

RESOLUTION NUMBER R- 308497

DATE OF FINAL PASSAGE OCT 23 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CONSIDERING THE PROTESTS, CONFIRMING THE ASSESSMENTS, AND ORDERING THE IMPROVEMENTS, MAINTENANCE, AND SERVICES IN THE MATTER OF THE CIVITA MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 (the Act), codified at California Streets and Highways Code section 22500, et seq., and the Maintenance Assessment District Ordinance, codified at San Diego Municipal Code section 65.0201 et seq., authorize the creation of maintenance assessment districts and set forth the procedure for the formation a maintenance assessment district; and

WHEREAS, pursuant to the Act and San Diego Municipal Code section 65.0211, the City ordered, and an assessment engineer prepared and submitted, an engineer's report (Engineer's Report) for the Civita Maintenance Assessment District (District); and

WHEREAS, pursuant to Resolution No. R- 308359, effective JUN 30 2013, the City Council approved the Engineer's Report submitted in connection with the District, which is on file in the Office of the City Clerk as Document No. RR- 308359, declared the City Council's intention to form the District and levy and collect assessments, and noticed the time and place fixed for the hearing of protests regarding the formation of the District (Resolution of Intention); and

WHEREAS, as directed by the Resolution of Intention, notice of a public hearing regarding formation of the District and the proposed assessment was mailed to all affected property owners; and

WHEREAS, an assessment ballot was enclosed with each mailed notice; and

WHEREAS, on September 16, 2013 at 2:00 p.m. in the City Council Chambers located at 202 "C" Street, 12th Floor, San Diego, California, the City Council held a public hearing on the formation of the District and the proposed assessment at which all persons were permitted to present written and oral testimony regarding the District and the Assessment (Public Hearing); and

WHEREAS, the City Clerk accepted completed assessment ballots through the close of the Public Hearing; and

WHEREAS, the City Clerk has tabulated the ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment and determined that no majority protest exists, as that term is defined in California Government Code section 53753(e)(4); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The assessment ballots have been tabulated and it is determined that no majority protest exists.
2. The Civita Maintenance Assessment District is ordered formed.
3. The assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR- 308359 , are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report.

4. Pursuant to San Diego Municipal Code section 65.0227, the validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty calendar days after the final passage of this Resolution.

5. The assessment district map for the Civita Maintenance Assessment District contained in the Engineer's Report is hereby confirmed.

6. The improvements, maintenance, and services described in the Engineer's Report are hereby ordered performed.

7. The adoption of this Resolution hereby constitutes the levy of the assessments for the period of July 1, 2013 through June 30, 2014 (Fiscal Year 2014).

8. The annual budget for the Civita Maintenance Assessment District is adopted for Fiscal Year 2014.

9. The Chief Financial Officer is authorized to establish an interest-bearing fund for the Civita Maintenance Assessment District.

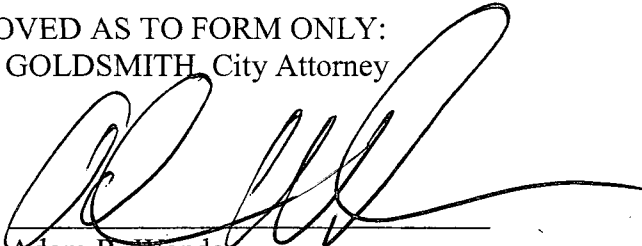
10. The Chief Financial Officer is authorized to appropriate and expend from the Civita Maintenance Assessment District fund once it is established, consistent with the Engineer's Report and all applicable District budgets, contingent upon the City Comptroller certifying that the funds necessary for expenditure are or will be available.

11. The contract with Civita Public Maintenance Corporation to administer Contracts for Goods and Contracts for Services in the Civita Maintenance Assessment District during Fiscal Year 2014 with four one-year options to renew is hereby approved in the form and content attached to the backup materials for the City Council agenda item adopting this Resolution.

12. The Council President in his capacity under Charter section 265(i), or his designee, is authorized and directed to execute the contract with Civita Public Maintenance Corporation referenced in Paragraph 11 above, that contract being on file with the Office of the City Clerk as Document No. RR- 308497.

APPROVED AS TO FORM ONLY:
JAN I. GOLDSMITH, City Attorney

By


Adam R. Wander
Deputy City Attorney

ARW:mm
06/17/13
09/13/13 Cor. Copy
09/27/13 Cor. Copy 2
Or. Dept: Park & Rec.
Doc. No. 580874_3

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 08 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

TODD GLORIA, Council President

Date: _____

Passed by the Council of The City of San Diego on OCT 08 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 23 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT

as interim Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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