

RESOLUTION NO. 5334 (06)

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LOMPOC,
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2006-07,
PRELIMINARILY APPROVE AN ENGINEER'S REPORT, AND PROVIDE
NOTICE OF A PUBLIC HEARING FOR THE PARK MAINTENANCE AND
CITY POOL ASSESSMENT NO. 2002-01**

WHEREAS, on August 6, 2002, after receiving a weighted majority of 55.2% of returned ballots in support of the proposed assessment, this Council by its Resolution No. 5033 (02) ordered the formation of and levied the first assessment of the "Park Maintenance and City Pool Assessment No. 2002-01" (the "District"), pursuant to the provisions of Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof); and

WHEREAS, by Resolution No. 5319 (06), the Council ordered the preparation of an Engineer's Report for the District for fiscal year 2006-07; and

WHEREAS, pursuant to Resolution No. 5319 (06), the Engineer's Report was prepared by Shilts Consultants, Inc., Engineer of Work, in accordance with Sections 22565, *et seq.*, of the Streets and Highways Code (the "Report") and Article XIID of the California Constitution; and

WHEREAS, it has been proposed that "Park Maintenance and City Pool Assessment No. 2002-01" undertake the following: installation, maintenance and servicing of public facilities, debt service, issuance costs, improvement to park safety from enhanced lighting and increased park ranger security patrols, and other expenses associated with the issuance and administration of bonds for the improvements; and

WHEREAS, as applied herein, "Installation" means the acquisition and construction of recreational improvements, including but not limited to land preparation (such as grading, leveling, cutting, filling, sodding, landscaping, installing irrigation and sprinkler systems, installing sidewalks, and installing drainage systems), lighting, play equipment, playground equipment, play courts and fields, hard court surfaces, tennis courts, community centers, turf facilities, track facilities, gymnasiums, swimming pools, park grounds, park facilities, landscape corridors, trails, lights, recreational facilities, and public restrooms for or upon property owned and/or maintained by the City of Lompoc; and

WHEREAS, "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing

for the life, growth, health, and beauty of landscaping; and cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; and

WHEREAS, "Servicing" means the furnishing of electric current or energy for the operation or lighting of any improvements, and the furnishing of water for irrigation of any landscaping or the maintenance of any other improvements.

NOW, THEREFORE, THE CITY COUNCIL FINDS AND RESOLVES THAT:

SECTION 1. The Engineer's Report has been prepared, filed with the City Clerk, duly considered by this Council, and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to this Resolution.

SECTION 2. It is the intention of this Council to levy and collect assessments within the District for fiscal year 2006-07.

SECTION 3. The authorized maximum assessment rate for the District includes an annual adjustment by an amount equal to the annual change in the Consumer Price Index (CPI-U) of the Los Angeles-Riverside-Orange County are, not to exceed 3% per year, as of January of each succeeding year. As the amount of the annual increase in the CPI-U from January 2005 to January 2006 is 5.42%, the authorized maximum levy rate for fiscal year 2006-07 is 3.00% above the maximum levy rate for fiscal year 2005-06. Including the authorized annual adjustment, the maximum authorized assessment rate for fiscal year 2006-07 is \$21.13 per single family equivalent. The levy rate proposed for fiscal year 2006-07 is \$21.12 and is less than the maximum levy rate.

SECTION 4. A Public Hearing shall be convened by this Council on June 20, 2006 at 7:00 p.m. at 100 Civic Center Plaza, Lompoc, California to consider the ordering of the improvements and the levy of the proposed assessments. ("The Hearing") Notice of the hearing shall be given by publishing a notice once, at least ten (10) days prior to June 20, 2006, in a newspaper circulated in the City of Lompoc.

SECTION 5. Prior to the conclusion of the Hearing, any interested person may file a written protest with the Council, or, having previously filed a protest, may file a written withdrawal of that protest. 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 such owner. Such protest or withdrawal of protest should be mailed to the City Clerk, City of Lompoc, 100 Civic Center Plaza, PO Box 8001, Lompoc, CA 93438, or presented in writing at the Hearing.

SECTION 6. This Resolution is effective upon its adoption.

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The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____ and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting of _____ by the following electronic vote:

AYES: Councilmember (s):

NOES: Councilmember (s):

Dick DeWees, Mayor
City of Lompoc

ATTEST:

Donna Terrones
City Clerk, City of Lompoc

Attachment: Proposed Preliminary Engineer's Report for Fiscal Year 2006-07 Levy