

RESOLUTION NO. 2023-42

A RESOLUTION OF THE CITY COUNCIL OF COACHELLA, CALIFORNIA, APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR LEVY OF ANNUAL ASSESSMENTS FOR FISCAL 2023/2024 FOR THE CITY OF COACHELLA LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 THROUGH 40 AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING

WHEREAS, the City Council and the City of Coachella, California ("City Council") has previously determined that the public interest, convenience, and necessity, require the installation, construction, and maintenance, servicing and operation of public lighting and landscaping and appurtenant facilities as set forth in Section 22525 of the Streets and Highways Code, State of California, within the incorporated boundaries of the City of Coachella; and

WHEREAS, the City Council 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 assessment districts within the City known as the Landscaping and Lighting Maintenance District No. 1 through 40 ("Districts"), 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 2023/2024 (beginning July 1, 2023 and ending June 30, 2024) 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.

WHEREAS, the public interest and convenience require the installation, construction, maintenance, servicing and operation of lighting and landscaping and appurtenant facilities within the City of Coachella Landscaping and Lighting Maintenance District No. 1 through 40; and

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 Districts 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 Districts, establishing the proposed maximum assessment and the assessment for fiscal year 2023/2024.

The Assessment Range Formula (Annual Inflationary Adjustment) to be applied to the proposed Maximum Assessment Rate per Equivalent Benefit Unit.

A District Diagram outlining the boundaries of the Districts for fiscal year 2023/2024.

An Assessment Roll containing the proposed maximum assessment for fiscal year 2023/2024 for each Assessor Parcel Number within the Districts.

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 levy and collect special assessments within the boundaries of the City of Coachella Landscaping and Lighting Maintenance District No. 1 through 40 for fiscal year 2023/2024, pursuant to the Landscape and Lighting Act of 1972 to pay the costs of the improvements and maintenance described in Sections 5 and 6, below, that are within budget. The proposed assessments will not increase above the maximum levy allowed by Proposition 218.

SECTION 5. The City Council hereby finds that the territory within the Districts 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 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 2023/2024. The Engineer's Report referred to in Section 2 of this resolution establishes the fiscal year 2023/2024 proposed maximum assessment for the District including the annual inflationary adjustment to the maximum assessment rates.

SECTION 8. The City Council hereby authorizes and directs the City Clerk shall give notice of public meeting and public hearing as follows:

- a) The City Clerk shall cause this resolution of intention to be published as required by Section 22500, of the California Streets and Highways Code. The Desert Sun is hereby designated as the newspaper in which the City Clerk shall public this resolution of intention. Upon completion of giving notice, the City Clerk is further directed to file in her office a proof of publication setting forth compliance with the requirements for publishing.

SECTION 9. Notice is hereby given that on Wednesday, July 12, 2023 at 6:00 p.m. in the City Council Chambers of the City of Coachella, California, 1515 Sixth Street, in the City of Coachella, State of California, is hereby fixed as the time and place for a public hearing by this City Council regarding the levying and collection of the proposed assessments for Landscaping and Lighting Maintenance District No. 1 through 40 for fiscal year 2023/2024. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, which protest must state all ground of objections and describe the property within the Districts owned by the signer of the protest.

PASSED, APPROVED, and ADOPTED this 28th day of June 2023.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos L. Campos
City Attorney Director