

**RESOLUTION NO. 3223-15**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
APPROVING THE FISCAL YEAR 2015-16 ENGINEER'S REPORT FOR  
WINDSOR 1982 ACT BENEFIT ASSESSMENT DISTRICT, CONFIRMING  
THE ASSESSMENT DIAGRAMS AND THE ASSESSMENT AMOUNTS AND  
AUTHORIZING THE ANNUAL LEVY AND COLLECTION OF  
ASSESSMENTS (82-AAD)**

(Pursuant to the Benefit Assessment Act of 1982)

**WHEREAS**, on August 6, 2008, by Resolution No. 2338-08, the Town Council formed the Windsor 1982 Act Benefit Assessment District (82-AAD) pursuant to the Benefit Assessment Act of 1982 (Government Code Sections 54703-54719) which consisted of one Zone; and

**WHEREAS**, on February 18, 2015, the Town Council approved Resolution No. 3169-15 appointing the Engineer of Work of the Windsor 1982 Act Benefit Assessment District (82-AAD), pursuant to the Benefit Assessment Act of 1982, and directed the preparation of an Engineer's Report for the annexation of new zones into the Windsor 1982 Act Benefit Assessment District (82-AAD) pursuant to Government Code Section 54716; and

**WHEREAS**, Bell Village Commercial is slated for annexation as a new Zone 108, Bell Village Residential is slated for annexation as a new Zone 109, Holiday Inn is slated for annexation as a new Zone 110 and Evans/Drew Industrial Subdivision Phase 2 is slated for annexation as a new Zone 111 into the Windsor 1982 Act Benefit Assessment District (82-AAD); and

**WHEREAS**, to ensure that sufficient funds are available in each of the zones within this assessment district to cover unanticipated costs and funding delays over the course of any given year, a reserve fund policy to maintain between 50% and 60% of the annual budget for each zone needs to be established by the Town Council; and

**WHEREAS**, Coastland Civil Engineering has prepared and filed with the Town the Engineer's Report as required by Section 54716 of the Government Code; and

**WHEREAS**, all interested persons are referred to that Engineer's Report for a full and detailed description of the improvements, the boundaries of all Zones and the basis and schedule of the proposed assessments upon assessable lots and parcels of land within the Windsor 1982 Act Benefit Assessment District (82-AAD); and

**WHEREAS**, for Fiscal Year 2015-16, the annual assessments for Zones 101, 103 and 104 as identified in the Engineer's Report are proposed to remain at or below the established maximum annual assessments for each zone plus allowed annual Consumer Price Index (CPI) increases; and

**WHEREAS**, for Fiscal Year 2015-16, the annual assessment for Zone 108 as identified in the Engineer's Report is proposed to be revised to \$9,301.59 per Parcel Unit and the estimated maximum annual assessment revised to \$4,916.86 per acre upon full build-out of 2.177 acres; and

**WHEREAS**, for Fiscal Year 2015-16, the annual assessment for Zone 109 as identified in the Engineer's Report is proposed to be revised to \$14,524.84 per Parcel Unit and the estimated maximum annual assessment revised to \$16,720.00 per Parcel Unit, at full build-out; and

**WHEREAS**, for Fiscal Year 2015-16, the annual assessment for Zone 110 as identified in the Engineer's Report is proposed as \$888.60 per Parcel Unit and the estimated maximum annual assessment as \$8,285.00 per Parcel Unit, at full build-out; and

**WHEREAS**, for Fiscal Year 2015-16, the annual assessment for Zone 111 as identified in the Engineer's Report is proposed as \$5,426.10 per Parcel Unit and the estimated maximum annual assessment as \$480.37 per acre upon full build-out of 12.99 acres; and

**WHEREAS**, in order to take inflation into account, this assessment district, including new Zones 108, 109, 110 and 111, shall include an allowance for an annual increase or decrease to the estimated annual assessments by the annual CPI; and

**WHEREAS**, publicly owned property will not be assessed since it has been determined these properties receive no special benefit from the Assessment District; and

**WHEREAS**, notice of the public protest hearing was given by publication in accordance to the Benefit Assessment Act of 1982; and

**WHEREAS**, pursuant to Proposition 218, notices and ballots were also mailed out to those property owners whose properties are within the new Assessment District boundaries; and

**WHEREAS**, on May 18, 2015, Town staff held the required public information meeting; and

**WHEREAS**, on June 17, 2015, the Town Council opened a public hearing and continued it to July 15, 2015; and

**WHEREAS**, on July 15, 2015, the Town Council opened a public hearing and continued it to August 5, 2015; and

**WHEREAS**, on August 5, 2015, the Town Council conducted a public hearing and gave every interested person an opportunity to make a protest to the new assessments and the Engineer's Report either in writing or orally, and the Town Council has considered each protest; and

**WHEREAS**, the Town Council finds that a majority written protest against the annexations as specified in the Engineer's Report and annual assessments as specified in the Engineer's Report and as revised here for Zone 108 and Zone 109 have not been made by the impacted property owners representing the land to be assessed; and

**WHEREAS**, this resolution is adopted pursuant to Section 54716 of the California Government Code.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Windsor hereby:

1. Approves the FY 2015-16 Engineer's Report for the Windsor 1982 Act Benefit Assessment District (82-AAD) as prepared, filed and revised here.
2. Authorizes the creation of new Zones 108, 109, 110 and 111 with allowed annual CPI increases to the maximum annual assessments in order to keep up with inflation.
3. Authorizes the annexation of properties into Zones 108, 109, 110 and 111 as specified in the Engineer's Report.
4. Approves the reserve fund policy to build and maintain a 50% to 60% reserve of the annual budget; and
5. Confirms the assessment diagrams, annual assessments, assessment maximums and CPI increases to the assessment maximums as set forth in the annual Engineer's Report and as revised here and authorizes the levy and collection of assessments as set forth in said report for each of the Zones:
  - a. Zone 101 – Shiloh Oaks
  - b. Zone 103 – Windsor Redwoods
  - c. Zone 104 – Manzanita Subdivision
  - d. Zone 108 – Bell Village Commercial
  - e. Zone 109 – Bell Village Residential
  - f. Zone 110 – Holiday Inn
  - g. Zone 111 – Evans/Drew Industrial Subdivision Phase 2
6. Authorizes annual increases or decreases to annual assessments in proportion to the previous year's annual increase/decrease of the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics, in order to keep up with inflation.
7. Adopts this resolution pursuant to Section 54716 of the California Government Code

**PASSED, APPROVED AND ADOPTED this 5th day of August 2015, by the following vote:**

**AYES: COUNCILMEMBERS FOPPOLI, SALMON,  
VICE MAYOR MILLAN AND MAYOR OKREPKE**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: COUNCILMEMBER FUDGE**



**BRUCE OKREPKE, MAYOR**

**ATTEST:**



**MARIA DE LA O, TOWN CLERK**