

RESOLUTION NO. 2505-09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING THE ANNUAL ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENT DIAGRAM AND THE ANNUAL ASSESSMENT AMOUNTS, AND
AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL
YEAR 2009-10 FOR THE WINDSOR LANDSCAPING AND LIGHTING ASSESSMENT
DISTRICT No. 2
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

WHEREAS, the Town Council of the Town of Windsor intends to levy and collect assessments within the Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2) during FY 2009-10, the area of land to be assessed being located in the Town of Windsor, Sonoma County; and

WHEREAS, an Engineer's Report must be prepared and filed outlining the proposed budgets, assessments, the proposed improvements and/or changes to the Assessment District in order to levy and collect assessments any following fiscal year; and

WHEREAS, pursuant to Section 22622 of the Streets and Highways Code, on March 18, 2009, the Town Council adopted a resolution appointing Coastland Civil Engineering as the Engineer of Work for LLAD-2, directing the preparation and filing of the annual Engineer's Report and describing the potential changes for FY 2009-10; and

WHEREAS, the Engineer of Work prepared and filed the annual Engineer's Report with the Town Clerk as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, on May 20, 2009 the Town Council adopted a Resolution of Intention to levy and collect annual assessments during FY 2009-10, preliminarily approved the annual Engineer's Report for FY 2009-10 as filed and set the times and dates of the public information meeting and public hearing pursuant to section 22624 of the Streets and Highways Code; and

WHEREAS, for Zone 101 for FY 2009-10, the annual Street Component assessment to levy and collect is to go up, and the Park Component assessment to levy and collect is to go down; and

WHEREAS, in order to keep up with inflation, the maximum annual assessments at build out of Zone 101 (Shiloh Oaks) are proposed to be increased by the 2008 CPI of +3.10%; and

WHEREAS, for FY 2009-10 a new Zone 102 (Miscellaneous Supplemental Parks) is proposed for LLAD-2; and

WHEREAS, in order to keep up with inflation and to recognize noticing/voting requirements for increasing the maximum annual assessments, Zone 102 shall include an allowance for an annual increase to the estimated maximum annual assessments in accordance with the annual Consumer Price Index (CPI). The annual CPI is based on the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics; and

WHEREAS, for FY 2009-10 there is an annexation into Zone 102 (Miscellaneous Supplemental Parks) proposed which will have a Park Component only; and

WHEREAS, notice of the public protest hearing was given by publication and by mailing in accordance to the Landscaping and Lighting Act of 1972; and

WHEREAS, pursuant to Proposition 218, notices and ballots were also mailed out to those property owners whose properties are proposed for annexation into LLAD-2; and

WHEREAS, on June 8, 2009 Town staff held the required public information meeting; and

WHEREAS, on July 15, 2009 the Town Council conducted a public hearing and gave every interested person an opportunity to make a protest to the annual 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 inclusion of those subdivisions and areas as specified in the Engineer's Report for annexation into the Assessment District have not been made by the impacted property owners representing the land to be assessed; and


WHEREAS, as in previous years, publicly owned property will not be assessed during FY 2009-10 since it has been determined these properties receive no special benefit from the Landscaping and Lighting Assessment District;

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

1. Approves the annual FY 2009-10 Engineer's Report as prepared and filed.
2. Authorizes the creation of a new Zone 102 with an allowed annual CPI increase to the maximum annual assessment at build in order to keep up with inflation.
3. Authorizes the annexation of properties into Zone 102 of LLAD-2 as specified in the Engineer's Report.
4. Confirms the assessment diagram, the annual assessments and assessment maximums as set forth in the annual Engineer's Report and authorizes the levy and collection of assessments as set forth in said report for FY 2009-10 for each of the Zones:
 - Zone 101 – Shiloh Oaks
 - Zone 102 – Miscellaneous Supplemental Parks
5. Adopts this resolution pursuant to Section 22631 of the Street and Highways Code.

PASSED, APPROVED AND ADOPTED this 15th day of July 2009, by the following vote:

AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON AND MAYOR GOBLE
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER SCHOLAR



ROBIN R. GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK