

RESOLUTION NO. 24-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT AND DECLARING THE CITY'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2024/2025 IN THE MURRIETA CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT AND SETTING A PUBLIC HEARING FOR JULY 2, 2024

WHEREAS, the City Council of the City of Murrieta, California ("City Council") has formed and consolidated the landscape and lighting district entitled the "Consolidated Landscape and Lighting District" (hereinafter referred to as the "Consolidated District") pursuant to the provisions of *Landscape and Street Lighting Act of 1972, Division 15, Part 2 of the California Streets and Highways Code of California, beginning with Section 22500* (hereinafter referred to as the "Act"); and

WHEREAS, pursuant to previous proceedings regarding the Consolidated District, certain assessments are permitted to increase by the greater of the Consumer Price Index or 3% per year, which increase was approved in a ballot proceeding by the property owners in the Consolidated District and is part of the assessment formula (herein referred to as, the "Annual Adjustment"); and

WHEREAS, on May 7, 2024 the City Council initiated proceedings to establish the proposed annual levy for Fiscal Year 2024/2025 and ordered the preparation of an Engineer's Annual Levy Report (hereinafter referred to as the "Engineer's Report") regarding the Consolidated District and the levy assessment for Fiscal Year 2024/2025, pursuant to Sections 22621 and 22622 of the Act and in compliance with the provisions of the California Constitution Article XIID; and

WHEREAS, the City Council has retained Willdan Financial Services for the purpose of assisting with the establishment of the assessments and to prepare and file a Engineer's Report with the City Clerk in accordance with Chapter 1, Article 4 (commencing with Section 22565) of the Act, and there has now been presented to this City Council said report in connection with the Consolidated District for Fiscal Year 2024/2025; and

WHEREAS, the City Council has received, examined and reviewed the Engineer's Report as presented, and is satisfied that the assessments, on a preliminary basis, have been allocated in accordance with the Act; and

WHEREAS, the City desires and intends to levy and collect annual assessments for the Consolidated District pursuant to Chapter 3 (beginning with Section 22620) of the Act, to pay for the operation, maintenance, and servicing of landscaping and lighting improvements, and all appurtenant facilities related to the Consolidated District.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and hereby incorporated by this reference.

Section 2. The Engineer's Report, attached hereto and incorporated herein by this reference, is hereby approved and consists of the following;

- A. A description of the Consolidated District and improvements (Plans and Specifications);
- B. An estimate of costs;
- C. A diagram or description of the Consolidated District Zones;
- D. An assessment of the estimated cost of the improvements; and
- E. A diagram or description of any territory to be annexed, if applicable.

Section 3. The City Council hereby preliminarily approves the Engineer's Report and the assessments contained therein.

Section 4. The Engineer's Report is hereby ordered to be filed in the Office of the City Clerk as a permanent record which is available for public inspection. The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Report.

Section 5. The City Council pursuant to Section 22624(a) of the Act, hereby declares its intention to levy and collect annual assessments for the Consolidated District for Fiscal Year 2024/2025 to pay for the operation, maintenance, and servicing of landscaping and lighting improvements, and all appurtenant facilities related thereto. The assessments are not increasing for the purposes of California Constitution Article XIIC (Proposition 218) but may be adjusted by the approved Annual Adjustment.

Section 6. The improvements for which the Consolidated District was formed generally include, but are not limited to, the maintenance, operation, and servicing of the local landscaping and lighting improvements established or installed in connection with development of the properties within the Consolidated District, and which shall be maintained for the special benefit of the properties therein. The maintenance and servicing of the improvements generally include, but are not limited to, all materials, equipment, utilities, labor, and incidental expenses, including administrative expenses, required for annual operation, as well as the performance of periodic repairs and replacement activities as needed to provide for the growth, health, and beauty of landscaping and/or the proper operation and functioning of lighting, irrigation and drainage systems.

Section 7. That the Consolidated District consists of various landscaping and lighting districts within the city limits of the City of Murrieta that have been consolidated pursuant to the Act.

Section 8. That full and detailed descriptions of the improvements for the Consolidated District, the boundaries of the Consolidated District, and the proposed assessments upon assessable lots and parcels of land with the Consolidated District, are included in the Engineer’s Report.

Section 9. Notice is hereby given that a Public Hearing on these matters and the assessment will be held by the City Council on Tuesday, July 2, 2024 at 6:00 p.m., or as soon thereafter as feasible, in the City Council Chambers, located at 1 Town Square, Murrieta, CA 92562. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 10. That the City Clerk provide notice of the time and place of the aforementioned Public Hearing by causing the publishing of the hearing date once in the local paper not less than ten (10) days before the date of the hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices as required by Sections 22552 and 22553 of the Act.

PASSED AND ADOPTED this 7th day of May, 2024.

Lori Stone, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Resolution No. 24-XXXX was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 7th day of May, 2024, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk