

Resolution No.

# STOCKTON CITY COUNCIL

---

## **RESOLUTION OF INTENTION TO FINANCE MAINTENANCE SERVICES IN THE PROPOSED CITY OF STOCKTON NORTH NEWCASTLE STORM PUMP STATION AND BASIN ASSESSMENT DISTRICT NO. 20-1, APPROVING A PROPOSED BOUNDARY MAP, DESIGNATING ENGINEER OF WORK, MAKING CERTAIN DECLARATIONS, FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, AND AUTHORIZING RELATED ACTIONS**

### **CITY OF STOCKTON NORTH NEWCASTLE STORM PUMP STATION AND BASIN ASSESSMENT DISTRICT NO. 20-1**

As a condition of their subdivision agreements, industrial development is typically required to form a maintenance District to maintain the storm drainage basins in perpetuity; and

The purpose of these Districts is to provide funding for the operations and maintenance of the storm drainage basins and the associated improvements and includes spraying for weeds and rodents, maintenance of fences and pump station, and general upkeep of the basin; and

To fund the ongoing operation and maintenance of the stormwater basin and pump station, it will be necessary to add a new City of Stockton Industrial Storm Drainage Basin Maintenance Assessment District, North Newcastle, to the existing five Districts; and

Property owners within a District are responsible for funding only those improvements within the District from which they receive benefit; and

North Newcastle Storm Pump Station and Basin Assessment District No. 20-1 consists of 378.48 acres and 16 commercial lots, open space, pump station, and a detention basin; and

The maximum annual maintenance assessment for the North Newcastle Storm Pump Station and Basin Assessment District No. 20-1 will be \$78,164.05, including a yearly increase, which is the greater of three percent (3.00%), or the yearly increase of the Consumer Price Index (CPI), if required by increased costs of maintenance; and

In order to form a new District, Council must first set a date for the Public Hearing of Protests and provide for Property Owner Ballots on December 15, 2020 and direct the City Clerk to mail a public notice to the affected property owners at least forty-five days before the hearing date; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:**

**1. Authority.** The Council hereby initiates the formation of an assessment district under the authority of the Municipal Improvement Act of 1913 (the "1913 Act"), being Division 12 (commencing with Sections 10000 and following) of the California Streets and Highways Code (the "Code") and Article VIII of the Stockton Improvement Procedure Code ("Stockton Code").

**2. Designation.** The assessment district proposed in this Resolution is hereby given the distinctive designation of "City of Stockton North Newcastle Storm Pump Station and Basin Assessment District No. 20-1" (the "District").

**3. Boundaries.** The general location and the proposed boundaries of the District are as shown on an assessment diagram entitled "Assessment Diagram, Proposed Boundaries of City of Stockton North Newcastle Storm Pump Station and Basin Assessment District No. 20-1," a copy of which map is on file with the Clerk and presented to this Council meeting," on file and open to inspection in the office of the City Clerk. This map indicates by a boundary line the extent of the territory included in the District.

**4. Maintenance.** This Council hereby preliminarily determines that the public interest, convenience and necessity require that the area within the boundary of the proposed assessment district will be benefitted by the maintenance activities proposed to be financed by the District, which are described in "Exhibit 1" attached hereto and hereby made a part hereof.

**5. Engineer's Report.** Siegfried Engineering, Inc. is hereby designated as the Engineer of Work for the District. The Engineer of Work has caused to be prepared a report, under the Act (the "Engineer's Report") and has filed the Engineer's Report with the City Clerk. The Engineer's Report has been duly considered by this Council with the aid of City Staff and is hereby deemed sufficient and preliminarily approved and shall stand as the Engineer's Report for all subsequent proceedings for the District. Reference is hereby made to the Engineer's Report for a full and detailed description of the improvements, the boundaries of the proposed maintenance district, and the proposed assessments upon assessable lots and parcels of land within the District.

**6. Public Hearing.** Pursuant to the Act, this Council hereby orders that a public hearing shall be held before this Council, in the regular meeting place thereof, City Council Chambers, 425 North El Dorado Street, Stockton, California, on Tuesday, December 15, 2020, at the hour of 5:30 p.m., for the purposes of this Council's determination whether the public interest, convenience and necessity require the maintenance assessments, whether the properties in the District are specially benefitted by the maintenance activities, the tabulation of special assessment ballots and the determination of the existence of any majority protest and this Council's final action upon

the Engineer's Report and the assessments therein. The public hearing may be continued from time to time as determined by the Council.

**7. Mailed Notices.** The City Clerk is hereby authorized and directed to cause notice of the hearing herein ordered to be given by mailing, postage prepaid, in the United States mail, and such notice shall be deemed to have been given when so deposited in such mail. The envelope or cover of the mailing shall include the name of the City and the return address of the City Clerk as the sender. The mailed notice shall be given to all property owners within the District as shown in the Engineer's Report by such mailing by name to those persons whose names and addresses appear on the last equalized assessment roll of the County of San Joaquin or the State Board of Equalization assessment roll, as the case may be. The amount of the proposed assessment for each parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire District, the amount chargeable to the owner's particular parcel, the anticipated duration of payments for the assessment, the reason for such assessment and the basis upon which the amount of the proposed assessment was calculated. Each such mailed notice to owners shall contain a ballot which includes the City's address for receipt of completed ballots showing the owner's name, identification of the parcel and support or opposition to the proposed assessment. Each notice shall include, in a conspicuous place, a summary of the procedures applicable to the completion, return and tabulation of ballots, including a disclosure that the existence of a majority protest (whereby ballots submitted in opposition exceed those submitted in favor of the assessment, with ballots weighed according to proportional financial obligation of the affected property) will result in the assessment not being imposed. The notice herein provided shall be mailed not less than 45 days before the date of the public hearing ordered herein. On the face of the envelope mailed to the record owner, in which the notice and ballot are enclosed, there shall appear in substantially the following form in no smaller than 16-point bold type: "OFFICIAL BALLOT ENCLOSED."

**8. Ballots.** The City Clerk is hereby designated as the impartial person to receive and tabulate the Ballots. Ballots shall be received up to the time of the closing of the public hearing. Ballots that are not signed or not marked and ballots that are defaced shall not be accepted. Ballots shall be returned in addressed, return envelopes to be provided by the City with the ballots and such envelopes shall remain sealed until the completion of the public portion of the public hearing.

**9. Information.** Any person wanting additional information about the assessments or the District may contact Alan Montanelli, Municipal Utilities Division, City of Stockton, 2500 Navy Drive, Stockton, California, 95206, Telephone: (209) 937-8155. The Engineer's Report and other written material about the District may also be reviewed at the City Clerk's office, City Hall, 425 North El Dorado Street, Stockton, California, during regular City business hours.

**10. Special Counsel.** The law firm of Jones Hall, A Professional Law Corporation, San Francisco, California, is appointed and employed to do and perform all

legal services required in the conduct of these formation proceedings, including the preparation of all papers not required to be prepared by the Engineer, examining and approving the engineering documents as to legal sufficiency and advising the Engineer in the preparation of his work, and advising all officials of the City on all matters relating thereto when called upon. The law firm's compensation for these services shall be as established by a separate agreement, the form of which is on file with the City Clerk and which is hereby approved for execution by and on behalf of the City.

**11. Effectiveness.** This resolution shall take effect immediately upon its adoption.

**12.** The City Manager is hereby authorized to take whatever actions are appropriate and necessary to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED October 20, 2020.

---

MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

---

ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton