

RESOLUTION NO. 6190

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING THE ANNUAL ENGINEER'S REPORT, THE ASSESSMENT DIAGRAM AND ANNUAL ASSESSMENTS AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2018/19 SEBASTOPOL LIGHTING SPECIAL ASSESSMENT DISTRICT (PURSUANT TO THE LIGHTING AND LANDSCAPING ACT OF 1972)

WHEREAS, the City Council ordered the formation of the Assessment District on May 18, 1981 to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council intends to levy and collect annual assessments for the operation and maintenance of street lights along public rights-of-way within the Sebastopol Lighting Special Assessment District during fiscal year 2018/19. The area of land to be assessed is located in the City of Sebastopol, County of Sonoma; and

WHEREAS, the City Council must appoint an Engineer of Work and direct the preparation and filing of an Engineer's Report outlining the proposed budgets, the proposed improvements and/or changes to the Assessment District in order to levy and collect assessments in any following fiscal year; and

WHEREAS, pursuant to Section 22622 of the Streets and Highways Code, the City Council on March 6, 2018 appointed Joseph G. Gaffney, City Engineer as the Engineer of Work for the Sebastopol Lighting Special Assessment District, directed the preparation and filing of the annual Engineer's Report describing the potential changes to the Assessment District for fiscal year 2018/19; and

WHEREAS, the Engineer of Work subsequently prepared and filed with the City Clerk the annual Engineer's Report for fiscal year 2018/19 as required by the Landscaping and Lighting Act of 1972 on April 17, 2018; and

WHEREAS, the annual assessment of \$36.44 per Equivalent Single-Family Dwelling Unit (ESD) is proposed to levy and collect for fiscal year 2018/19; and

WHEREAS, notice of the public protest hearing was given by publication according to the Landscaping and Lighting Act of 1972; and

WHEREAS, on June 5, 2018, the City Council conducted a public hearing and gave every interested person an opportunity to make a protest to the annual Engineer's Report, either in writing or orally, and the City Council considered each protest; and

WHEREAS, the Sebastopol Lighting District is exempt from the procedural requirements of Proposition 218, and per Article XIII D, Section 5(a), the public agency property that was not assessed in previous years does not need to be included in this Assessment District as long as the assessment is not increased.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sebastopol hereby approves and adopts the annual Engineer's Report as prepared and filed, confirms the assessment diagram and annual assessments as set forth in the annual fiscal year 2018/19 Engineer's Report and any amendments incorporated at the City Council's direction and hereby

authorizes the levy and collection of the annual assessments set forth in such report for fiscal year 2018/19 and that this resolution is adopted pursuant to Section 22631 of the Streets and Highways Code.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2018 by the following vote:

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Hinton and Mayor Slayter
Noes: None
Abstain: None
Absent: None

APPROVED: PSL
Mayor Patrick Slayter

ATTEST: Mary C. Gourley
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: [Signature]
Larry McLaughlin, City Attorney