

RESOLUTION NO. 5757

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
APPROVING THE ANNUAL ENGINEER'S REPORT,
THE ASSESSMENT DIAGRAM AND ANNUAL ASSESSMENTS AND LEVYING
THE ASSESSMENT FOR FISCAL YEAR 2009-10
SEBASTOPOL LIGHTING SPECIAL ASSESSMENT DISTRICT
(PURSUANT TO THE LIGHTING AND LANDSCAPING ACT OF 1972)**

WHEREAS, the City Council ordered the formation of the Assessment District on May 18, 1981 to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council intends to levy and collect annual assessments for the operation and maintenance of street lights along public rights-of-way within the Sebastopol Lighting Special Assessment District during FY 2009-10. The area of land to be assessed is located in the City of Sebastopol, County of Sonoma; and

WHEREAS, the City Council must appoint an Engineer of Work and direct the preparation and filing of an Engineer's Report outlining the proposed budgets, the proposed improvements and/or changes to the Assessment District in order to levy and collect assessments in any following fiscal year; and

WHEREAS, pursuant to Section 22622 of the Streets and Highways Code, the City Council on April 14, 2009 appointed Green Valley Consulting Engineers as the Engineer of Work for the Sebastopol Lighting Special Assessment District, directed the preparation and filing of the annual Engineer's Report describing the potential changes to the Assessment District for FY 2009-10; and

WHEREAS, the Engineer of Work subsequently prepared and filed with the City Clerk the annual Engineer's Report for FY 2009-10 as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, the current FY 2008-09 annual assessment of \$23.32 per Equivalent Single-Family Dwelling Unit (ESD) is proposed to stay the same as levied and collected FY 2009-10; and

WHEREAS, notice of the public protest hearing was given by publication according to the Landscaping and Lighting Act of 1972; and

WHEREAS, on June 2, 2009, the City Council conducted a public hearing and gave every interested person an opportunity to make a protest to the annual Engineer's Report, either in writing or orally, and the City Council considered each protest; and

WHEREAS, the Sebastopol Lighting District is exempt from the procedural requirements of Proposition 218, and per Article XIID, Section 5(a), the public agency property that was not assessed in previous years does not need to be included in this Assessment District as long as the assessment is not increased.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sebastopol hereby approves the annual Engineer's Report as prepared and filed, confirms the assessment diagram and annual assessments as set forth in the annual FY 2009-10 Engineer's Report and any amendments incorporated at the City Council's direction and hereby authorizes the levy and collection of the annual assessments set forth in such report for FY 2009-10 and that this resolution is adopted pursuant to Section 22631 of the Streets and Highways Code.

PASSED, APPROVED AND ADOPTED this 16th day of June, 2009 by the following vote:

CITY COUNCIL

AYES: Councilmembers Robinson, Wilson, Shaffer, Vice Mayor Kelley and

NOES: None

Mayor Gurney

ABSENT: None

ABSTAIN: None


MAYOR SARAH GLADE GURNEY

ATTEST:

MARY COURLEY, CITY CLERK