

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

Meeting Date: 05/07/12		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Introduction 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.			
Contact Person/Dept.: Helen Kerstein/PW		Phone Number: (310) 253-5618	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒ Date: _____			
Public Notification: (Email) Agenda and Meetings – City Council (05/02/12)			
Department Approval: Charles D. Herbertson (04/25/12)		City Attorney Approval: Carol Schwab (by H. Baker) (04/30/12)	
Chief Financial Officer Approval: Jeff Muir (05/01/12)		City Manager Approval: John M. Nachbar (05/02/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council introduce 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. <u>BACKGROUND:</u> In November 1996, California voters passed Proposition 218, which amended the California Constitution to impose additional requirements on the establishment of new general taxes, property related fees, and assessments. Specifically, Proposition 218 required that new assessments: 1) be tied to specific benefits received by parcels of real property, 2) be approved by property owners rather than by elected bodies, 3) follow a specific process for noticing and mailing ballots, conducting a public hearing, and tallying protest votes, and 4) include governmental property receiving special benefits in the assessments. Chapter 15.01, Benefit Assessment District, of the Culver City Municipal Code (CCMC) has not been amended since the passage of Proposition 218. As a result, it contains language that is in need of updating to be consistent with current State law. Recognizing the need to address this issue and the technical nature of the work involved, the City hired a consultant, NBS, to work with the City Attorney's Office to draft the necessary changes to the CCMC while it was also looking at the feasibility			

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of establishing one or more benefit assessment districts in the City. The proposed Ordinance is the result of this work.

DISCUSSION:

The proposed Ordinance conforms the CCMC with State law (including the requirements of Proposition 218, such as those related to the noticing and balloting process and the exemption for governmental property). Additionally, the proposed Ordinance includes other changes to the CCMC such as adding key definitions, updating references, and specifically providing for the establishment of a reserve.

FISCAL ANALYSIS:

Staff does not anticipate that the introduction or eventual adoption of the Ordinance will have a direct fiscal effect. However, by modernizing the CCMC and bringing it into conformance with current State laws, this Ordinance will facilitate the consideration of benefit assessment districts in the future, which could help finance special benefits received by parcels.

ATTACHMENTS:

1. Proposed Ordinance

MOTIONS:

That the City Council:

Introduce 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.