



**STAFF REPORT**  
**3/23/2022**

**TO:** Honorable Mayor and City Council Members

**FROM:** Maritza Martinez, Public Works Director

**SUBJECT:** Public Hearing for Resolution No. 2022-31 Conducting Property Owner Protest Ballot Proceedings and Resolution No. 2022-32 Approving the Formation of Landscape and Lighting Maintenance District No. 39 (Sevilla-Tract 38084) (“LLMD 39”), Confirming the Engineer’s Report, the Assessment Diagram and Ordering the Levy and Collection of Assessments.

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**STAFF RECOMMENDATION:**

Conduct the Public Hearing upon the proposed formation and consider all objections and protests, whether written or oral; if any; and

Close the Public Hearing and direct staff to conduct Property Owner Protest Ballot Proceedings and tabulate Ballots for the Formation of Landscaping and Lighting Maintenance District No. 39 (Sevilla-Tract 38084); and

Adopt Resolution No. 2022-31 Declaring the Results of the Property Owner Protest Ballot Proceeding Conducted for the Levy of Assessments Related to the Formation of the Landscaping and Lighting Maintenance District No. 39 (Sevilla-Tract 38084), Commencing in Fiscal Year 2022/2023

If a Majority Protest does not exist, Adopt Resolution No. 2022-32 Approving the Formation of the Landscaping and Lighting Maintenance District No. 39 (Sevilla-Tract 38084), Confirming the Engineer’s Report, the Assessment Diagram and Ordering the Levy and Collection of Assessments Commencing in Fiscal Year 2022/2023

**EXECUTIVE SUMMARY:**

On January 26, 2022, the City Council initiated proceedings for a formation and balloting process for possible new LLMD 39 along with adopting Resolution No. 2022-07 declaring the City’s intention to form the special district, to levy and collect assessments, approved the Engineer’s Report and Assessment Diagram, and declared the public hearing to conduct Property Owner Protest Ballot Proceedings (Proposition 218).

During the Public Hearing, the City Council shall consider all objections or protests, if any, to the proposed assessments, whether oral or written. Upon close of the Public Hearing, Proposition 218 ballots received will be opened and tabulated, consistent with all applicable procedures required

by Proposition 218 and its implementing statutes, weighted by the proposed assessment amount on each property, and the results announced. If the time to tabulate the ballot exceeds the time for the City Council meeting, the City Council may continue the tabulation to the next scheduled council meeting, so long as such time and location are announced during the meeting.

The returned ballot will remain unopened and in the charge of the City Clerk until the close of the public hearing and direction to staff to tabulate the ballot. For purposes of tabulation, the return ballot submitted, and not withdrawn, will be tabulated and weighted according to the financial obligation of the particular parcel. Article XIID of the California Constitution provides that if, as a result of the assessment ballot proceeding, a majority protest is found to exist, the City Council shall not have the authority to form LLMD 39. A majority protest exists if the assessment ballot submitted, opposes to the annexation and assessment. If there is no Majority Protest, the City Council may approve the proposed formation and assessment of the LLMD 39 by adopting the appropriate resolution(s) attached to this Staff Report. Any voter approved assessment may be submitted to the Riverside County Auditor/Controller to be included on the property tax roll for Fiscal Year 2022/2023.

**FISCAL IMPACT:**

The proposed assessments have been prepared based upon the maintenance costs necessary and required to maintain the common areas, perimeter streetscape and drainage landscape areas within the District. Upfront costs were paid by the developer and annual maintenance cost will be funded by the assessments that will be collected on the annual tax bill.

Attachments:

Resolution No. 2022-31

Resolution No. 2022-32

Engineer's Report LLMD 39