City of Oxnard

Meeting Date: 06-06-06

	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s).	☐ Report/Public Meeting
☐ Res. No(s).	■ Public Hearing
☐ Other	☐ Other _____

Prepared By: Joel Galaviz Agenda Item No. L-2

Reviewed By: City Manager Kimbrell City Attorney PIC Finance Other (Public Works Dir) for

DATE: May 17, 2006

TO: City Council

FROM: Michael Henderson, Deputy Public Works Director

SUBJECT: **Public Hearing and Adoption of Resolution to Form and to Levy FY 2007-2008 Assessments in Landscape Maintenance District No. 58**

RECOMMENDATION

That City Council:

1. Hold a public hearing concerning the formation of Landscape Maintenance District No. 58, consisting of Tract No. 5441 (WestWind), located at Cypress Road near Howell Road, and determine whether a majority protest against formation exists.

2. If a majority protest against formation does not exist, continue with the public hearing to consider all protests against the proposed assessment in the District; tabulate the ballots; and determine whether a majority protest exists as to the assessment.

3. If a majority protest does not exist as to the assessment, adopt a resolution to form and levy FY 2007-2008 assessments in the District.

DISCUSSION

As a condition of development, the developer of Tract No. 5441 (WestWind), located at Cypress Road near Howell Road, consented to the formation of the District.

On April 18, 2006, Council approved the engineer's report for the District and adopted Resolution No. 13,031 declaring Council's intention to form the District and levy FY 2007-2008 assessments.

The public hearing held today is for Council to consider protests against the formation of the District and to consider protests against the proposed assessments.

The District cannot be formed if a majority protest exists. A majority protest against formation exists if, at the conclusion of the hearing, written protests filed and not withdrawn represent property owners owning more than 50 percent of the area of assessable lands within the District.

If a majority protest against formation does not exist, Council may continue with the public hearing to consider objections and protests against the proposed assessments. The assessments cannot be imposed if a majority protest exists. A majority protest against the assessments exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessments exceed the assessment ballots submitted, and not withdrawn, in favor of the proposed assessments, weighing the assessment ballots by the amount of the proposed assessment to be imposed upon the parcel for which the assessment ballot was submitted.

If a majority protest does not exist as to formation or as to the assessments, and Council adopts a resolution forming and levying assessments in the District, the assessment data will be delivered to the County Auditor-Controller's Office for processing and collection of FY 2007-2008 assessments.

CONTRACT SERVICE DISTRICT

The District will be a contract service district and the City will obtain bids from private contractors on behalf of the District. The engineer's report indicates the FY 2007-2008 costs.

FINANCIAL IMPACT

The recommendation will result in the City's ability to provide landscaping services in the District at no cost to the General Fund.

Attachment
1 - Resolution Ordering Formation and Levying Assessments: Landscape Maintenance District No. 58
2 - Exhibit Map: Landscape Maintenance District 58

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING THE FORMATION OF AND LEVY OF ASSESSMENTS FOR FISCAL YEAR 2007-2008 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 58 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on April 18, 2006, City Council adopted Resolution No. 13,031, declaring its intention to form Landscape Maintenance District No. 58 (WestWind, hereinafter "the District") and levy and collect assessments for the 2007-2008 fiscal year within the District in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcel of the land within the District is contained in the report of the Engineer, dated April 2006, on file with the City Clerk; and

WHEREAS, Resolution No. 13,031 set a public hearing for June 6, 2006, concerning formation of the District and the levy of the proposed assessments, which was held and all interested persons were afforded the opportunity to hear and be heard; and

WHEREAS, City Council considered all protests against the formation of the District and found that a majority protest did not exist; and

WHEREAS, City Council considered all protests against the proposed assessments; and

WHEREAS, City Council tabulated ballots submitted in opposition to and in favor of the proposed assessments; and

WHEREAS, City Council determined that a majority protest against the proposed assessments did not exist.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. Landscape Maintenance District No. 58 is ordered formed and the improvements and the assessments proposed in the report of the Engineer and its accompanying diagram, on file with the City Clerk, are confirmed.

2. The adoption of this resolution shall constitute the levy of assessments for the 2007-2008 fiscal year within Landscape Maintenance District No.58.

3. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED THIS _____ day of _____, 2006 by the following vote:

AYES:

NOES:

ABSENT:

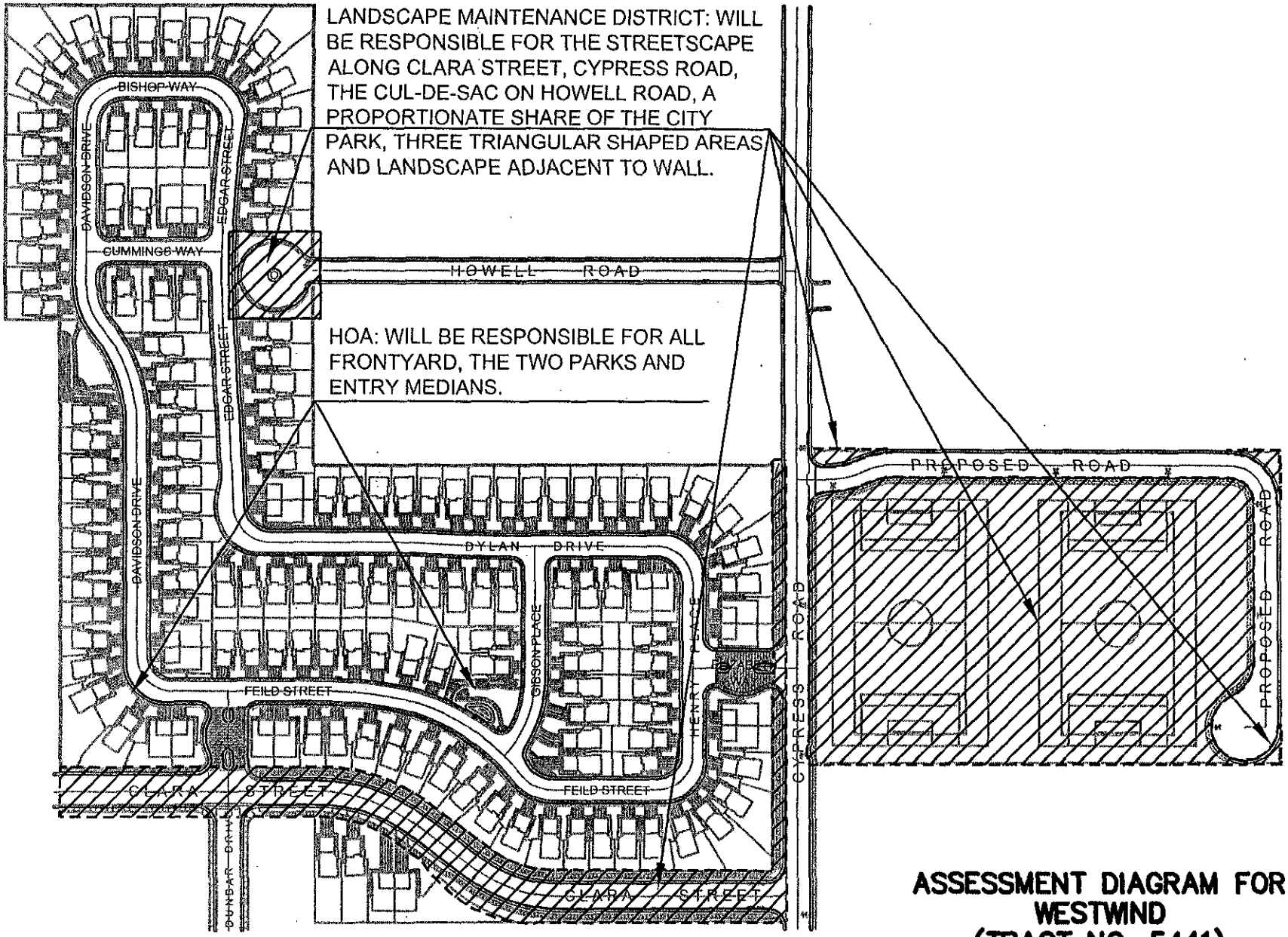
_____
Dr. Thomas E. Holden, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Paula Kimbrell for
Gary L. Gillig, City Attorney



LEGEND:

NTS

CITY MAINTAINED LANDSCAPE MAINTENANCE DISTRICT

ASSESSMENT DIAGRAM FOR WESTWIND (TRACT NO. 5441) LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT #58

COUNTY OF VENTURA
STATE OF CALIFORNIA
FEBRUARY 2006

SHEET 1 OF 1

Penfield & Smith
ENGINEERS • SURVEYORS • PLANNERS
W.O. 13086.27 1308627EX1.DWG

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Attachment 2
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