

RESOLUTION NO. 2005-207

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE,
CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE FORMATION OF
STREET LIGHTING MAINTENANCE DISTRICT NO. 1, TO LEVY AND COLLECT
ASSESSMENTS, APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR
2006/2007, FIXING A TIME AND PLACE FOR A PUBLIC HEARING, AND
ADJUSTING THE FISCAL YEAR 2005/06 BUDGET**

WHEREAS, In 1987 the Sacramento County Board of Supervisors, pursuant to Title 3, Division 2, Part 2, Chapter 2.2 of the Government Code (the "County Service Area Law"), formed County Service Area No. 1 ("CSA 1"), providing a procedure for collection of service charges to fund street and safety light maintenance within CSA 1; and

WHEREAS, The City of Elk Grove (the "City") now desires to transfer the street lighting and highway safety lighting maintenance responsibility and the assessment charges from CSA 1 to the City for the areas serviced by CSA No. 1 that are within the City's boundaries; and

WHEREAS, The City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Part 1 of Division 2 of the California Government Code §54703* (hereafter referred to as the "Act") proposes to form Street Lighting Maintenance District No. 1 (the "District"), to finance for the operation, maintenance and servicing of street lighting, highway safety lighting, and all appurtenant facilities related thereto; and

WHEREAS, the City Council has retained Koppel & Gruber Public Finance for the purpose of assisting with the formation of the District, the establishment of the assessments, and to assist the City with the preparation and filing of an Engineer's Annual Levy Report (hereafter referred to as the "Engineer's Report") in accordance with Article 4 of Chapter 1 of the Act; and Section 4 of Article XIID of the California Constitution;

WHEREAS, there has now been filed with the City Clerk and presented to this City Council the Engineer's Report for the District, for Fiscal Year 2006/2007; and

WHEREAS, the City Council has carefully examined and reviewed the Engineer's Report as presented, and is satisfied with the District, each and all of the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in the Engineer's Report.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby resolves as follows:

Section 1: That the Engineer's Report as presented, consists of the following:

- A Description of the District Boundary and Improvements; and,

- The Annual Budget (Costs and Expenses of Services, Operation and Maintenance); and,

The method of apportionment for calculating the assessment for each of the assessed parcels lots, parcels and subdivisions of the land located within the District and a roll containing the proposed levy amount for each assessed parcel within the District for fiscal year 2006/2007.

Section 2: The Engineer's Report is hereby approved.

Section 3: The City Council hereby declares that it is its intention to form the District pursuant to the Act, over and including all lots, parcels and subdivisions of the land located within the City designated the District's boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance, repair and servicing of street lighting and highway safety lighting and all appurtenant facilities and operations related thereto.

Section 4: The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Report.

Section 5: NOTICE IS HEREBY GIVEN THAT WEDNESDAY, THE 12TH DAY OF OCTOBER 2005, AT 6:30 P.M. OR AS SOON THEREAFTER AS FEASIBLE IN THE REGULAR MEETING CHAMBERS OF THE CITY COUNCIL LOCATED AT 8400 LAGUNA PALMS WAY, ELK GROVE, CALIFORNIA IS THE TIME AND PLACE FIXED FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE QUESTION OF THE FORMATION OF THE DISTRICT AND THE LEVY AND COLLECTION OF THE ASSESSMENT FOR FISCAL YEAR 2006-2007 AGAINST ASSESSABLE LOTS AND PARCELS OF LAND WITHIN THE DISTRICT. All interested persons shall be afforded the opportunity to hear and be heard. Any interested person may file a written protest with the City Clerk, or, having previously filed a protest, may file a written withdrawal of that protest, prior to the conclusion of the public input portion of the public hearing. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer thereof. The City Council shall consider all oral statements and all written protests made or filed by any interested person.

Section 6: The City Council hereby declares its intention to conduct a Public Hearing concerning the formation of the District and the levy of assessments for the proposed District previously levied by the County at the same rates and California Constitution, Article XIID, Section 4(e).

The City shall give notice of the time and place of the Public Hearing by posting a copy of this resolution on the official bulletin board customarily

used by the Council for the posting of notices and by publishing this resolution in a local newspaper once a week for two successive weeks pursuant to Government Code 6066 as outlined in the Act in § 54716 (b).

Section 7: The City Council hereby approves a gas tax budget adjustment increase of \$87,530 for Fiscal Year 2005/06.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of July 2005.



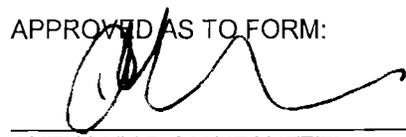
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-207

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 13th day of July, 2005 by the following vote:

AYES 4: COUNCILMEMBERS: Scherman, Soares, Briggs, Leary,

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Cooper





Peggy E. Jackson, City Clerk
City of Elk Grove, California