

# Attachment 1

## Resolution 23-XXX(C)

### RESOLUTION 23-XXX (C)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE EL PASO DE  
ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1  
FOR FISCAL YEAR 2023/24

WHEREAS, the City Council has by previous Resolutions initiated proceedings, declared its intention to levy assessments against parcels of land within the El Paso de Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as "District") for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining, and servicing landscaping, lighting, and appurtenant facilities located within the District; and

WHEREAS, the Engineer selected by the Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, the Engineer's Report (hereafter referred to as the "Report") in connection with the proposed levy and collection of assessments upon eligible parcels of land within the District, and the Council did by previous Resolution approve such Report; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2023, and ending June 30, 2024 to pay the costs and expenses of operating, maintaining, and servicing landscaping, lighting, and appurtenant facilities located within public places in the City as described in the Report; and

WHEREAS, the City Council has noticed and held a Public Hearing regarding the District, the proposed improvements and assessments for the Fiscal Year commencing July 1, 2023, and ending June 30, 2024, as described in the Report in accordance with the provisions of the Act and applicable provisions of Article XIID of the California State Constitution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true, correct, and incorporated herein by reference.

Section 2. Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests, and communications made or filed by interested persons regarding these matters.

Section 3. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:

- a. The land within the District will receive special benefit by the operation, maintenance, and servicing of improvements located in public places within the boundaries of the District; and
- b. The District includes all of the lands so benefited; and,
- c. The net amount to be assessed upon the lands within the District for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to

the special benefits to be received by each parcel from the improvements and services and such assessments do not exceed the maximum assessments established in accordance with the provisions of Article XIIIID of the California State Constitution

Section 4. The Report and assessments as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed.

Section 5. The maintenance, operation, and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Act. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: the maintenance and operation of and the furnishing of services and materials for street lighting facilities, detention basins, open space areas, landscaping, irrigation systems, public pedestrian paths, slope maintenance, entry monuments; landscaping includes trees, shrubs, grass, and other ornamental vegetation and appurtenant facilities including, but not limited to, irrigation systems and drainage devices within the District. The Report describes any new improvements or substantial changes in existing improvements.

Section 6. The assessments as confirmed shall be submitted to the County Auditor of the County of San Luis Obispo and the County Auditor of the County of San Luis Obispo shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 7. The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund known as the "Improvement Fund, City of El Paso de Robles Landscape and Lighting Maintenance District No. 1," and such money shall be expended only for the maintenance, operation, and servicing of the landscaping, lighting, and appurtenant facilities as described in Section 4.

Section 8. The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024.

Section 9. The City Clerk or their designate is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

Section 10. The City Council finds the action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15061, subd. (b)(2)-(3) and 15378, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and the action has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment.

APPROVED this 6<sup>th</sup> day of June, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

---

Steven W. Martin, Mayor

---

Melissa Boyer, City Clerk