

RESOLUTION NUMBER R- 300173

ADOPTED ON MAR 0 1 2005

RESOLUTION OF INTENTION TO INITIATE PROCEEDINGS
FOR A BALLOT PROTEST PROCEDURE FOR THE RANCHO
BERNARDO MAINTENANCE ASSESSMENT DISTRICT AND
TO LEVY AND COLLECT FISCAL YEAR 2006 ANNUAL
ASSESSMENTS ON RANCHO BERNARDO MAINTENANCE
ASSESSMENT DISTRICT.

WHEREAS, on August 2, 2004, at the hearing of the Council of the City of San Diego, the City Clerk read into the record that based on the tabulated ballots there was a majority protest for the proposed increased assessments of the Rancho Bernardo Maintenance Assessment District [District], and the City Council abandoned the proceedings;

WHEREAS, the majority protest was by a margin of 51% opposed and 49% in favor, a margin of loss of 2%; and

WHEREAS, the City Manager may conduct another ballot protest procedure within one year of the prior ballot protest procedure when the margin of loss for levy of the proposed assessment is by 5% or less, pursuant to Resolution R-290239; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized to initiate proceedings for a ballot protest procedure to increase the annual assessment, incorporate new areas for maintenance, and modify the current cost-indexing provision for the District pursuant to Article XIID, section 4 of the California Constitution, the Landscaping and Lighting Act of 1972 (California Streets and Highways Code sections 22.500, *et seq.*), and the San Diego Municipal Code (Sections 65.0201, *et seq.*).

BE IT FURTHER RESOLVED, that the Council proposes to increase the annual assessments for the Rancho Bernardo Maintenance Assessment District, incorporate new areas for maintenance into the District, set the cost indexing factor to an amount not to exceed the San Diego Regional Consumer Price Index-Urban [CPI-U] plus three percent, and intends to levy and collect assessments to pay a prescribed portion of the cost of future maintenance and/or services of those items described in the Engineer's Report for Rancho Bernardo Maintenance Assessment District [Report], located within the boundaries of the District, in the City under the provisions of Article XIII D, Section 4 of the California Constitution and California Government Code sections 53739, 53750, 53753, 53753.5, and 54954.6 [collectively referred to herein as the Law].

BE IT FURTHER RESOLVED, that the proposed maintenance and/or services consist in general of those items described in the Report. The maintenance and/or services shall be for a period of one year, terminating on June 30, 2006.

BE IT FURTHER RESOLVED, that the District is described as all that real property in said City of San Diego included within the exterior boundary lines of the map [Map] designated as the District, filed in the office of the City Clerk under Document No. M 400-05-01, excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the Map for a further and more particular description of the District, so on file, shall govern for all details as to the extent of the District.

BE IT FURTHER RESOLVED, that the cost and expense of the contemplated maintenance and/or services are made chargeable upon the District, and the Council does declare that certain properties within the District as identified in the Report receive special benefit by the proposed maintenance and/or services.

BE IT FURTHER RESOLVED, that the City Council proposes to assess those properties within the District which receive a special benefit from the proposed maintenance and/or services for the total amount of costs of such maintenance and/or services to be provided in the District, plus the incidental expenses thereto, to be received by the individual parcels of real property within the District. The estimated expenses, revenues and reserves are as follows:

FUND

<u>DESCRIPTION</u>	<u>FY 2005</u>	<u>MAXIMUM AUTHORIZED</u>
EXPENSES		
Personnel	\$ 36,993	\$ 36,993
Contract	\$251,961	\$308,816
Incidentals	\$60,491	\$ 74,541
Energy and Utilities	<u>\$21,943</u>	<u>\$ 29,094</u>
TOTAL EXPENSES	\$371,388	\$449,444
REVENUE:		
Assessments	\$364,424	\$449,505
City Contributions		
Gas Tax	\$33,872	\$ 33,872
Interest	<u>\$ 5,000</u>	<u>\$ 5,000</u>
TOTAL REVENUE	\$403,296	\$488,377
RESERVES	\$31,908	\$38,933

The Council may order a portion of the costs of maintenance and/or services to be paid by the City from appropriate funds. A statement of the proposed assessments levied against the several lots or parcels of land as shown on the Map referred to above, is on file in the office of Park and Recreation, Northern Parks Division.

BE IT FURTHER RESOLVED, that the Report, prepared by an assessment engineer pursuant to the Law and has been duly considered by this Council, submitted in connection with the District, and filed in the office of the City Clerk as Document No. RR- 300173, be and the same is hereby preliminarily approved for purposes of this hearing.


BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to set a date for a public hearing for the proposed assessments within at least forty-five days after the mailing of assessment ballots. Such hearing shall be held MAY 03 2005 at 10:00 a.m. in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San Diego, California, and is the day, hour and place for the hearing when any person interested may object to the proposed maintenance and/or services or the amount of the assessment. This hearing may be continued from time to time. Failure to make objections at the time of the hearing, or any continuance thereof, will be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages. Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and shall be delivered to and filed with the City Clerk at a time no later than the hour set for the hearing or continuance thereof. Persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Assessment District Administrator at the World Trade Center, 1250 Sixth Avenue, Fourth Floor, MS 804A, San Diego, California 92101 or telephone (619) 533-6778.

BE IT FURTHER RESOLVED, that the City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five days before the date of the hearing,

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postage prepaid, to all property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in the Law.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Hilda Ramirez-Mendoza
Deputy City Attorney

HRM:cfq
02/11/05
Or.Dept:Park & Rec.
R-2005-845
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