

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION OVERRULING ANY AND ALL PROTESTS, ADOPTING THE ANNUAL ENGINEER'S REPORT FOR FISCAL YEAR 2023-24, APPROVING THE BUDGET FOR EACH ZONE, CERTIFYING COMPLIANCE WITH THE REQUIREMENTS OF PROPOSITION 218 AND THE STATE OF CALIFORNIA STREETS AND HIGHWAYS CODE, AND CONFIRMING AND LEVYING ASSESSMENTS FOR THE STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 96-2

On April 18, 2023, the City Council of the City of Stockton adopted Resolution No. 2023-04-18-1211 to preliminarily approve the Annual Engineer's Report for the Fiscal Year (FY) 2023-24 (the "Annual Engineer's Report"), to provide preliminary approval of the proposed budget, and to set a public hearing for the Stockton Consolidated Landscape Maintenance Assessment District No. 96-2 (the "Consolidated Landscape District") and the various zones therein, pursuant to the Landscaping and Lighting Act of 1972; and

Notice of the Public Hearing that was held on June 6, 2023, was duly and regularly published in *The Record*, in the time, form, and manner required by law as evidenced by the declaration on file with the City Clerk; and

At the public hearing, the City Council afforded to every interested person an opportunity to make a protest for each Zone to the Annual Engineer's Report, to the maximum annual assessment, the actual FY 2023-24 assessment, to the proposed budget, or to the proposed method and proportion of assessment, either in writing or orally, and this City Council has considered each protest, if any, and all matters and things pertaining to the Annual Engineer's Report were fully heard and considered by this Council; now, therefore,

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

1. Protests or objections (including all written protests not withdrawn in writing before the conclusion of the public hearing) to the proposed levy of assessments in each zone have not been made by the owners of the area of assessable lands subject to more than 50 percent of the total proposed levy of assessments within each zone of the Consolidated Landscape District, and any and all protests or objections are overruled.

2. The Annual Engineer's Report for the Consolidated Landscape District on file with the City Clerk for FY 2023-24, which includes the budget for each zone, is approved and adopted as the method of assessment for each zone to be used to pay the

costs and expenses for administration, maintenance, and operation of public parks and landscape improvements in public rights-of-way and public open spaces.

3. The Council certifies that the special assessment(s), fee(s), or charge(s) as contained in the Annual Engineer's Report and to be placed on the FY 2023-24 Secured Property Tax bill by the City of Stockton are certified to meet the requirements of Proposition 218 that added Articles XIIC and XIID to the California State Constitution.

4. The assessments of the annual amount of costs and expenses for the maintenance and operation of the improvements, upon the assessable lands in the Consolidated Landscape District, as contained in the Annual Engineer's Report, are hereby approved and confirmed and shall be levied and collected for FY 2023-24. The assessments comply with all laws pertaining to the levy of the annual assessment (State of California Streets and Highways Code § 22500). The assessments are levied without regard to property valuation. The purpose of the assessments is for the maintenance and operation of public parks and landscape improvements in public rights-of-way and public open spaces.

5. The City Manager or designee, on behalf of the City Clerk, is hereby directed to file the assessments or a copy thereof certified by the City Clerk or other City official with the San Joaquin County Auditor and cause the assessments to be entered on the FY 2023-24 tax roll for the parcels in the Consolidated Landscape District and each Zone within the Consolidated Landscape District as set forth in the Annual Engineer's Report on file with the City Clerk.

6. The City Manager or designee is hereby authorized and directed to execute all documents, including, but not limited to, agreements and amendments.

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

PASSED, APPROVED, and ADOPTED June 13, 2023.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

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