EXHIBIT A

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ANGELS, COUNTY OF CALAVERAS, CALIFORNIA, THIS _____ DAY OF _____, 2022.

_____
CITY CLERK

RECORDED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ANGELS COUNTY OF CALAVERAS, CALIFORNIA, THIS _____ DAY OF _____, 2022.

_____
CITY CLERK

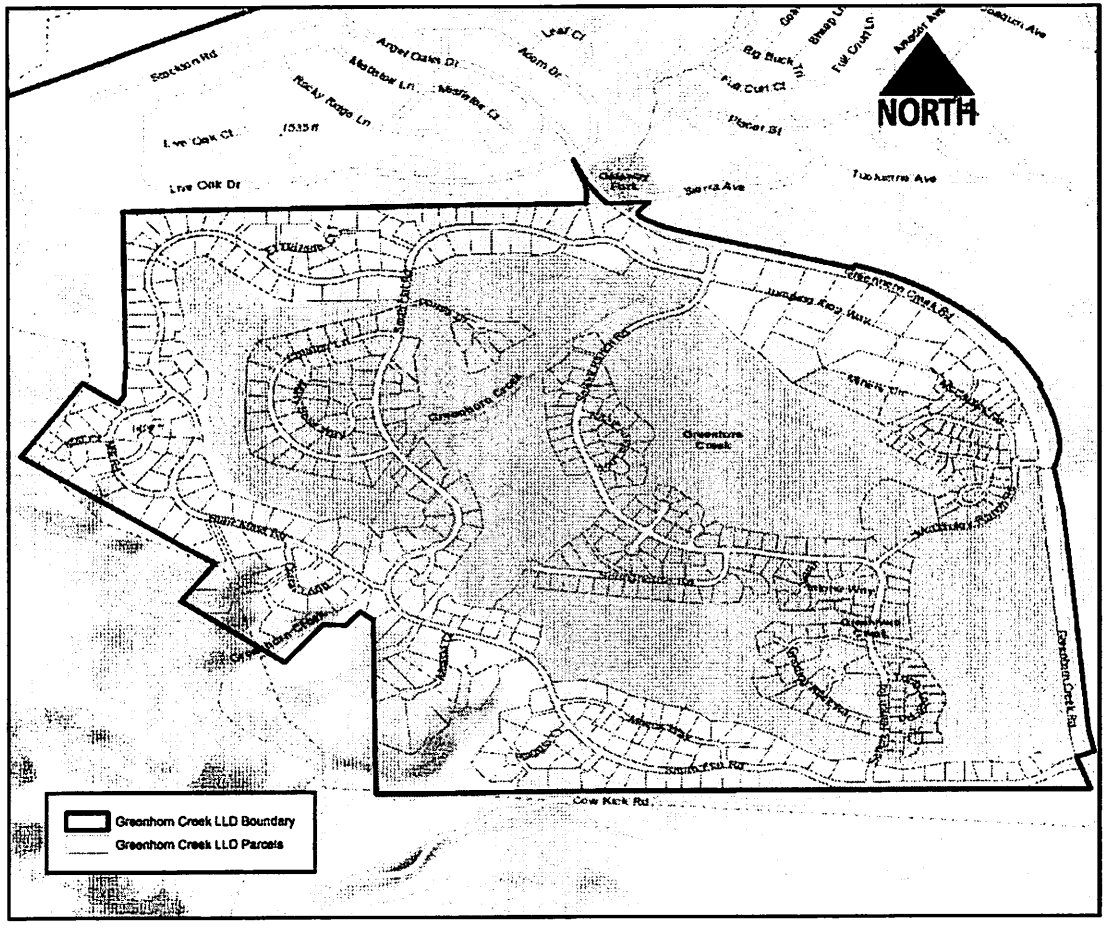
AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE CITY COUNCIL OF THE CITY OF ANGELS ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE _____ DAY OF _____, 2022 FOR FISCAL YEAR 2022-23, AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF CALAVERAS ON THE _____ DAY OF _____, 2022. REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND.

_____
CITY CLERK

FILED THIS _____ DAY OF _____, 2022, AT THE HOUR OF _____ O'CLOCK ___ M. IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF CALAVERAS STATE OF CALIFORNIA, AT THE REQUEST OF THE CITY OF ANGELS CITY COUNCIL.

_____
COUNTY AUDITOR, COUNTY OF CALAVERAS

Note:
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF SACRAMENTO FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER



CITY OF ANGELS CAMP
LANDSCAPING AND LIGHTING DISTRICT NO. 2 - GREENHORN CREEK
ASSESSMENT DIAGRAM

SCIConsultingGroup