

## RESOLUTION NO. 2010-294

Adopted by the Sacramento City Council

June 1, 2010

### **INTENTION TO ESTABLISH THE VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 2010-03; TO ORDER THE PROVISION OF MAINTENANCE SERVICES WITHIN THE ESTABLISHED DISTRICT; AND TO LEVY AN ASSESSMENT WITHIN THE DISTRICT TO PAY FOR THE MAINTENANCE SERVICES; AND TO DISSOLVE THE EXISTING VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 87-01**

#### **BACKGROUND**

- A. The Village Garden Landscape Maintenance District No. 2010-03 (District 10-03) is proposed to replace the existing Village Garden Landscape Maintenance District No. 87-01 (District 87-01), which provides funding for landscape maintenance services within Village Garden North Subdivision Units one through five.
- B. Property owners within the boundaries of District 10-03, shown on Exhibit B to this Resolution, are proposed to be levied an assessment to cover the true cost of delivering landscape maintenance services within District 10-03.
- C. By Resolution No. 2010-292, the City Council: (1) initiated proceedings to establish District 10-03; (2) designated the Supervising Engineer of the Department of Transportation to be the Engineer for purposes of levying an assessment against each owner of the property lying in the proposed District 10-03 to finance the landscape maintenance services generally described in Exhibit A; (3) directed the Engineer to prepare and file with the City Clerk a map of the territory to be established; and (4) directed the Engineer to prepare and file with the City Clerk the Engineer's Report required by Section 4 in Article XIID of the California Constitution.
- D. As directed, the Engineer has prepared and filed with the City Clerk: (1) a map entitled Boundary Map District 10-03 which shows the proposed boundaries of the territory to be established (the Boundary Map); and (2) an Engineer's Report prepared in accordance with Section 4 in Article XIID of the California Constitution (the Engineer's Report). The City Clerk presented the Boundary Map and the Engineer's Report to the City Council for consideration, and, after consideration, the City Council approved the Boundary Map and preliminarily approved the Engineer's Report by Resolution No. 2010-293.

E. The City Council finds and determines that providing the maintenance services within the boundaries of the territory, as shown on the Boundary Map filed with the City Clerk, is necessary, convenient, and desirable.

F. The Council is fully advised in this matter.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council finds and determines that the background statements A through F are true and correct.
- Section 2. The City Council declares: (a) that it intends to establish District 10-03, with boundaries of District 10-03 described in section 3 below; (b) that the landscape maintenance services to be provided are generally described in Exhibit A; (c) that all real property within District 10-03 will be specially benefited by the landscape maintenance services unless the City Council finds and determines otherwise at the public hearing; and (d) that the City Council intends to pay for the landscape maintenance services by levying an annual assessment in accordance with Article XIID of the California Constitution, on all assessable lots and parcels within the established territory that are specially benefited by the landscape maintenance services.
- Section 3. District 10-03 includes all territory within the exterior boundaries shown on the Boundary Map that (a) was approved by Resolution No. 2010-293; (b) is entitled Boundary Map District 10-03 and (c) is on file in the City Clerk's office. This map will govern for all details as to the extent of the District.
- Section 4. The Engineer's Report on file in the City Clerk's office contains: (a) a full and detailed description of the landscape maintenance services, including estimated costs; (b) the diagram for District 10-03; and (c) the proposed assessment upon assessable lots and parcels within the territory to be established.
- Section 5. The assessment described in the Engineer's Report may be increased for inflation. The amount of the increase will be computed using February-over-February change in the Consumer Price Index for the San Francisco-Oakland-San Jose area (All Urban Consumers) or a substitute index of a similar nature should that index be discontinued.
- Section 6. A public hearing on the Engineer's Report and the proposed assessment on assessable lots and parcels within District 10-03 and dissolution of District 87-01 will take place at:

**6:00 p.m. on Tuesday, July 27, 2010, at the City Council's regular meeting place, the Council Chambers in the New City Hall, 915 "I" Street, Sacramento, California.**

- Section 7. The City Clerk is directed to mail notice of the date, time, and place of the public hearing in accordance with Chapter 3.44 of the Sacramento City Code to all owners of real property located within District 10-03 to be established. Each notice must also describe the assessment-ballot procedure required by Article XIID of the California Constitution and include an assessment ballot. Mailing of the notices and ballots must be done in the time, form, and manner provided by law. Upon the completion of the mailing, the City Clerk is directed to file with the City Council an affidavit setting forth the time and manner of compliance with the legal requirements for mailing. The notice and assessment ballots must be in the forms set forth in Exhibit C.
- Section 8. At the hearing, the City Council will: (a) hear all protests against the proposed assessment from record owners of real property within District 10-03; and (b) accept testimony from all interested persons, whether or not they own real property within the territory to be established. At the conclusion of the hearing, the City Clerk will tabulate the assessment ballots submitted and not withdrawn, weighting the ballots according to the proportional financial obligations of the affected properties. The annual assessment will not be levied if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of it.
- Section 9. The Fiscal Manager of the Public Improvement Financing Division or his designee is hereby designated to answer inquiries regarding the protest proceedings.
- Section 10. Exhibits A, B, and C are part of this resolution.
- Exhibit A: Maintenance Description – 1 Page  
Exhibit B: Map of District – 1 Page  
Exhibit C: Forms, Hearing Notice and Assessment Ballot – 8 Pages

Adopted by the City of Sacramento City Council on June 1, 2010 by the following vote:

Ayes: Councilmembers Cohn, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters.

Noes: None.

Abstain: None.

Absent: Mayor Johnson and Councilmember Fong.

  
Vice Mayor Robbie Waters

Attest:

  
Shirley Concolino, City Clerk

Resolution of Intention  
**EXHIBIT A**

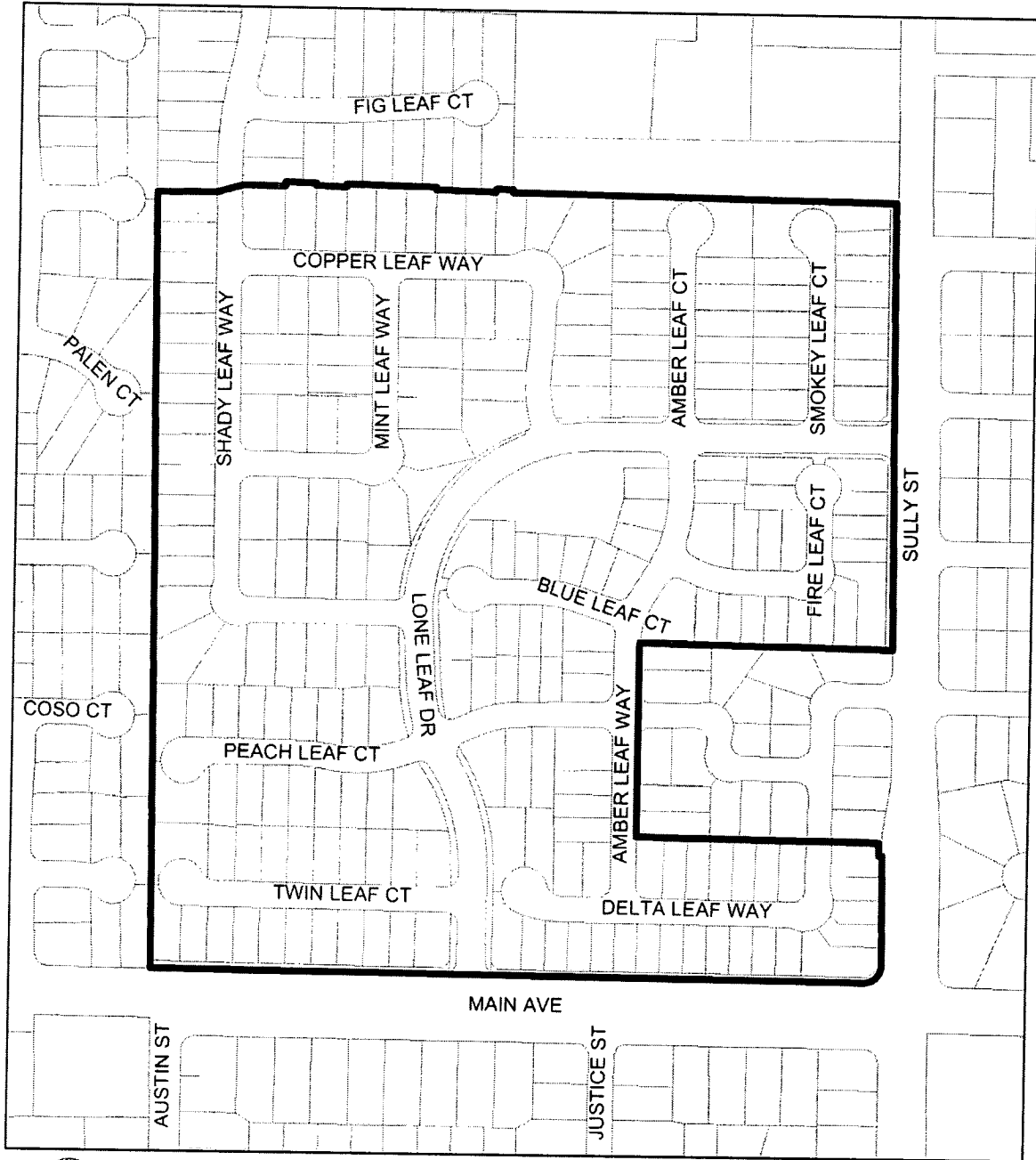
**Village Garden Landscape Maintenance District No. 2010-03  
Maintenance Description**

The Services to be provided within the Village Garden Landscape Maintenance District No. 2010-03 (District 10-03) are described as follows:

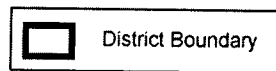
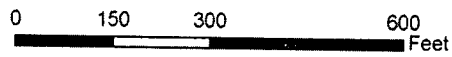
- Periodic mowing of grass, trimming of trees and shrubs, and fertilizing of vegetation.
- Irrigation of all plant material.
- Maintenance and repair of the irrigation system in District 10-03.
- Maintenance of masonry walls, including repairs as necessary.

Resolution of Intention  
**EXHIBIT B**

Village Garden Landscape  
Maintenance District No. 2010-03



6.I.S.  
City of  
Sacramento  
Department of Finance  
B Maeller 5/5/10



Resolution of Intention  
EXHIBIT C

**VILLAGE GARDEN  
LANDSCAPE MAINTENANCE DISTRICT NO. 2010-03**

**Notice to Owners of Property within the Village Garden Landscape Maintenance District (the District) of a Public Hearing on a Proposed Assessment to pay for Maintenance Services within the District. Summary of Procedures for Completing, Returning, and Tabulating Ballots for and against the Assessment.**

**BACKGROUND**

On June 1, 2010, the City Council of the City of Sacramento adopted Resolution No. 2010-292 (the Resolution of Intention) declaring its intention to establish the Village Garden Landscape Maintenance District No. 2010-03 (District 10-03). Among other things, the Resolution of Intention:

- designated the territory proposed for formation as District 10-03;
- declared the City Council's intention to order that the landscape maintenance services described in Attachment A to this notice be provided; and
- referred to the Engineer's Report prepared by the Supervising Engineer of the Department of Transportation and filed with the City Clerk for detailed information on a proposed assessment on property within District 10-03 to pay for landscape maintenance services (the Supervising Engineer of the Department of Transportation was designated as the Engineer for purposes of establishing District 10-03 and levying the assessment).

Any interested person may review the Resolution of Intention, the Engineer's Report, and other materials pertinent to the proposed assessment at the City Clerk's office, 915 "I" Street, Historic Building, Sacramento, California.

**DATE, TIME, AND PLACE OF PUBLIC HEARING**

**At 6:00 p.m. on July 27, 2010, the City Council will hold a Public Hearing on the proposed assessment at the City Council's regular meeting place: City Council Chambers, New City Hall, 1st Floor, 915 "I" Street, Sacramento, California.**

At the Public Hearing, the City Council will hear all protests against the proposed assessment from record owners of property within the territory to be established. The City Council will also accept testimony from all interested persons, whether or not they own property within the territory to be established.

### **THE ASSESSMENT**

The proposed assessment will be charged annually to District 10-03 so long as the landscape maintenance services as described in Attachment A will be provided to serve District 10-03. The total amount of the proposed assessment to be charged to the District 10-03 during Fiscal Year (FY) 2010/11 will be **\$29,238**.

**According to the official records of Sacramento County, you own the real property identified by Assessor's Parcel Number in Attachment B to this notice. Attachment B also shows the amount the City Council proposes to assess against your property during FY2010/11.**

In subsequent years, the assessment amounts shown above may be **adjusted for inflation**. Attachment C to this notice describes the basis on which the amount of the proposed assessment was calculated.

### **BALLOTS**

As required by the California Constitution (Article XIID, Section 4), an assessment ballot has been enclosed with this notice, along with a self-addressed envelope for returning the ballot to the City Clerk. The owner or owners of any parcel within District 10-03 may use this ballot to express support for or opposition to the proposed service fee. The ballot must be returned by mail to the City Clerk's office (which may be done using the enclosed envelope *but requires the user to provide the required postage*), by personal delivery to the City Clerk's office, or by personal delivery at the Public Hearing. To be valid, the ballot must be received before the close of the Public Hearing. The address of the City Clerk's office is 915 "I" Street, Historic Building, Sacramento, California 95814.

Following the close of the Public Hearing, the City Clerk will open and tabulate all ballots that have been timely received and not rejected. Ballots will be rejected if they are not properly signed, were not timely received at the proper location, or are otherwise defective. The City Clerk will weight the ballots according to the proportional financial obligation of each affected parcel (using the maximum possible assessment for FY2010/11, and the results will be announced. The assessment will be imposed only if the total dollar amount submitted in favor or the assessment exceeds the total dollar amount submitted against it. The City Council may postpone the announcing of results if the City Clerk needs additional time to confirm that a ballot has been properly signed by an owner or an owner's authorized representative.



**FOR FURTHER INFORMATION**

For further particulars, you may refer to the Resolution of Intention and the Engineer's Report, both of which are on file with the Public Improvement Financing Division (PIF Division) of the Department of Finance. Inquiries about the assessment proceedings will be answered by the Fiscal Manager of the PIF Division or his/her designee at 915 "I" Street, Sacramento, California 98514, telephone number (916) 808-1440.

Dated: \_\_\_\_\_, 2010

\_\_\_\_\_  
**City Clerk of the City of Sacramento**

Resolution of Intention – Exhibit C  
**ATTACHMENT A**

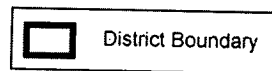
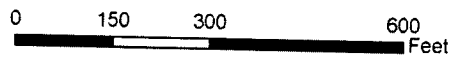
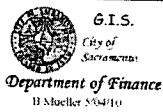
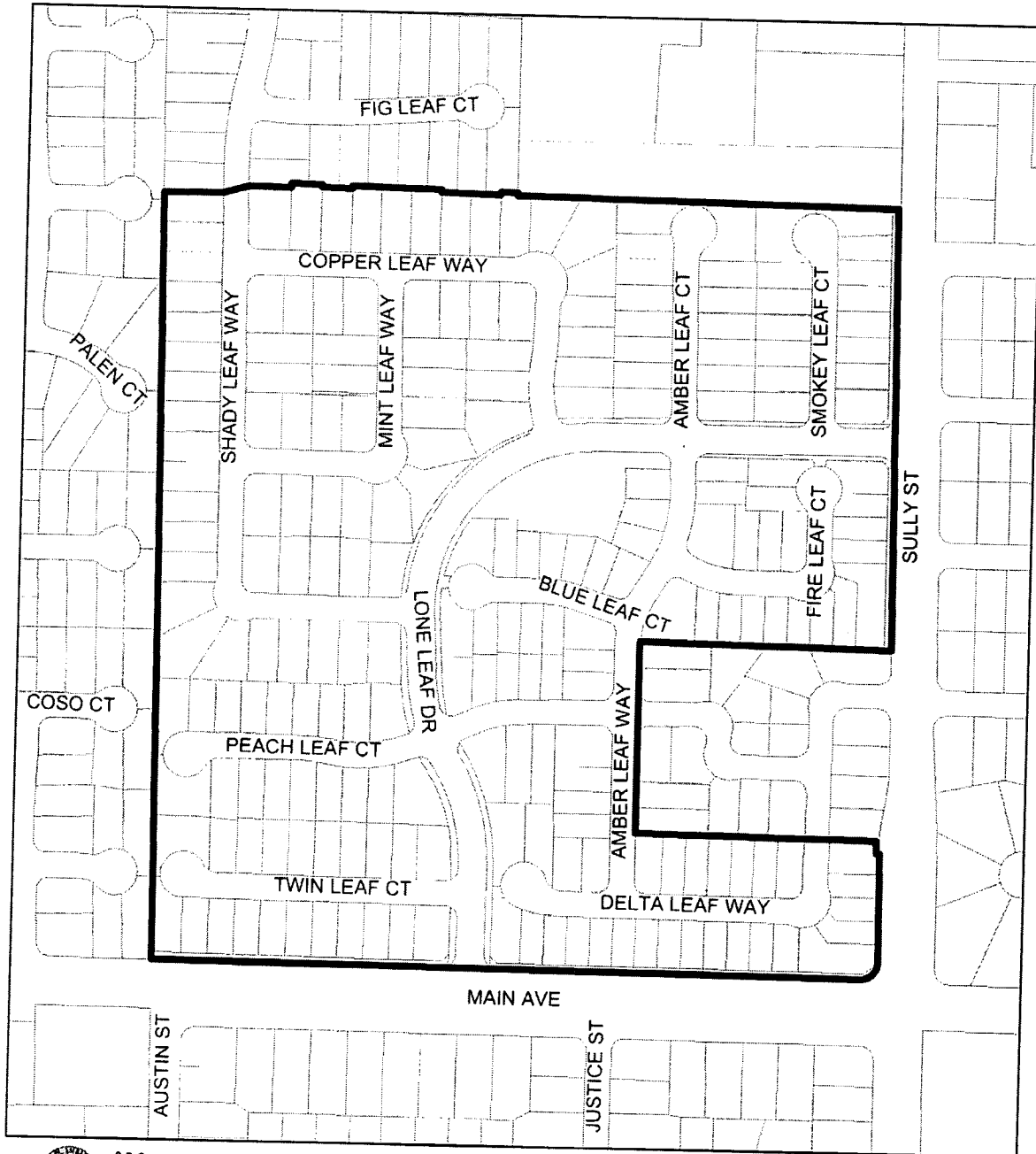
**Village Garden Landscape Maintenance District No. 2010-03  
Maintenance Description**

The Services to be provided within the Village Garden Landscape Maintenance District No. 2010-03 (District 10-03) are described as follows:

- Periodic mowing of grass, trimming of trees and shrubs, and fertilizing of vegetation.
- Irrigation of all plant material.
- Maintenance and repair of the irrigation system in District 10-03.
- Maintenance of masonry walls, including repairs as necessary.

Resolution of Intention – Exhibit C  
**ATTACHMENT A**

Village Garden Landscape  
Maintenance District No. 2010-03



Resolution of Intention – Exhibit C  
**ATTACHMENT B**

**ASSESSOR'S PARCEL NUMBER:** \_\_\_\_\_

**AMOUNT OF SERVICE FEE: \$** \_\_\_\_\_

Resolution of Intention – Exhibit C  
**ATTACHMENT C**  
**METHOD OF SPREADING ASSESSMENTS**

Each benefited residential lot in the Village Garden Landscape Maintenance District No. 2010-03 (District 10-03) is determined to have equal benefit from the landscaping improvements and maintenance thereof. Therefore, each parcel is assessed in proportion to the total District 10-03 budget.

The assessment for each residential parcel within District 10-03 will be as follows:

<b>Neighborhood</b>	<b>Assessment for Fiscal Year 2010/11 (per residential lot)</b>
District 10-03	\$140.56

Resolution of Intention – Exhibit C

**ASSESSMENT BALLOT**

This ballot is for the use of the property owner of the parcel identified below by assessment parcel number. The parcel is located within the proposed Village Garden Landscape Maintenance District No. 2010-03 (District 10-03). Please advise the Public Improvement Financing staff as soon as possible at (916) 808-1440 if the name set forth below is incorrect.

This ballot may be used to express either support for or opposition to the proposed assessment in District 10-03. The assessment is described in an Engineer's Report dated June 1, 2010, which is on file with the City Clerk and available for inspection at her office. To be counted, this ballot must be signed below by an owner of the identified parcel or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be returned to the City Clerk at the Sacramento Historic City Hall, City of Sacramento, 915 "I" Street, Sacramento, California 95814, either by mail or in person.

**Delivery by Mail:** Seal the ballot in the envelope provided, affix first-class postage, and place in the mail by Thursday, July 22, 2010. Mailing later than this time creates a risk that the ballot may not be received in time to be counted.

**Personal Delivery:** Deliver to the City Clerk before 4:30 p.m. on July 27, 2010, at the City Clerk's office, Sacramento Historic City Hall, City of Sacramento, 915 I Street, Sacramento, California. Or deliver to the City Clerk at the public hearing beginning at 6:00 p.m. on July 27, 2010, at the City Council Chambers, Sacramento City Hall, 1st Floor, 915 "I" Street, Sacramento, California.

**THIS BALLOT MUST BE RECEIVED BY THE CITY CLERK BEFORE THE CLOSE OF THE PUBLIC HEARING TO BE COUNTED.**

TO CAST THIS BALLOT, RETURN EITHER THIS ENTIRE PAGE  
OR THE PORTION BELOW THIS LINE

**BALLOT**

AN "X" OR OTHER MARK WILL CAST YOUR VOTE IN THE SPACE PROVIDED

Assessment Number: \_\_\_\_\_

Assessor Parcel Number(s): \_\_\_\_\_

Owner Name(s): \_\_\_\_\_

Votes Cast (Assessment Amount): \$ \_\_\_\_\_

\_\_\_\_\_ Yes, I approve of the proposed assessment amount associated with District No. 10-03 on the parcel identified in this ballot.

\_\_\_\_\_ No, I do not approve of the proposed assessment on this parcel.

Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_, 2010