

RESOLUTION NO. 6055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, APPROVING THE FINAL ENGINEER'S REPORT, AS MODIFIED, CONFIRMING THE DIAGRAM AND ASSESSMENTS, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF MAYWOOD STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2019/20 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD (HEREAFTER REFERRED TO AS "CITY COUNCIL") HEREBY DETERMINES, FINDS AND RESOLVES AS FOLLOWS:

WHEREAS, this City Council, by previous Resolutions, initiated proceedings and declared its intention to levy and collect assessments against lots and parcels of land within an existing assessment district known and designated as "THE CITY OF MAYWOOD STREET LIGHTING ASSESSMENT DISTRICT" (hereinafter referred to as the "District") for the fiscal year commencing July 1, 2019 and ending June 30, 2020 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Division 15, Part 2 of the Streets and Highways Code of the State of California (hereinafter referred to as the "Act"); and

WHEREAS, the City previously determined that the annual assessments originally established for the District were for the maintenance and operation of street lights within the public street right-of-way. As such, pursuant to Article XIID Section 5(a), the pre-existing assessment amount has been exempted from the procedural requirements of Article XIID Section 4 since the amount of the assessment has not increased since the passage of Proposition 218; and

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, the Fiscal Year 2019/20 Engineer's Report in connection with the proposed levy and collection of assessments against lots and parcels of land within the District, and the City Council did by previous Resolution approve such report on June 28, 2019;

WHEREAS, at this meeting the Engineer has filed with the City Clerk, and the City Clerk has presented to the City Council, a modification to the Engineer's Report to allocate \$200,000 to a conversion capital improvement project in Loma Vista, which results in a decrease to the ending fund balances for operating and capital reserves.; and

WHEREAS, the City Council desires to levy and collect assessments against lots and parcels of land within the District for the fiscal year commencing July 1, 2019 and ending June 30, 2020, to pay for the costs and expenses for the improvements described in Section 5 below.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE CITY OF MAYWOOD STREET LIGHTING ASSESSMENT DISTRICT, AS FOLLOWS:

Section 1. That the above recitals are all true and correct.

Section 2. Following notice duly given, the City Council has held a full and fair public hearing, and all interested persons were afforded the opportunity to hear and be heard. The City Council considered all oral and written statements, protests and communications made or filed by interested persons.

All protests and objections to the levy and collection of the proposed assessment for the fiscal year commencing on July 1, 2019 and ending on June 30, 2020 are hereby overruled by the City Council. The City Council now declares the levy of proposed assessments against lots and parcels of land within the District for Fiscal Year 2019/20 to pay for the costs and expenses for the improvements described in Section 5 below pursuant to the terms and provisions of the Act.

Section 3. The City Council hereby approves the modifications to the Engineer's Report, as modified, described in the recitals hereof. Based upon its review of the Fiscal Year 2019/20 Engineer's Report and other reports and information, the City Council hereby finds and determines that (i) the lands within the District will be benefited by the improvements described in Section 5 below, (ii) the District includes all of the lands so benefited, and (iii) the net amount to be assessed upon the lands within the District for the 2019/20 fiscal year in accordance with the Engineer's Report, as modified, is apportioned by a formula and method which fairly distributes the net amount among all assessable lots and parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

Section 4. The diagram and assessment as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 5. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: the installation, maintenance and servicing of street lighting and traffic signal facilities and appurtenant facilities throughout the District, including the replacement of existing street lighting and traffic signal facilities at various locations throughout the District.

Section 6. The assessment is in compliance with the provisions of the Act, the provisions of the California Constitution Article XIID and the City Council has complied with all laws pertaining to the levy of an annual assessment.

Section 7. The assessment is levied for the purpose of paying the costs and expenses of the improvements described in Section 5 above for Fiscal Year 2019/20.

Section 8. Installation, maintenance and servicing of the street lighting and traffic signal facilities and appurtenant facilities described in Section 5 above shall be performed pursuant to law.

Section 9. The County Auditor of Los Angeles County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment and such assessments shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the assessments, after deduction of any compensation due the county for collection, shall be paid to the City Treasurer.

Section 10. Public property owned by any public agency and in use for a public function and which is included within the District shall not be subject to the assessment to pay for any of the costs and expenses associated with the improvements.


Section 11. The City Treasurer shall deposit all moneys representing assessments collected by the County to the credit of a special fund known as "THE CITY OF MAYWOOD STREET LIGHTING ASSESSMENT DISTRICT FUND" and such moneys shall be expended only for the improvements described in Section 5 above.

Section 12. The adoption of this Resolution constitutes the levy of assessments for the fiscal year commencing July 1, 2019 and ending June 30, 2020.

Section 13. The City Clerk is hereby authorized and directed to file the diagram and assessments, or a certified copy of the diagram and assessments, with the County Auditor, together with a certified copy of this Resolution upon its adoption.

Section 14. A certified copy of the diagram and assessment shall be filed in the office of the City Engineer, with a duplicate copy on file in the office of the City Clerk and open for public inspection.

PASSED, APPROVED, AND ADOPTED this 24th day of July, 2019.



Eduardo De La Riva, Mayor
City of Maywood

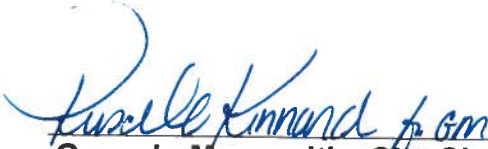
ATTEST:

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution, being Resolution No. 6055, was duly passed, approved by not less than four members of the City Council of The City of Maywood, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the 24th day of July, 2019, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES: Alvarez, Marquez, Medina, Lara, and DeLaRiva

NAYS:

ABSENT:



Gerardo Mayagoitia, City Clerk
City of Maywood