

**City of Culver City, California
Agenda Item Report**

Meeting Date: 06/25/12		Item Number: PH – 3	
CITY COUNCIL AGENDA ITEM: PUBLIC HEARING - Adoption of a Resolution Confirming the Assessment and Ordering the Levy for Landscaping Maintenance District No. 1 - Fiscal Year 2012/2013			
Contact Person/Dept.: Mate Gaspar/PW		Phone Number: (310) 253-5602	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (06/21/12) Property owners were mailed a courtesy notice on (06/20/12).			
Department Approval: Charles D. Herbertson (06/13/12)		City Attorney Approval: Carol Schwab (by H. Baker) (06/21/12)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (06/21/12)		City Manager Approval: John M. Nachbar (06/21/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution confirming the assessment and ordering the levy for Landscape Maintenance Assessment District No.1 - Fiscal Year 2012/2013. <u>PROCEDURE:</u> 1. Mayor seeks motion from City Council to receive and file the affidavits of publication and posting of notices and correspondence received in response to the public hearing notices; and, 2. Mayor calls for a staff report and the City Council Members may pose questions to staff as desired; and, 3. Mayor seeks a motion to open the public hearing; and, 4. Mayor seeks a motion to close the public hearing after all public testimony has been presented; and, 5. City Council discusses the item and arrives at its decision. <u>BACKGROUND:</u> Landscape Maintenance District No. 1 originally was comprised of two zones (see below). However, currently it consists of one zone which was created for the purpose of providing on-going maintenance of landscaping along the periphery of the MGM Lot 2 residential subdivision			

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On July 13, 2009, the property owners of the District approved an annual increase based on the February Consumer Price Index for All Urban Consumers for the Los Angeles – Riverside - Orange County area plus a 5% premium each year until the revenues generated from the District match the annual expenditures and the fund has a positive balance.

On August 23, 2010, the City Council approved to disband “Zone 2” (Ballona Creek), discontinue the maintenance service, and refund the remaining fund balance to the property owners.

On June 11, 2012, the City Council approved the Engineer’s Report, declared its intention to order the assessment levy and collection of assessments, and set the date, time and place for this public hearing for the Landscape Maintenance District #1.

DISCUSSION:

As referenced above, in 2009 the property owners in the district authorized adjusting future assessments in an amount equal to the increase in the CPI plus 5%. Based on the information provided by the Bureau of Labor Statistics of the Federal Department of Labor, the CPI increase is 2.1%. Therefore, the proposed total increase to the assessment levy is 7.1%. The existing assessment levy per parcel is \$210.83. The proposed assessment levy will be \$225.77 per parcel for a total amount of \$40,638.60 (180 parcels) for Fiscal Year 2012/2013.

Pursuant to Section 15.01.070.H of the Culver City Municipal Code (CCMC), any interested persons may file a written protest with the City Clerk (or withdrawal a previously filed protest) until the conclusion of the Public Hearing. Pursuant to Article XIII D of the California Constitution (Proposition 218), the City shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, written notices submitted in opposition to the assessment exceed the written notices submitted in favor of the assessment. In determining if a majority protest exists, the written notices shall be weighted according to the proportional financial obligation of the affected property.

Should a majority protest exist, the City Council cannot impose the annual assessment. However, pursuant to CCMC Section 15.01.070 (J and K), the City Council may choose to order changes in any of the matters provided in the report, including changes in the improvements or services, or both, any zones within the district, and the proposed diagram or proposed assessment so long as the changes do not result in an increase of the rates above the voter approved maximum rates adjusted by an inflationary formula, if any, or it may choose to adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it. Adoption of such resolution constitutes the assessment levy for Fiscal Year 2012/2013. The City Council may also choose to dissolve the District pursuant to

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CCMC Section 15.01.065.A.3 or pay for the costs of the District with the City's General Fund.

FISCAL ANALYSIS:

The Landscape Maintenance District #1 budget is proposed to be 100 percent self-supporting for all expenditures. Property owners within the District are charged their fair share of these costs, as described in the Engineer's Report.

ATTACHMENT:

1. Proposed Resolution

MOTION:

That the City Council:

(Absent a majority protest) Adopt the Resolution approving the Engineer's Report and assessment levy for Landscape Maintenance District #1 for Fiscal Year 2012/2013.