

RESOLUTION NO. 2019 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, CONFIRMING A DIAGRAM AND ASSESSMENT, AND LEVYING THE ASSESSMENT FOR THE 2019/20 FISCAL YEAR IN CONNECTION WITH LANDSCAPE AND LIGHTING DISTRICT NO. LL001 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAY CODE.

WHEREAS, in March 1990, the City Council of the City of Claremont (the "City") adopted Landscape and Lighting District No. LL001 pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with § 22500) of Division 15 of the Streets and Highways Code (the "Act"), for the maintenance and servicing of street lighting, street trees, parkways, median islands, and City parks; and

WHEREAS, in March of 1997, a majority of voters of the City of Claremont approved Ordinance No. 97-1 ("Measure A"), which among other things, ratified, approved, and validated the assessments under existing Landscape and Lighting District No. LL001 and authorized the City Council "to increase on an annual basis the annual levy for Landscape and Lighting District No. LL001" using the Consumer Price Index for all Urban Consumers for the Los Angeles-Anaheim-Riverside Area, published by the United States Department of Labor, Bureau of Labor Statistics, provided that any such annual increase in assessments not exceed ten percent (10%); and

WHEREAS, Landscape and Lighting District No. LL001 qualifies for continued levying under Section 5 of Article XIII D of the California Constitution; and

WHEREAS, the City is required under the Act to follow certain annual procedures for levying assessments; and

WHEREAS, on February 26, 2019, the City Council adopted Resolution No. 2019-16 initiating proceedings for the levy and collection of assessments for Fiscal Year 219/20; and

WHEREAS, by said resolution, the City Council ordered Willdan Financial Services, for the purpose of assisting the City with the annual levy and collection of assessments within said assessment district, to prepare and file a report with the City Clerk in accordance with Article 4 (commencing with § 22565) of Chapter 1 of Part 2 of Division 15 of the Streets and Highway Code; and

WHEREAS, Willdan Financial Services has filed such report with the City Clerk, and such report has been presented and considered by the City Council; and

WHEREAS, on May 28, 2019, the City Council adopted Resolution No. 2019-28, authorizing the preparation of the Engineer's Report and declaring the intention of the City Council to order the levy and collection of assessments to pay the costs and expenses of operating and maintaining streets and sidewalks, which by definition includes integrated landscaping and lighting facilities installed and maintained within the district boundaries in the City of Claremont for the fiscal year commencing July 1, 2019 and ending June 30, 2020; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Landscape Lighting and Assessment District Annual Update is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15273(a)(4) because the purpose of the annual assessment is to provide funding to maintain existing public landscaping and streetlights within the City of Claremont; and

WHEREAS, pursuant to CEQA Guideline section 15061(b)(3), this item is exempt from CEQA because there is no potential for causing a significant effect on the environment because the action will simply provide funding to maintain the existing public landscaping and streetlights.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, AS FOLLOWS:

Section 1. The above recitals are all true and correct, and are incorporated herein by reference.

Section 2. Following notice duly given by publication, the City Council has held a public hearing regarding the levy of the proposed assessment within the Landscape and Lighting District No. LL001 for the fiscal year commencing July 1, 2019 and ending June 30, 2020 to pay for the cost and expenses of operating and maintaining streets and sidewalks, which by definition include integrated landscaping and lighting facilities installed and maintained within the district boundaries of the City of Claremont. All interested persons were afforded the opportunity to hear and be heard regarding protests and objections to the levy and collection of the proposed assessment. All oral and written protests and objections have been considered by the City Council.

Section 3. The City Council hereby confirms the diagram and assessment set forth in the Engineer's Report for Fiscal Year 2019/20 and orders the maintenance and servicing of the district improvements described in the Engineer's Report within the district boundaries in the City of Claremont.

Section 4. The adoption of this resolution constitutes the levy of the assessment set forth in the Engineer's Report for the fiscal year commencing July 1, 2019 and ending June 30, 2020. The 2019/20 assessment represents an increase of 2.51% from the previous year and is within both the guidelines set

forth in the notice to the public at the time of the formation of the Assessment District and is within the formula for increases previously approved by the City's voters.

Section 5. The operation and maintenance of the District improvements described in the Engineer's Report shall be performed pursuant to law, and the County Auditor of Los Angeles County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be collected at the same time in the same manner as County taxes are collected. After the collection by the County, the net amount of the assessment shall be paid to the Claremont City Treasurer.

Section 6. The City Treasurer shall deposit all monies representing assessments collected by the County on the City's behalf to the credit of a special fund known as Improvement Fund, City of Claremont, Landscape and Lighting District No. LL001.

Section 7. The City Clerk is hereby authorized and directed to file the diagram and assessment with the County Auditor, together with a certified copy of this resolution upon its adoption.

Section 8. A certified copy of the assessment diagram shall be filed in the office of the City Clerk and shall be made available for public inspection.

Section 9. This resolution shall take effect immediately upon its adoption.


PASSED, APPROVED AND ADOPTED this 25th day of June 2019.

Mayor of the City of Claremont

Attest:

City Clerk of the City of Claremont

Approved as to form:



City Attorney of the City of Claremont