

Attachment 'A'

RESOLUTION NO. 24-____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN, CALIFORNIA,
CONFIRMING DIAGRAM AND ASSESSMENT FOR THE ANNUAL LEVY
FOR 2024-2025 FOR LANDSCAPING AND LIGHTING DISTRICT NO. 1

WHEREAS, the Kerman City Council adopted its resolution initiating proceedings to levy annual assessments for Fiscal Year 2024-2025 for Kerman Landscaping and Lighting District (LLD) No. 1 on June 26, 2024, and directed the City Engineer to prepare and file his report with the City Council in accordance with the Landscaping and Lighting Act of 1972, California Streets and Highways Code 22500 et. seq. (also referenced as the "Act"); and

WHEREAS, the City Engineer filed his report with the City Clerk on July 3, 2024, as directed, and the City Council reviewed and approved the report which was duly filed with the City Clerk; and

WHEREAS, a full and detailed description of the improvements, boundaries of the assessment districts and proposed assessment of the lots and parcels within the District are set forth in the City Engineer's Report on file with the City Clerk; and

WHEREAS, on July 10, 2024, the Kerman City Council adopted its resolution of Intention to Levy and Collect Assessments for maintenance of improvements, as described in the Engineer's Report, for Fiscal Year 2024-2025; and

WHEREAS, LLD No. 1 serves to maintain public landscaping in median islands and landscape strips along major streets as well as pay for street lighting costs for areas within the LLD; and

WHEREAS, the City Council set and conducted a Public Hearing at 6:00 P.M. on July 24, 2024, in the Council Chamber of Kerman City Hall on the levy of annual assessments for Fiscal Year 2024-2025; and

WHEREAS, the City duly gave notice of the public hearing by publication as required by law; and

WHEREAS, on July 24, 2024, the Council held the public hearing on the annual assessments at which time all interested persons were given an opportunity to file written protests and be heard at the public hearing on all matters relevant to the imposition of annual assessments for fiscal year 2024-2025 under Kerman LLD No. 1; and

WHEREAS, for the reasons set forth in this resolution and the staff report, the improvements for which the annual assessments are to be levied and collected constitute special benefits to the assessed lots and parcels of land within the District; and

WHEREAS, the levy complies with the Landscaping and Lighting Act of 1972, California Streets and Highways Code 22500 et. seq. and the levies are without regard to property valuation; and

WHEREAS, all proceedings and actions described herein have been performed in compliance with the Landscaping and Lighting Act of 1972, California Streets and Highways Code 22500 et. seq.

NOW, THEREFORE, the City Council of the City of Kerman resolves and orders as follows:

1. That the foregoing recitals are true and correct and incorporated by reference.
2. A majority protest has not been filed against the levy of the annual assessment for LLD No. 1.
3. The Council hereby determines that the territory within the LLD No. 1, whose boundaries are set forth in the Engineer's Report of the City of Kerman LLD No. 1 dated July 2024, and on file with the City Clerk of the City of Kerman will be the territory benefited by the maintenance and servicing of the improvements described in said Engineer's Report.
4. The hearing on said annual levy of assessment was held in accordance with law, all persons filing protests or requesting to speak and who appeared were heard.
5. The Engineer's Report, the Diagram for the assessment district, and the Assessment of the estimated costs of the improvements contained therein and each and every part of said report, is adopted and approved; and the assessment upon the land in LLD No. 1 being found to be in proportion to the benefits to be received from the improvements, are finally approved and confirmed as the assessment to pay the costs of said improvements and the expenses incidental thereto.
6. The Council hereby orders the levy of the assessments described in the resolution of Intention and the Engineer's Report.
7. The assessment diagram showing the assessment district referred to in said resolution of Intention and also the subdivisions of land within the District, as contained in said Engineer's Report, is the Diagram of the properties that are to be assessed to pay the District costs.
8. The assessment imposed hereby is an assessment imposed exclusively to finance the costs of maintenance and operation of public street landscaping and street lighting and integral portions of each of the above-described facilities.

9. That the assessment imposed is hereby imposed at the assessment rate according to the methodology adopted pursuant to a petition signed by the persons owning all of the parcels subject to the assessment initially imposed, or that the assessment imposed hereby is imposed at the assessment rate and according to the methodology adopted pursuant to majority voter approval from the voters voting in an election on the issue of such assessment. The set assessment is not based on property valuation.
10. Pursuant to California Streets and Highways Code Section 22641, the City Clerk is authorized and directed to record the Diagram and Assessment or a certified copy thereof as set forth in **Exhibits 'A' and 'B'** attached to this resolution with the Fresno County Auditor-Controller as soon as possible and by no later than August 10, 2024, or as otherwise directed by the County Auditor. The City Clerk is authorized to record this resolution as may be required by the County of Fresno.
11. BE IT FURTHER RESOLVED, that the City Council of the City of Kerman will indemnify, defend and hold harmless the County, the Board of Supervisors and the Auditor-Controller/Treasurer-Tax Collector, their agents and employees against payment of any and all costs and expenses, claims, suits, losses, damages and liability arising from or arising out of any negligent or wrongful acts or omissions of the City, including its council members, officers, agents and employee's in levying and collecting the assessment.
12. The City Clerk with concurrence of the City Attorney and City Manager may make clerical corrections to this resolution and exhibits.

The foregoing resolution was introduced and adopted by the City Council of the City of Kerman at a regular meeting held on the 24th day of July 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk