

RESOLUTION NO. 5644 (10)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMPOC,
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT
AND ORDERING LEVY OF ASSESSMENT
FOR FISCAL YEAR 2010-11
FOR THE PARK MAINTENANCE AND CITY POOL ASSESSMENT NO. 2002-01**

WHEREAS, on August 6, 2002, after receiving a weighted majority of 55.2% of returned ballots in support of the proposed assessment, the City of Lompoc City Council (the "Council") by its Resolution No. 5033(02) ordered the formation of and levied the first assessment of the "Park Maintenance and City Pool Assessment No. 2002-01" (the "District"), pursuant to the provisions of Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof); and

WHEREAS, by Resolution No. 5635(10), the City Council ordered the preparation of an Engineer's Report for the District for fiscal year 2010-11; and

WHEREAS, pursuant to Resolution No. 5635(10), the Engineer's Report was prepared by SCI Consulting Group, Engineer of Work, in accordance with Section 22565, et. seq., of the Streets and Highways Code (the "Report") and Article XIID of the California Constitution; and

WHEREAS, by Resolution No. 5635(10) the City Council preliminarily approved the Engineer's Report for said District and set a date for a Public Hearing; and

WHEREAS, said report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution; and

WHEREAS, June 1, 2010, at the hour of 7:00 p.m. or as soon thereafter as possible, in the Council Chambers, located at 100 Civic Center Plaza, Lompoc, California 93438, a duly noticed public hearing by this Council was held on the question of the levy of the proposed assessment; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by the Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The public interest, convenience and necessity require the levy be made.

SECTION 2. The Assessment District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

SECTION 3. The Engineer's Report as a whole and each part thereof, to wit:

- (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
- (b) the diagram showing the Assessment District, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and
- (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; are finally approved and confirmed.

SECTION 4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

SECTION 5. Assessments for fiscal year 2010-11 shall be levied at the rate of Twenty-three Dollars and Seventy-eight Cents (\$23.78) per single-family equivalent benefit unit as specified in the Engineer's Report for fiscal year 2010-11 with estimated total annual assessment revenues as set forth in the Engineer's Report and that assessment does not exceed the previous year's assessment by more than the previously property owner-approved increase of 3% per year; and

SECTION 6. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2010-11 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Engineer's Report.

SECTION 7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Santa Barbara. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Lompoc Parks Maintenance and City Pool Assessment No. 2002-01.

SECTION 9. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Assessment District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

SECTION 10. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

SECTION 11. This Resolution is effective upon its adoption.

The foregoing Resolution was proposed by Councilmember _____,
seconded by Councilmember _____ and was duly passed and
adopted by the Council of the City of Lompoc at its regular meeting of
June 1, 2010, by the following electronic vote:

AYES: Councilmember (s):

NOES: Councilmember (s):

Michael A. Siminski, Mayor
City of Lompoc

ATTEST:

Donna Terrones
City Clerk, City of Lompoc