

Attachment 'A'

RESOLUTION NO. 23-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN, CALIFORNIA,
CONFIRMING DIAGRAM AND ASSESSMENT FOR THE ANNUAL LEVY
FOR 2023-2024 FOR LANDSCAPING AND LIGHTING DISTRICT NO. 1**

WHEREAS, on June 28, 2023, pursuant to Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, the Council of the City of Kerman did adopt a Resolution of Intention to Levy and Collect the Annual Assessment for Landscaping and Lighting District No. 1 of the City of Kerman (herein "LLD No. 1"); and

WHEREAS, the Council did declare in said Resolution of Intention its intention to levy and collect the annual assessment for the maintenance and operation of the landscaping and lighting facilities in LLD No. 1; and

WHEREAS, said Resolution of Intention was duly published and notice given of the hearing as provided by law.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

1. 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 JUNE 2023, 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.
2. 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.
3. 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.
4. The Council hereby orders the levy of the assessments described in said Resolution of Intention and the Engineer's Report.
5. 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.

6. The City Clerk shall file the diagram and assessment, as confirmed, or a certified copy thereof, with the Recorder of the County of Fresno and all assessment information required by the County Auditor to the Auditor's office no later than August 10, 2023, or as otherwise directed by the County Auditor.

BE IT FURTHER RESOLVED THEREFORE, that the City Council of the City of Kerman finds as follows:

1. That 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;
2. 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.

BE IT FURTHER RESOLVED, that the City Council of the City of Kerman determines, upon the basis of the foregoing findings, that the assessment adopted hereby is imposed pursuant to the provisions of Proposition 218, California Constitution Article XIII D, and pursuant to exemptions contained therein.

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.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 26th day of July 2023, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Marci Reyes
City Clerk