

**RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE CITY COUNCIL OF COACHELLA, CALIFORNIA, DECLARING THE CITY'S INTENTION TO FORM THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 39 (SEVILLA-TRACT 38084); TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO COMMENCING FISCAL YEAR 2022/2023, ACCEPTING AND APPROVING THE ENGINEER'S REPORT AND ASSESSMENT DIAGRAM; TO CONDUCT A PROPERTY OWNER PROTEST BALLOT PROCEEDING ON THE MATTER OF THE NEW ASSESSMENTS; AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS PURUSANT TO THE PROVISIONS OF THE CALIFORNIA CONSTITUTION ARTICLE XIIIID**

**WHEREAS**, the City Council of the City of Coachella ("City"), pursuant to provisions of the Landscaping and Lighting Act of 1972 being Part 2, Division 15 of the California Streets and Highways Code ("Act"), did by previous Resolution, initiate proceedings for the formation of an assessment district within the City to be known and designated as the Landscaping and Lighting Maintenance District No. 39 (Sevilla-Tract 38084) ("District"), and to establish the maximum annual assessments for the District commencing fiscal year 2022/2023 to pay for the operation, maintenance, and servicing of local landscaping, street lighting, park and trail improvements, and appurtenant facilities related thereto; and

**WHEREAS**, the Assessment Engineer of Work has prepared and filed an Engineer's Report with the City Clerk in connection with the formation of the District, the establishment of the proposed maximum assessment connected therewith and the assessment for fiscal year 2022/2023 (beginning July 1, 2022 and ending June 30, 2023) with the City Clerk pursuant to Section 22623 of the Act, and said report has been presented to the City Council, and is incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Coachella as follows:

**SECTION 1.** That the foregoing recitals are true and correct.

**SECTION 2.** The Engineer's Report as presented, consists of the following:

The Plans and Specifications which describe the boundaries of the District and the improvements associated therewith that provide special benefits to the parcels therein.

The Method of Apportionment that details the method of calculating proportional special benefit and the annual assessment obligation for each affected parcel.

The Estimate of Improvement Costs including the calculation of the assessments and the estimated annual funding (Budget) required for the annual maintenance, servicing, and operation of the landscaping and lighting improvements and specifically the costs associated with the improvements determined to be of special benefit to parcels within the District, establishing the proposed maximum assessment and the assessment for fiscal year 2022/2023.

The Assessment Range Formula (Annual Inflationary Adjustment) to be applied to the proposed Maximum Assessment Rate per Equivalent Benefit Unit in subsequent fiscal years. The proposed Maximum Assessments including the Assessment Range Formula shall be presented to the property owner(s) of record in a protest ballot proceeding pursuant to the California Constitution Article XIID.

A District Diagram outlining the boundaries of the District for fiscal year 2022/2023.

An Assessment Roll containing the proposed maximum assessment for fiscal year 2022/2023 for each Assessor Parcel Number within the District.

**SECTION 3.** The City Council hereby approves the Engineer's Report on a preliminary basis as submitted or amended by direction of this City Council, and orders said Report to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection, and by reference the Engineer's Report is made part of this resolution.

**SECTION 4.** The City Council hereby declares its intention to form the assessment district to be known and designated as the Landscaping and Lighting Maintenance District No. 39 (Sevilla-Tract 38084) pursuant to Chapter 2 Article 1 of the Act, and to establish said District with benefit zones pursuant to Section 22574 of the Act; and to levy and collect annual assessments against parcels of land within the District commencing with fiscal year 2022/2023 in accordance with the Act and the provisions of the California Constitution Article XIID.

The City Council further declares its intention to conduct a public hearing regarding this district formation and the proposed levy of new assessments pursuant to the provisions of the Act and the California Constitution Article XIID and thereby calls for a property owner protest balloting proceeding related thereto. The City Council finds that the public's best interest requires such action and levy of assessments.

**SECTION 5.** The City Council hereby finds that the territory within the proposed District as identified in the Engineer's Report consists of and includes those lots, parcels and subdivisions of land that will receive special benefits from the improvements to be provided.

**SECTION 6.** The proposed improvements and services for the District as identified in the Engineer's Report, include, but are not limited to, the maintenance, operation and servicing of various landscaping improvements established in connection with development of the properties within the District, and which shall be maintained for the special benefit of those properties. The maintenance and servicing of the improvements generally include, but are not limited to turf, ground cover, shrubs, and plants; vines, trees; irrigation and drainage systems; masonry walls, retaining walls, or other fencing; monuments; hardscapes; concrete, gravel, or decomposed granite trails, pathways and/or access roads; and other related appurtenant facilities within the District. The proposed local street lighting improvements include operation of lights only, not maintenance. The Engineer's Report prepared and filed with the City Clerk provides a more detailed description of the improvements and services to be provided and for which properties shall be assessed.

**SECTION 7.** The City Council hereby determines that to provide the improvements described in section 6 of this resolution, it is necessary to levy and collect assessments against lots and parcels within the District commencing in fiscal year 2022/2023. The Engineer's Report referred to in Section 2 of this resolution establishes the fiscal year 2022/2023 proposed maximum assessment for the District including the annual inflationary adjustment to the maximum assessment rates.

**SECTION 8.** Pursuant to California Constitution Article XIID, an assessment ballot proceeding is hereby called on the matter of confirming the proposed new assessments for the District. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll not less than 45 days prior to the public hearing, and each property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public hearing for this matter.

**SECTION 9.** The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing; and in the same or separate mailing, mail the property owner protest ballot(s) to the subject property owner regarding the proposed levy of assessments and the assessment range formula outlined in the Engineer's Report, for return receipt prior to the date and time of the public hearing set forth in this resolution.

**SECTION 10.** The City Council hereby declares its intention to conduct a Public Hearing concerning the District, the improvements, and the levy of assessments and in accordance with Section 22624 (e) and 22625 of the Act, notice is hereby given that on Wednesday, March 23, 2022 at 6.00 P.M., the City Council will hold a Public Hearing for the District and the levy and collection of assessments related, or as soon thereafter as feasible. The Public Hearing will be held in the City Council Chambers, located at 1515 Sixth Street, Coachella, at the time so fixed. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

**SECTION 11.** The property owner protest ballot proceeding conducted for the District shall constitute the property owner's approval or rejection of the annual levy of assessments and assessment range formula. The property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing on Wednesday, March 23, 2022. After the close of the Public Hearing, pursuant to Section 4, Sub-Section 4 (e) of the California Constitution, the City shall tabulate the ballots returned to determine if majority protest exists. The ballots shall be weighted according to the proportional financial obligation of the affected property. Majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment.

Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection, and protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

**SECTION 12.** The City Clerk or their designee is hereby authorized and directed to give notice of such Public Hearing as provided by law.

**PASSED, APPROVED, and ADOPTED** this 26<sup>th</sup> day of January 2022.

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Steven A. Hernandez, Mayor  
**ATTEST:**

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Angela M. Zepeda

City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

**I HEREBY CERTIFY** that the foregoing Resolution No. 2021-07 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 26<sup>th</sup> day of January 2022, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk