

**MEETING DATE:** 05/14/12

**AGENDA ITEM:** Adoption of an Ordinance Amending Chapter 15.01, Benefit Assessment District, of the Culver City Municipal Code by Amending Sections 15.01.025 Through 15.01.105 and Adding a New Section 15.01.110 Relating to Benefit Assessment Districts.

**ATTACHMENTS**

**Pages**

1. Proposed Ordinance

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**WHEREAS**, the City Council desires to amend Chapter 15.01 of the Culver City Municipal Code pertaining to benefit assessment districts in order to update the City's Code to be consistent with State law and make other organizational, typographical and clarifying changes.

**SECTION 1.** Sections 15.01.025 through 15.01.105 of Chapter 15.01 of the Culver City Municipal Code are hereby amended to read as follows:

A. The provisions of Cal. Sts. & High. Code Div. 4 (commencing with § 2800), and Div. 4.5 (commencing with § 3100) shall not apply to this Chapter or proceedings taken pursuant hereto.

B. The provisions of Cal. Health & Safety Code Div. 12, Part 2.7 (commencing with § 13800) shall not apply to this Chapter or proceedings taken pursuant hereto.

C. An assessment levied pursuant to this Chapter is not subject to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Cal. Sts. & High. Code Div. 4 (commencing with § 2800)).

1                   **§15.01.045 DEFINITIONS.**

2                   The definitions contained in this Section govern the construction of this  
3 Chapter unless the context otherwise requires. The definition of a word or  
4 phrase applies to any variants thereof.

5                   **BENEFIT ASSESSMENT DISTRICT.** An assessment district formed  
6 pursuant to this Chapter.

7                   **CLERK.** The City Clerk of the City of Culver City.

8                   **ENGINEER.** The City Engineer of the City of Culver City or any other  
9 person designated by the City Council as the engineer for the purposes of  
10 this Chapter, including any officer, board, or employee of the City or any  
11 private person or firm officially employed by the City as engineer for the  
12 purposes of this Chapter.

13                   **FISCAL YEAR.** The twelve-month period commencing on July 1 and  
14 ending on the following June 30.

15                   **IMPROVEMENT.** The acquisition, installation, construction,  
16 operation, maintenance, servicing or incidental expenses of any public works  
17 which the City is otherwise authorized to construct, install, maintain, or  
18 service, including the whole or any portion, either in length or in width, of any  
19 one or more of the streets, places, public ways, or property, easements, or  
20 rights-of-way, open or dedicated to public use, and any property for which an  
21 order for possession prior to judgment has been obtained, to be improved by  
22 or have constructed therein, over, or thereon, either singly or in any  
23 combination thereof, any of the following:

24                   (a) The grading or regrading, the paving or repaving, or the  
25 graveling or regravelling thereof.

26                   (b) The construction or reconstruction of sidewalks,  
27 crosswalks, steps, safety zones, platforms, seats, statuary, fountains,  
28 and other ornamental structures, parks and parkways, recreation

1 areas, including all structures, buildings, and other facilities necessary  
2 to make parks and parkways and recreation areas useful for the  
3 purposes for which intended, culverts, bridges, walls, curbs, gutters,  
4 tunnels, subways, or viaducts.

5 (c) Sanitary sewers or instrumentalities of sanitation,  
6 together with the necessary outlets, cesspools, manholes, catch  
7 basins, flush tanks, septic tanks, disposal plants, connecting sewers,  
8 ditches, drains, conduits, tunnels, channels, or other appurtenances.

9 (d) Drains, tunnels, sewers, conduits, culverts, and channels  
10 for drainage and/or stormwater and flood control purposes, together  
11 with necessary outlets, cesspools, manholes, catch basins, flush  
12 tanks, septic tanks, disposal plants, connecting sewers, ditches,  
13 drains, conduits, channels, and appurtenances, including systems  
14 designed to remove trash or other contaminants from storm water.

15 (e) Poles, posts, wires, pipes, conduits, tunnels, lamps, and  
16 other suitable or necessary appliances for the purpose of lighting the  
17 streets, places, or public ways of the City or property or rights-of-way  
18 owned by the City, or for the purpose of furnishing electricity and  
19 electric service, telephone service or similar utility service to property  
20 within the City.

21 (f) The conversion of existing overhead electric and  
22 communication facilities to underground locations.

23 (g) Pipes, hydrants, and appliances for fire protection.

24 (h) Wells, pumps, dams, reservoirs, storage tanks, channels,  
25 tunnels, conduits, pipes, hydrants, meters, or other appurtenances for  
26 supplying or distributing a domestic water supply.

1 (i) Mains, services, pipes, fittings, valves, regulators,  
2 governors, meters, drips, drains, tanks, ditches, tunnels, conduits,  
3 channels, or other appurtenances for supplying or distributing a  
4 domestic or industrial gas supply.

5 (j) Retaining walls, embankments, buildings, and any other  
6 structures or facilities necessary or suitable in connection with any of  
7 the work mentioned in this Section.

8 (k) The installation, replacement or planting of landscaping,  
9 trees, shrubs, or other ornamental vegetation.

10 (l) Compaction of land, change of grade or contours,  
11 construction of caissons, retaining walls, drains, and other structures  
12 suitable for the purpose of stabilizing land.

13 (m) The installation or construction of public lighting facilities,  
14 including, but not limited to street lighting and traffic signals.

15 (n) The installation or construction of any facilities which are  
16 appurtenant to any of the foregoing or which are necessary or  
17 convenient for the maintenance or servicing thereof, including, but not  
18 limited to, clearing, removal of debris, the installation or construction of  
19 water, stormwater, irrigation, drainage, or electrical facilities.

20 (o) The installation of park or recreational improvements,  
21 including, but not limited to, all of the following:

22 (1) Land preparation, such as grading, leveling,  
23 cutting and filling, sod, landscaping, irrigation systems, sidewalks, and  
24 drainage.

25 (2) Lights, playground equipment, play courts, and  
26 public restrooms.

1 (p) The acquisition, construction, maintenance or servicing  
2 of any community center, municipal auditorium or hall, or similar public  
3 facility for the indoor presentation of performances, shows, stage  
4 productions, fairs, conventions, exhibitions, pageants, meetings,  
5 parties, or other group events, activities, or functions, whether those  
6 events, activities, or functions are public or private.

7 (q) All other work that may be deemed necessary to  
8 maintain, service and improve the whole or any portion of those  
9 streets, places, public ways, property, parks, easements, or rights-of-  
10 way owned by the City including for the security of public property such  
11 as security cameras or other equipment and security patrols for the  
12 deterrence of damage to public property.

13 (r) All other work auxiliary to any of the above, which may be  
14 required to carry out the above.

15 (s) The acquisition of land or right-of-ways for any of the  
16 improvements above.

17 **INCIDENTAL EXPENSES.** Expenses incurred in conjunction with  
18 benefit assessment districts, including:

19 1. The cost of preparation of the engineer's report, including  
20 plans, specifications, estimates, diagram and assessment.

21 2. The cost of printing, advertising, and the giving of  
22 published, posted, and mailed notices.

23 3. Compensation payable to the County for collection of  
24 assessments.

25 4. Compensation of any engineer, consultant or attorney  
26 employed to render services in proceedings pursuant to this part  
27 Chapter, as well as City staff time and any expenses.  
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1                   5. Any other expenses incidental to the construction or  
2 installation of the improvements or to the maintenance and servicing thereof.

3                   6. Any expenses incidental to the issuance of bonds or  
4 notes pursuant to Section 15.01.095.

5                   7. Costs associated with any ballot proceedings held for the  
6 approval of a new or increased assessment.

7                   **INCLUDING.** Including without limitation, unless otherwise expressly  
8 limited.

9                   **MAINTAINENCE.** "Maintain" or "maintenance" means the furnishing  
10 of services and materials for the ordinary and usual maintenance, operation,  
11 and servicing of any improvement, including:

12                   (a) Repair, removal, rehabilitation or replacement of all or any  
13 part of any improvement.

14                   (b) Providing for the life, growth, health, and beauty of  
15 landscaping, including cultivation, irrigation, trimming, spraying,  
16 fertilizing, or treating for disease or injury.

17                   (c) The removal of trimmings, rubbish, debris, and other solid  
18 waste.

19                   (d) The cleaning, sandblasting, and painting of walls and other  
20 improvements to remove or cover graffiti.

21                   **NOTICE.** Any resolution, order, or other instrument authorized or  
22 required by this Chapter to be published, posted, or mailed subject to the  
23 requirements of the Proposition 218 Omnibus Implementation Act beginning  
24 with Gov't Code § 53750 and Article XIID of the California State Constitution.

25                   **PROPERTY OWNER.** Any person shown as the owner of land on the  
26 last equalized County assessment roll; provided when such person is no  
27 longer the owner, then any person entitled to be shown as owner on the next  
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1 County assessment roll if such person is known to the City. Where land is  
2 subject to a recorded written agreement of sale, any person shown therein as  
3 purchaser shall be considered as a property owner if such person is known to  
4 the City.

5 **PUBLIC AGENCY.** The State or Federal governments, city, city and  
6 County, County, or other public corporation or body formed pursuant to  
7 charter, general law, or special act, for the performance of governmental or  
8 proprietary functions within limited boundaries, and any department, board,  
9 commission, independent agency, or instrumentality of any of the foregoing.

10 **PUBLIC PLACES.** Any publicly owned property, right-of-way, or  
11 leasehold interest either in use in the performance of a public function or to  
12 be used in the performance of a public function, upon which the installation of  
13 the improvements herein will take place, including any public building, street,  
14 highway, road, alley, lane, boulevard, park, or parkway.

15 **PUBLIC UTILITY.** Any public utility subject to the jurisdiction of and  
16 regulated by the Public  
17 Utilities Commission.

18 **SERVICES.** "Service" or "servicing" includes the cost of maintaining  
19 any facility used to provide any service and the furnishing of:

20 (a) Electric current or energy, gas, or other illuminating agent  
21 for any public lighting facilities or for the lighting or operation of any  
22 other improvements.

23 (b) Water for the irrigation of any landscaping, the operation  
24 of any fountains, or the maintenance of any other improvements.

25 (c) Other utility services as applicable.

26 **TREASURER.** The City Treasurer of the City of Culver City.  
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1                   **ZONE.** All territory within an assessment district which will receive  
2 substantially the same degree of benefit from the improvements.

3                   **§15.01.050 NOTICE.**

4                   A. The Clerk shall give notice or cause the same to be given  
5 in accordance with this Chapter.

6                   B. Published notice shall be made one time pursuant to Cal.  
7 Gov't Code § 6061.

8                   C. Publication of notice of hearing shall be completed at least  
9 ten (10) days prior to the date of hearing specified therein.

10                  D. Posted notices shall be made by posting upon any official  
11 bulletin board customarily used by the City for the posting of notices.

12                  E. Mailed notice shall be sent by first-class mail and  
13 deposited, postage prepaid, in the United States mail and shall be  
14 deemed given when so deposited. Mailed notice to property owners  
15 shall be given by mailing notice to those property owners as the term is  
16 defined herein.

17                  F. Mailed notice may be waived by all property owners who  
18 have filed a written request for inclusion within an existing or proposed  
19 assessment district.

20                  G. Prior to levying a new or increased assessment the City  
21 Council shall cause notice of the public hearing to be given pursuant to  
22 § 53753 of the Government Code.

23                   **§15.01.005 REPORTS.**

24                   A. The engineer shall prepare reports in accordance with this  
25 Chapter.  
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1           B.     A report shall be prepared for each fiscal year for which  
2 assessments are to be levied and collected to pay the costs of the  
3 improvements or services, or both, described in the report.

4           C.     A report shall refer to the benefit assessment district by its  
5 distinctive designation, specify the fiscal year to which the report applies and,  
6 with respect to that year, shall contain:

7                   1.     Plans and specifications for the improvements or  
8 services, or both.

9                   2.     An estimate of the costs for the improvements or  
10 services, or both.

11                   3.     A diagram for the benefit assessment district.

12                   4.     An assessment of the estimated costs of the  
13 improvements or services, or both.

14                   5.     If bonds or notes will be issued pursuant to Section  
15 15.01.095, an estimate of their principal amount.

16           D.     The plans and specifications shall show and describe existing  
17 and proposed improvements, and existing and proposed services. The plans  
18 and specifications need not be detailed, but shall be sufficient if they show or  
19 describe the general nature, location, and extent of the improvements or  
20 services, or both. If the benefit assessment district is divided into zones, the  
21 plans and specifications shall indicate the class and type of improvements or  
22 services to be provided for each such zone. The plans or specifications may  
23 be prepared as separate instruments and either or both may be incorporated  
24 in the diagram as a combined instrument.

1 E. The estimate of costs of the improvements or services, or both,  
2 for the fiscal year shall contain estimates for the following:

3 1. The total improvement costs, being the total costs of  
4 constructing or installing all proposed improvements and of  
5 maintaining and servicing all existing and proposed improvements,  
6 including all incidental expenses. This may include a reserve which  
7 shall not exceed the estimated costs of maintenance and servicing to  
8 December 10 of the fiscal year, or whenever the City expects to  
9 receive its apportionment of special assessments and tax collections  
10 from the County, whichever is later.  
11

12 2. The amount of any surplus or deficit in the improvement  
13 fund to be carried over from a previous fiscal year.  
14

15 3. The amount of any contributions to be made from  
16 sources other than assessments levied hereunder.

17 4. The amount, if any, of the voter approved annual inflator  
18 to be applied to the maximum rates. This amount shall comply with the  
19 requirements of the Proposition 218 Omnibus Implementation Act  
20 beginning with Gov't Code § 53750 and Article XIID of the California  
21 State Constitution.  
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23 5. The amount, if any, of the annual installment for the  
24 assessment for the estimated cost of any improvements or services, or  
25 both, to be levied and collected in annual installments.

26 6. The net amount to be assessed upon assessable lands  
27 within the benefit assessment district, being the total costs, as referred  
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1 to in Subsections E.1 of this Section, which have been increased or  
2 decreased by any of the amounts referred to in Subsections E.2, E.3,  
3 E.4 or E.5 of this Section.

4 F. The diagram for a benefit assessment district shall show the  
5 exterior boundaries of the district, the boundaries of any zones within the  
6 district and the lines and dimensions of each lot or parcel of land within the  
7 district with each lot identified by a distinctive number or letter. The diagram  
8 may refer to the County Assessor's maps for a detailed description of the  
9 lines and dimensions of any lots or parcels, in which case those maps shall  
10 govern for all details concerning the lines and dimensions of such lots or  
11 parcels.  
12

13 G. The lines and dimensions of each lot or parcel of land shown on  
14 the diagram shall conform to those shown on the County Assessor's maps for  
15 the fiscal year to which the report applies. The diagram may refer to the  
16 County Assessor's maps for a detailed description of the lines and  
17 dimensions of any lots or parcels, in which case those maps shall govern for  
18 all details concerning the lines and dimensions of such lots or parcels.  
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20 H. The assessment shall refer to the fiscal year to which it applies  
21 and shall:  
22

23 1. State net amount, determined in accordance with  
24 Subsection 15.01.055 E.6., to be assessed upon assessable lands  
25 within the benefit assessment district.

26 2. Describe each assessable lot or parcel of lands within  
27 the district.  
28

1                   3.     Assess the net amount upon all assessable lots or  
2                   parcels of lands within the district by apportioning that amount among  
3                   the several lots or parcels in proportion to the estimated benefits to be  
4                   received by each lot or parcel from the improvements as defined in this  
5                   Chapter.

6                   I.     The assessment may refer to the County assessment roll for a  
7                   description of the lots or parcels, in which case that roll shall govern for all  
8                   details concerning the description of the lots or parcels.

9                   J.     The net amount to be assessed upon lands within a benefit  
10                  assessment district may be apportioned by any formula or method which  
11                  fairly distributes the net amount among all assessable lots or parcels in  
12                  proportion to the estimated benefits to be received by each such lot or parcel  
13                  from the improvements.

14                  K.     The diagram and assessment may classify various areas within  
15                  a benefit assessment district into different zones where, by reason of  
16                  variations in the nature, location, and extent of such improvements or  
17                  services, or both, various areas will receive differing degrees of benefit from  
18                  the improvements. A zone shall consist of all territory which will receive  
19                  substantially the same degree of benefit from the improvements or services,  
20                  or both.

21                  **§15.01.060   FORMATION OF THE BENEFIT ASSESSMENT DISTRICT.**

22                  A.     Proceedings for the formation of a benefit assessment district  
23                  shall be initiated by resolution. The rResolution of Initiation shall:  
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1                   1.     Propose the formation of a benefit assessment district  
2                   pursuant to this Chapter.

3                   2.     Describe the improvements or services or both.

4                   3.     Describe the proposed district, and including a distinctive  
5                   designation for the district. The descriptions need not be detailed but  
6                   shall be sufficient if they enable the engineer to generally identify the  
7                   nature, location, and extent of the improvements and the location and  
8                   extent of the benefit assessment district.

9                   4.     Order the engineer to prepare and file a report in  
10                  accordance with § 15.01.055.

11                 B.     Upon completion, the engineer shall file a report with the Clerk for  
12                  submission to the City Council.

13                 C.     After the filing of the engineer's report with the City Clerk, the City  
14                  Council shall adopt a resolution of intention. The Resolution of Intention shall:  
15                  1.     Declare the intention of the City Council to order the  
16                  formation of a benefit assessment district and to levy and collect  
17                  assessments pursuant thereto.

18                  2.     Approve the report of the engineer. The City Council may  
19                  approve the report as filed, or it may modify the report in any particular  
20                  and approve it as modified.

21                  3.     Generally describe the improvements or services or both.  
22                  4.     Refer to the proposed district by its distinctive designation  
23                  and indicate the general location of the district.

24                  5.     Refer to the proposed district by its distinctive designation  
25                  and indicate the general location of the district.  
26                  6.     Refer to the proposed district by its distinctive designation  
27                  and indicate the general location of the district.  
28                  7.     Refer to the proposed district by its distinctive designation  
                  and indicate the general location of the district.

1                   5.     Refer to the report of the engineer, on file with the Clerk,  
2     for a full and detailed description of the improvements or services, or both,  
3     the boundaries of the benefit assessment district, and any zones therein, and  
4     the proposed assessments upon assessable lots and parcels of land within  
5     the district.

6                   6.     If debt is to be issued, declare the necessity for the  
7     indebtedness, the purpose for which the debt is to be incurred, the amount of  
8     the proposed debt, specify the rate or maximum rate of interest which debt  
9     shall bear, and maximum number of years of the debt.

10                  7.     Give notice of, and fix a time and place for, a hearing by  
11     the City Council on the question of the formation of the assessment district  
12     and the levy of the proposed assessment.

13                  D.     The Clerk shall give notice of hearing by causing the Resolution  
14     of Intention, or summary thereof, to be published, posted, and mailed as  
15     provided in § 15.01.050.

16                  E.     Prior to the conclusion of the hearing, any interested person may  
17     file a written protest with the Clerk, or having previously filed a protest, may  
18     file a written withdrawal of that protest. A written protest shall state all  
19     grounds of objection. A protest by a property owner shall contain a  
20     description sufficient to identify the property owned.

21                  F.     The City Council shall hold the hearing at the time and place fixed  
22     in the Resolution of Intention and in any order continuing the hearing. All  
23     interested persons shall be afforded the opportunity to hear and be heard.

1 The City Council shall consider all oral statements and all written protests and  
2 communications made or filed by any interested persons.

3 G. During the course or upon the conclusion of the hearing, the City  
4 Council may order changes in any of the matters provided in the engineer's  
5 report, including changes of the improvements or services, or both, the  
6 boundaries of the proposed assessment district and any zones therein, and  
7 the proposed diagram or proposed assessment. The City Council may,  
8 without further notice, order the exclusion of territory from the proposed  
9 district, but shall not order the inclusion of any additional territory within the  
10 district except upon written request by property owner for the inclusion of his  
11 or her property or upon the giving of mailed notice of hearing to affected  
12 property owners upon the question of the inclusion of their property in the  
13 district.  
14

15 H. Upon the conclusion of the hearing, the City Council shall  
16 determine whether a majority protest exists in accordance with the  
17 requirements of the Proposition 218 Omnibus Implementation Act beginning  
18 with Gov't Code § 53750 and Article XIID of the California State Constitution.  
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20 I. If a majority protest has not been found, the City Council may  
21 adopt a resolution ordering the improvements or services, or both, and the  
22 formation of a benefit assessment district and confirming the diagram and  
23 assessment, either as originally proposed or as changed. The adoption of the  
24 resolution shall constitute the levy of an assessment for the fiscal year  
25 referred to in the assessment.  
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1 J. Upon the passage of the resolutions provided for in this Section,  
2 the City Clerk shall record the diagram and a notice of assessment as  
3 provided for in Cal. Sts. & High. Code § 3114, whereupon the assessment  
4 shall attach as a lien upon the property assessed, as provided in the Cal. Sts.  
5 & High. Code § 3115.

6 K. Whenever a railroad, gas, water or electric utility right-of-way is  
7 included within the benefit assessment district, the railroad, gas, water or  
8 electric utility right-of-way or electric line right-of-way shall be included in the  
9 initiating resolution, the engineer's report, and the resolution of intention. The  
10 railroad, gas, water, or electric utility right-of-way or electric line right-of-way  
11 shall be assessable only if, and to the extent, it is found it will benefit from the  
12 installation and maintenance of the proposed improvement. Any railroad, gas,  
13 water, or electric utility right-of-way or electric line right-of-way so assessed  
14 shall be subject to the same penalties, and the same procedure and sale, in  
15 the event of delinquency as other parcels in the benefit assessment district.  
16 In determining whether or not the railroad, gas, water, or electric utility right-  
17 of-way or electric line right-of-way benefits, its use as a right-of-way for a  
18 railroad, gas, water, or electric utility shall be presumed to be permanent.  
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21 **§ 15.01.065 CHANGES IN ORGANIZATION.**  
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23 A. The City Council, either in a single proceeding or by  
24 separate proceedings, may order one (1) or any combination of the following  
25 changes of organization:

26 1. The annexation of territory to an existing district  
27 formed pursuant to this Chapter.  
28

1                   2.     The detachment of territory from an existing district  
2                   formed pursuant to this Chapter.

3                   3.     The dissolution of an existing district formed  
4                   pursuant to this Chapter.

5                   4.     The consolidation into a single district of two (2) or  
6                   more existing districts formed pursuant to this Chapter.

7                   B.     Proceedings for changing organization may be:

8                   1.     Undertaken subsequent to or concurrently with  
9                   proceedings for the formation of the benefit assessment district  
10                  hereunder. Any or all such proceedings may be conditioned upon the  
11                  completion of any or all such proceedings.

12                  2.     Combined with proceedings for the formation of a  
13                  benefit assessment district hereunder. In such case, any of the  
14                  several resolutions, reports, notices, or other instruments  
15                  provided for in this Chapter may be combined into a single  
16                  document.

17                  C.     Except as otherwise provided herein, proceedings for a  
18                  change of organization shall be initiated, conducted and completed in  
19                  substantial compliance with the procedure provided for the formation  
20                  of a benefit assessment district.

21                  D.     In annexation proceedings, the resolutions, report, notices  
22                  of hearing and right of majority protests shall be limited to the territory  
23                  proposed to be annexed. Notice of hearing shall be provided as in §  
24                  15.01.050 governing the formation of the benefit assessment district.

1 Mailed notice may be waived by all property owners who shall have  
2 filed a written request for annexation of their property.

3 E. If all of the owners of property within the territory proposed  
4 to be formed into a benefit assessment district, or proposed to be  
5 annexed to an existing district, have given written consent to the  
6 proposed formation, consolidation, or annexation, the territory may be  
7 formed into a benefit assessment district, or annexed to or  
8 consolidated with an existing district, as the case may be, without  
9 notice.  
10

11 F. In detachment proceedings, the resolutions, report,  
12 notices of hearing, and right of majority protest shall be limited to the  
13 territory proposed to be detached. City Council may dispense with the  
14 resolution initiating proceedings and the engineer's report, and may  
15 initiate proceedings by the adoption of the Resolution of Intention  
16 pursuant to Subsection 15.01.060 C. Mailed Notice may be waived by  
17 all property owners who shall have filed a written request for  
18 detachment of their property.  
19

20 G. The City Council may establish policies and procedures  
21 for property owners to request the dissolution of an assessment district  
22 whose proceeds are not pledged to repay debt service on any bonds  
23 or notes issued pursuant to Section 15.01.095. In dissolution  
24 proceedings, the City Council may dispense with the resolution  
25 initiating proceedings and engineer's report and may initiate dissolution  
26 proceedings by the adoption of a resolution of intention. Mailed Notice  
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1 may be waived by all property owners who shall have filed a written  
2 request for the dissolution of the assessment district.

3 H. Notwithstanding any other provision of law, the single  
4 benefit assessment district resulting from a consolidation under this  
5 Chapter shall assume all assets and liabilities of the districts  
6 consolidated and shall be entitled to all of the revenues to which each  
7 of the separate districts would have been entitled had such districts not  
8 been so consolidated.  
9

10 **§ 15.01.070 LEVY OF ANNUAL ASSESSMENTS.**

11 A. This Section shall apply to all annual assessments levied after  
12 the formation of a benefit assessment district, except annual assessments to  
13 pay the principal of, and interest on, previously issued bond debt or notes.  
14

15 B. Proceedings shall be taken pursuant to this Section for any fiscal  
16 year during which an assessment is to be levied and collected within an  
17 existing district.

18 C. The City Council shall adopt a resolution which shall generally  
19 describe any proposed new, or changes in existing, improvements or  
20 services, or both, and order the engineer to prepare and file a report in  
21 accordance with § 15.01.055.  
22

23 D. Upon completion, the engineer shall file a report with the Clerk  
24 for submission to the City Council.

25 E. After the filing of the engineer's report, the City Council shall  
26 adopt a resolution of intention. The Resolution of Intention shall:  
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1                   1.     Declare the intention of the City Council to levy and collect  
2     assessments within the assessment district for the fiscal years stated therein  
3     or as described in Section 15.01.090.

4                   2.     Approve the report of the engineer. The City Council may  
5     approve the report, as filed, or may modify the report in any particular and  
6     approve it as modified so long as the rates to be levied do not increase above  
7     the voter approved maximum rates adjusted by an inflationary formula, if any.

8                   3.     Generally describe the existing and proposed  
9     improvements or services, or both, and any substantial changes proposed to  
10    be made in the existing improvements or services, or both.

11                  4.     Refer to the benefit assessment district by its distinctive  
12    designation and indicate the general location of the district.

13                  5.     Refer to the report of the engineer, on file with the Clerk,  
14    for a full and detailed description of the improvements or services, or both,  
15    the boundaries of the benefit assessment district and any zones therein, and  
16    the proposed assessments upon assessable lots and parcels of land within  
17    the district.

18                  6.     If debt is to be issued, declare the necessity for the  
19    indebtedness, the purpose for which the debt is to be incurred, the amount of  
20    the proposed debt, specify the rate or maximum rate of interest which debt  
21    shall bear, and maximum number of years of the debt.

22                  7.     Give notice of the time and place for the hearing by the  
23    City Council on the levy of the proposed assessment.  
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1 F. The date, hour and place of the hearing is fixed as the date, hour,  
2 and place of any regular meeting, as specified in the Resolution of Intention  
3 adopted pursuant to Subsection 15.01.070 E.

4 G. The Clerk shall give notice of hearing by either of the following  
5 methods:

6 1. If the assessments are to be levied in the same or lesser  
7 amounts than the voter approved maximum rates as adjusted by an  
8 inflationary formula, if any, the clerk shall give notice by causing a  
9 summary of the Resolution of Intention to be published pursuant to  
10 Section 6061 of the Government Code and Section 22553 of the  
11 Streets and Highways Code.

12 2. If the assessments are to be increased over the voter  
13 approved maximum rates as adjusted by an inflationary formula, if any,  
14 the clerk shall cause notice to be given pursuant to Section 53753 of  
15 the Government Code.

16 H. Any interested person may, prior to the conclusion of the hearing,  
17 file a written protest with the Clerk or, having previously filed the protest, may  
18 file a written withdrawal of that protest. A written protest shall state all  
19 grounds of objection. A protest by a property owner shall contain a  
20 description sufficient to identify the property owned.

21 I. The City Council shall hold the hearing at the time and place  
22 specified in the Resolution of Intention and in any order continuing the  
23 hearing. All interested persons shall be afforded the opportunity to hear and  
24 be heard. The City Council shall consider all oral statements and all written  
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1 protests made or filed by any interested person. The City Council may  
2 continue the hearing from time to time, provided, that no continuance shall be  
3 made to a date subsequent to July 31, without the prior consent of the  
4 County Auditor.

5 J. During the course or upon the conclusion of a hearing, the City  
6 Council may order changes in any of the matters provided in the report,  
7 including changes in the improvements or services, or both, and any zones  
8 within the district, and the proposed diagram or proposed assessment so long  
9 as the changes do not result in an increase of the rates above the voter  
10 approved maximum rates adjusted by an inflationary formula, if any.  
11

12 K. Upon the conclusion of the hearing, the City Council may adopt a  
13 resolution confirming the diagram and assessment, either as originally  
14 proposed or as changed by it. If there is a majority protest against the  
15 increased levy of an annual assessment, the proposed increase shall be  
16 abandoned. The adoption of the resolution shall constitute the levy of an  
17 assessment for the fiscal year referred to in the assessment.  
18

19 **§15.01.075 COMPLETION OF PROCEEDINGS.**  
20

21 A. Hearings upon the formation of a benefit assessment district,  
22 upon a change of organization for an existing district, or upon the levy of  
23 annual assessments after the formation of a district shall be concluded in a  
24 resolution confirming a diagram and an assessment shall be adopted not  
25 later than:

- 26 1. July 31 of the fiscal year during which the assessments are  
27 to be collected on the County assessment roll; or
- 28 2. Such later date, as the County Auditor may authorize.

1           B.       Immediately after the adoption of any resolution confirming a  
2 diagram and assessment, the Clerk shall file the assessment, or a certified  
3 copy thereof, with the County Auditor.

4           **§15.01.080   COLLECTION OF ASSESSMENTS.**

5           A.       After the filing of the assessment, the County Auditor shall enter  
6 on the County assessment roll opposite each lot or parcel of land the amount  
7 assessed thereupon, as shown in the assessment.

8           B.       The assessments shall be collected at the same time and in the  
9 same manner as County taxes are collected, and all laws providing for the  
10 collection and enforcement of County taxes shall apply to the collection and  
11 enforcement of the assessments, except that assessment levied pursuant to  
12 Subsection 15.01.095 for which bonds are to be issued may be paid within  
13 thirty (30) days after the date of the Public Hearing, at which time the  
14 engineer shall make and file with the treasurer a complete list of all unpaid  
15 assessments in the manner required by Cal. Sts. & High. Code § 8620.

16          C.       After collection by the County, the net amount of the  
17 assessments shall be paid to the City Treasurer, after deduction of any  
18 compensation due to the County for collection.

19           **§ 15.01.085   FINANCIAL PROVISIONS.**

20          A.       Upon receipt of monies representing assessments collected by  
21 the County, the City Treasurer shall deposit the monies to the credit of an  
22 assessment fund for the benefit assessment district for which they were  
23 collected, and the money shall be expended only for the improvements or  
24 services, or both, authorized for such district.

25          B.       If there is a surplus or a deficit in the assessment fund of a  
26 district at the end of any fiscal year, the surplus or deficit shall be carried  
27 forward to the next annual assessment to be levied within such district and  
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1 applied as a credit or debit, as the case may be, against the next annual  
2 assessment. This amount shall be adjusted based upon the required  
3 balance in the reserves and may not exceed the amount that can be  
4 collected based upon the voter approved maximum rates as adjusted by any  
5 applicable inflator.

6 C. If there is a deficit in the assessment fund of a district during any  
7 fiscal year, the City Council, from any available and unencumbered funds of  
8 the City is not obligated to but may provide for the following adjustments to  
9 funds or services:

10 1. A contribution to the assessment fund.

11 2. A temporary advance to the assessment fund and direct  
12 that the advance be repaid from future annual assessments levied and  
13 collected within the district.

14 3. Reduce levels of service provided to accommodate  
15 available funds.

16 D. The City Council may accept contributions from any source  
17 toward payment of the costs of the improvements or services. The City  
18 Council, at any time either before or after the confirmation of the assessment,  
19 may provide for contributions toward payment of such costs from the funds of  
20 the City. All contributions shall be deposited in the assessment fund of the  
21 district for which the contribution was provided.

22 E. All contributions authorized prior to confirmation of an  
23 assessment shall be deducted from the total assessment costs to be  
24 assessed within the district. Temporary advances shall not be so deducted.

25 **§ 15.01.090 ANNUAL INSTALLMENT ASSESSMENTS.**

26 A. The City Council may, by resolution, determine that the estimated  
27 costs of any proposed improvements are greater than can be conveniently  
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1 raised from a single annual assessment and order that the estimated costs  
2 shall be raised by an assessment levied and collected in installments over a  
3 period to be defined in the resolution pursuant to Section 15.01.070.E.

4 B. The resolution adopted pursuant to Subdivision A shall generally  
5 describe the proposed improvements, set forth the estimated costs thereof,  
6 specify the number of annual installments and the fiscal years during which  
7 they are to be collected, and fix or determine the maximum amount of each  
8 annual assessment.

9 C. After adoption of a resolution providing for annual installment  
10 assessments, the engineer, in preparing the reports required by this Chapter,  
11 shall include in the estimate an assessment for each fiscal year specified in  
12 the resolution the total amount of the annual installment fixed or determined  
13 for such year.

14 D. If a resolution providing for annual installment payments has  
15 been adopted, in the resolution or subsequent thereto, the City Council may  
16 do any or a combination of the following:

17 1. Provide for the accumulation of monies collected from the  
18 annual installments in the improvement fund until there are sufficient  
19 monies to pay all or part of the costs of the improvement described in  
20 the resolution.

21 2. Provide for a temporary advance to the improvement fund  
22 from any available and unencumbered funds of the City to pay all or  
23 part of the costs of the improvements described in the resolution, and  
24 direct that the advance be repaid from the annual installments levied  
25 and collected during the fiscal years designated in the resolution.

26 3. Borrow an amount necessary to finance the estimated  
27 costs of the proposed improvements. The amount borrowed, except  
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1 for the amount borrowed pursuant to § 15.01.095 shall not exceed the  
2 amount of revenue estimated to be raised from the annual  
3 assessments.

4 **§ 15.01.095 BONDS.**

5 A. The City Council may, by resolution, determine and declare that  
6 bonds shall be issued to finance the estimated acquisition, construction and  
7 installation costs of the proposed capital improvements, other than costs and  
8 of maintenance of and servicing, under either the Improvement Bond Act of  
9 1915, Cal. Sts. & High. Code Div. 10, commencing with § 8500 or the Marks-  
10 Roos Local Bond pooling Act of 1985, Cal. Gov't Code Div. 7, commencing  
11 with § 6584. Either Cal. Sts. & High. Code Div. 10, (commencing with § 8500)  
12 or Cal. Gov't Code Div. 7 (commencing with § 6584), as the case may be,  
13 shall govern all proceedings relating to the issuance of those bonds.  
14 Alternatively, the City may determine and declare that notes shall be issued  
15 for the same purposes for which bonds may be issued. The maximum term  
16 to maturity of any notes issued shall not exceed 10 years.

17 B. The resolution pursuant to Subsection A. of this Section shall  
18 generally describe the proposed improvements, other than the costs of  
19 maintenance and servicing, specify the number of annual installments and  
20 the fiscal years during which they are to be collected, and fix or determine the  
21 maximum amount of each annual installment necessary to retire the bonds or  
22 any notes issued. The amount of debt service to retire the bonds or notes  
23 shall not exceed the period of the bonds or notes.

24 C. Notwithstanding any other provision of this chapter,  
25 assessments levied to pay the principal of, and interest on, any bond or note  
26 issued pursuant to this Section, shall not be reduced or terminated if doing so  
27 would interfere with the timely retirement of the debt.  
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1                   **SECTION 2.** Section 15.01.110 is hereby added to Chapter 15.01 of the  
2 Culver City Municipal Code as follows:

3                   **§ 15.01.110 LIMITATIONS OF ACTIONS AND APPEAL.**

4                   The validity of an assessment levied under this Chapter for the  
5 purpose of raising revenue necessary to pay the debt service on bonds  
6 issued pursuant to Section 15.01.095 shall not be contested in any action or  
7 proceeding, unless the action or proceeding is commenced within 30 days  
8 after the initial assessment is levied. Any appeal from a final judgment in the  
9 action or proceeding shall be perfected within 30 days after the entry of  
10 judgment.

11  
12                   **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance  
13 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616  
14 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,  
15 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the  
16 Culver City News and shall post this Ordinance or a summary thereof in at least three  
17 places within the City.

18  
19                   **SECTION 4.** The City Council hereby declares that, if any provision, section,  
20 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared  
21 invalid or unconstitutional by any final action in a court of competent jurisdiction or by  
22 reason of any preemptive legislation, then the City Council would have independently

23 ///

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26 ///

1 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases  
2 or words of this ordinance and as such they shall remain in full force and effect.

3  
4 **APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

5  
6  
7 ANDREW WEISSMAN, Mayor  
8 City of Culver City, California

9 ATTEST:

10 APPROVED AS TO FORM:

11  
12 MARTIN R. COLE, City Clerk

13 A12-00225

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for CAROL A. SCHWAB, City Attorney