

REPORT

To the Honorable Mayor and City Council
From the City Manager

July 11, 2005

Subject

Seaport Boulevard Landscape Maintenance District – District Confirmation and Levying of Assessments – Engineering File No. 807-05

Recommendation

1. Conduct a public hearing, declare ballot results
2. Adopt a resolution confirming the City Manger's and Engineer's Reports and ordering the levying of assessments, in accordance with the City Manager's and Engineer's Reports.

Background

This Maintenance District was formed on July 27, 1987, to provide a source of revenue for the maintenance and operation of certain landscaping and storm water retention facilities along Seaport Boulevard. Up until the year 2000, annual or bi-annual public hearings had been conducted to receive input from affected property owners. In July of 2000, a five year budget was formulated with the property owners and the budget was in effect until now. This exercise will put a new 5-year budget into effect covering fiscal year 2005-06 through fiscal year 2009-2010.

On May 23, 2005, the City Council adopted Resolution No. 14644, which signified the intention to; (1) order the levying of assessments for fiscal years 2005-2006 through 2009-2010, (2) approve the City Manager's and Engineer's Reports, (3) approve a 5-year budget and a maximum annual assessment, (4) call for a property owners' election on the 5-year budget and maximum annual assessment, and (5) provide notice for the election and a public hearing. In accordance with the above Resolution, election notices and ballots were mailed out to the affected property owners, as required by Proposition No. 218.

The public hearing that will be conducted today will allow concerned parties to speak for or against the action. Qualified voters will be allowed to change their vote during this public hearing. A final tally of votes will be reported at the conclusion of the public hearing. Action may be taken by the Council to adopt the Resolution as recommended, or to modify the reports including the assessment distribution formulas, and/or ask the property owners to revote.

8C-2

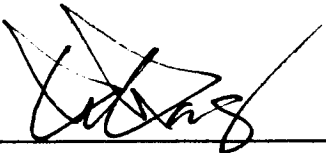
A copy of the Manager's and Engineer's Reports, which include the detailed expenditure projections and the proposed assessments to each property within the District for each year, is available for review in the City Clerk's office.

Fiscal Impacts

The proposed FY 2005-2006 to FY 2009-2010 operating Budget identifies the amounts needed for the maintenance and operation of the District. The five-year accumulative budget is \$1,067,983, which includes both operational expenses and capital replacement reserves. Funds for the District are accounted for separately and this action does not affect the City's General Funds.



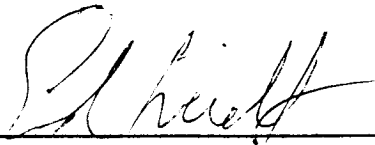
S. Peter Vorametsanti
Senior Civil Engineer



Chu Chang
Manager, Engineering & Construction



Joel Patterson
Community Development Services Director



Ed Everett
City Manager

JP/SPV

RESOLUTION NO. _____

RESOLUTION DECLARING TABULATION OF VOTES UPON THE QUESTION OF APPROVAL OF ASSESSMENTS; FINDING THAT NO MAJORITY PROTEST HAS BEEN MADE TO THE LEVY OF ASSESSMENTS; CONFIRMING CITY MANAGER'S AND ENGINEER'S REPORTS AND ORDERING SPECIAL BENEFIT ASSESSMENT TO BE LEVIED AND COLLECTED—SEAPORT BOULEVARD LANDSCAPE MAINTENANCE DISTRICT

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REDWOOD CITY AS FOLLOWS:

1. This Council hereby finds and determines that:

(a) Pursuant to Resolution No. 10560 entitled, "A Resolution Ordering the Formation of Seaport Boulevard Landscape Maintenance District and Ordering That the Alternative Method For the Levy of Benefit Assessments Be Made Applicable Thereto," adopted July 27, 1987, Seaport Boulevard Landscape Maintenance District (the "District") was established pursuant to the provisions of Ordinance No. 1895, adopted April 16, 1984, and codified as Article XII (commencing with § 18.80) of Chapter 18 of the Code of the City of Redwood City, the Redwood City Maintenance District Ordinance (the "Ordinance").

(b) Pursuant to Resolution No. 14644 entitled, "Resolution of Intention to Order the Levy of Benefit Assessments for Fiscal Year 2005-2006 through Fiscal Year 2009-2010 using the Alternative Method, Establishing a 5-Year Budget for Fiscal Years 2005-2006 Through 2009-2010, Establishing a Maximum Cumulative Assessment For Such 5-Year Period and a Maximum Annual Assessment For Such 5-Year Period, Approving City Manager's and Engineer's Reports Calling Property Owners' Election on Said

Budget and Assessments, and Providing for Notice of Election and Hearing Thereon – Seaport Boulevard Landscape Maintenance District” adopted by the City of Redwood City Council on May 23, 2005 (the “Resolution”), this Council approved the City Manager’s and Engineer’s Reports (the “Reports”) required to be prepared pursuant to the Ordinance and Article XIII D of the California Constitution (“Proposition 218,” approved at the Statewide General Election held on November 5, 1996), respectively, and Notice of Election and Hearing on the Proposed Annual Assessments was duly mailed to the owners of property proposed to be assessed, published and posted in accordance with the Ordinance, and the Notice of Proposed Assessment and Property Owner Ballot was, likewise, duly mailed to the owners of property proposed to be assessed in accordance with Proposition 218.

(c) On July 11, 2005 said hearing was duly and regularly held at the time and place specified in the aforesaid notices, this Council considered all objections or protests to the proposed assessment, and all persons present were offered the opportunity to present written or oral testimony upon all matters pertaining to the proposed assessment.

(d) Upon the conclusion of the public hearing, the assessment ballots (the “Ballots”) submitted, and not withdrawn, were tabulated.

(e) Tabulation of the Ballots submitted, and not withdrawn, weighted according to the proportional financial obligation of the affected property, provides the following result:

**Weighted Ballots Approving
the Assessment**

**Weighted Ballots Objecting
to the Assessment**

(f) In accordance with the foregoing tabulation, the proposed assessment has been approved, and no majority protest against the assessment under Proposition 218 was made.

(g) Notwithstanding the tabulation of the weighted Ballots, all written protests and objections, if any, and other written communications were publicly read at the hearing, and no majority protest against the assessment based upon written protests in accordance with the Ordinance was made.

2. The Reports are hereby confirmed, and the assessment roll prepared for the proposed assessment, and each of the assessments therein described, shall be, and are hereby, approved, confirmed, and adopted.

3. The special benefit assessments (the "Assessments") described in the Reports shall be levied and collected upon the last equalized, secured and utility tax rolls upon which *ad valorem* taxes are collected. The Assessments shall be in addition to all other *ad valorem* property taxes levied, and shall be collected together with, and not separate therefrom, and enforced in the same manner and by the same persons and at the same time and with the same penalties and interest as are said *ad valorem* property taxes. All laws applicable to the collection and enforcement of *ad valorem* property taxes shall be applicable to the Assessment levy, and the assessed lot or parcel of property, if sold for taxes, shall be subject to redemption in the same manner

8C-6

as such real property is redeemed from the sale for *ad valorem* property taxes, and if not redeemed, shall in like manner pass to the purchaser.

4. The Reports, together with a certificate of the City Clerk as to the fact and date of approval, confirmation and adoption by this Council, shall forthwith be delivered to the Director of Finance of this City who shall deliver the Reports to the officer of the County of San Mateo designated by law to extend *ad valorem* property taxes upon the tax rolls, and the proper County officer shall cause to be posted to the tax rolls, in the column provided therefor, the amount of each of the Assessments proposed to be levied and collected for fiscal year 2005-2006 through fiscal year 2009-2010 as set forth in the Reports as confirmed.

Pursuant to the provisions of Government Code Section 53753.5 the requirements of Section 4 of Article XIII D of the California Constitution shall not apply to assessments to be levied for fiscal year 2005-2006 through and including fiscal year 2009-2010 unless the maximum cumulative assessment for the period fiscal year 2004-2005 through and including fiscal year 2009-2010 or the maximum annual assessment for such period is increased above that which was approved by majority protest vote pursuant to these proceedings.

* * *