

CITY OF COLUSA

RESOLUTION NO. 10-05

A RESOLUTION OF INTENTION TO LEVY ASSESSMENTS
FOR FISCAL YEAR 2010-11,
PRELIMINARILY APPROVING ENGINEER'S REPORTS,
AND PROVIDING FOR NOTICE OF HEARING FOR
THE CITY OF COLUSA, PARKS, TREES AND POOL IMPROVEMENT DISTRICT,
THE COLUSA MEADOWS WEST PUBLIC FACILITIES ASSESSMENT DISTRICT, AND
THE HOBLIT PUBLIC FACILITIES ASSESSMENT DISTRICT

RESOLVED, by the City Council (the "Council") of the City of Colusa (the "City"), County of Colusa, State of California, that:

1. On July 31, 1996, by its Resolution No. 96-13, this Council ordered the formation of and levied the first assessment within the City of Colusa Parks, Trees and Pool Improvement District (the "Landscaping and Lighting District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Streets and Highways Code) (hereinafter "the Act").

2. On September 1st, 2006, by its Resolution No. 06-34, this Council ordered the formation of and levied the first assessment within the Colusa Meadows West Public Facilities Assessment District (the "CMW Assessment District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof); the Benefit Assessment Act of 1982 (the "Acts") and Article XIII-D of the California Constitution.

3. On May 15, 2007 by its Resolution No. 07-12, this Council ordered the formation of and levied the first assessment within the Hoblit Public Facilities Assessment District (the "Hoblit Assessment District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof); the Benefit Assessment Act of 1982 (the "Acts") and Article XIII-D of the California Constitution.

4. The purpose of the Parks, Trees and Pool Improvement District is generally described as the installation, maintenance and servicing of public facilities, including but not limited to, landscaping, tennis courts, sprinkler systems, swimming pools, park grounds, park facilities, landscape corridors, publicly owned trees, street frontages, running tracks and turf areas, as applicable, for any property owned or maintained by the City of Colusa (the "Improvements").

5. The purpose of the CMW Assessment District is for the installation, maintenance and servicing of improvements to the Colusa Meadows West development, generally described as follows: the installation, maintenance and servicing of public improvements, including but not limited to, pavement, sidewalks, curbs and gutters, turf, ground cover, shrubs and trees, landscaping, irrigation systems, drainage systems including a storm water detention basin, fencing, lighting, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable,

for property within the Assessment District that is owned or maintained by the City of Colusa (the "Improvements"). "Installation" means the construction or installation of improvements, including, but not limited to, land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks and drainage, and lights. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the slurry sealing patching, and overlaying of pavement; the repair and replacement of curbs, gutters, and sidewalks; the sweeping of streets and gutters; the cleaning of drainage systems including the removal of debris; the replacement of storm drain pipes, drop inlets, catch basins, and manholes; and the repair and replacement of fire hydrants and appurtenant piping. "Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, or the maintenance of any other improvements.

6. The purpose of the Hoblit Assessment District is for the installation, maintenance and servicing of improvements to the Hoblit development, generally described as follows: Installation, maintenance and servicing of public improvements, including but not limited to, pavement, sidewalks, curbs and gutters, drainage systems, fencing, lighting, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable, for property within the Assessment District that is owned or maintained by the City of Colusa (the "Improvements"). "Installation" means the construction or installation of improvements, including, but not limited to, land preparation, such as grading, leveling, cutting and filling, sidewalks and drainage, and lights. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvements, including repair, removal, or replacement of all or part of any improvement; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the slurry sealing patching, and overlaying of pavement; the repair and replacement of curbs, gutters, and sidewalks; the sweeping of streets and gutters; the cleaning of drainage systems including the removal of debris; the replacement of storm drain pipes, drop inlets, catch basins, and manholes; and the repair and replacement of fire hydrants and appurtenant piping. "Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or the maintenance of any other improvements.

7. The City of Colusa Parks, Trees and Pool Improvement District, the Colusa Meadows West Public Facilities Assessment District, and the Hoblit Public Facilities Assessment District (the "Assessment Districts") consists of the lots and parcels shown on the boundary maps of the Assessment Districts on file with the City, and reference is hereby made to such map for further particulars.

8. It is the intention of this Council to levy and collect assessments within the Assessment

Districts for fiscal year 2010-11.

9. SCI Consulting Group, the Engineer of Work, has prepared the Engineer's Reports (the "Reports") in accordance with Section 22565, et seq., of the California Streets and Highways Code. The Reports have been made, filed with the City Clerk and duly considered by the Council and are hereby deemed sufficient and preliminarily approved. The Reports shall stand as the Engineer's Reports for all subsequent proceedings under and pursuant to the foregoing resolution.

10. Reference is hereby made to the Reports for a full and detailed description of the Improvements, the boundaries of the Assessment Districts and the proposed assessments upon assessable lots and parcels of land within the Assessment Districts.

11. The City of Colusa Parks, Trees and Pool Improvement District assessments for fiscal year 2010-11 are not proposed to increase. The assessment rate for fiscal year 2010-11 is \$36.00 per single family equivalent benefit unit.

12. The CMW Assessment District and the Hoblit Assessment District assessments are subject to an annual adjustment tied to the annual change in the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year ("CPI"), with the maximum annual adjustment not to exceed 3%. Any change in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 3% or 2) the change in the CPI plus any Unused CPI as described above. The change in the CPI from December 2008 to December 2009 was 2.61% and the Unused CPI carried forward from the previous fiscal year is 0%. Therefore, the maximum authorized assessment rate for fiscal year 2010-11 is increased by 2.61% which equates to \$423.40 per single family equivalent (SFE) benefit unit for the CMW Assessment District, and \$238.74 per single family equivalent (SFE) benefit unit for the Hoblit Assessment District. The estimate of cost and budget in the combined Engineer's Report for CMW and Hoblit Assessment Districts proposes assessments for fiscal year 2010-11 at the rate of \$423.40 per SFE benefit unit for the CMW Assessment District, and \$238.74 per SFE benefit unit for the Hoblit Assessment District, which is equal to the maximum authorized assessment rates.

13. The public hearing shall be held before this Council in the City Council chambers of the City of Colusa, located at 425 Webster Street, Colusa, CA 95932, on May 18, 2010 at the hour of 7:00 o'clock p.m. for the purpose of allowing public testimony regarding the proposed assessments and for the City's final action upon the Engineer's Reports and assessments therein.

14. The City Clerk shall cause a notice of the hearing to be given by publishing a copy of this Resolution once, at least ten (10) days prior to the date of the hearing above specified, in a newspaper circulated in the City of Colusa.

ADOPTED as a resolution of the City Council of the City of Colusa at an adjourned meeting duly held on the 20nd day of April, 2010.


DONNA CRITCHFIELD, MAYOR

APPROVED AS TO FORM:

ATTEST:


JAKE KNAPP, CITY ATTORNEY


SHELLY KITTLE, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF COLUSA) ss
CITY OF COLUSA)

I, Shelly Kittle, City Clerk of the City of Colusa, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 10-05 adopted by the City Council of the City of Colusa, California, at a regular meeting thereof, held on the 20nd day of April, 2010 by the following vote:

AYES: Reische, Landreth, Kelleher, Hosmer, Critchfield
NOES:
ABSENT:


SHELLY KITTLE, CITY CLERK