



CITY COUNCIL OF THE CITY OF ATWATER

RESOLUTION NO. 3470-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATWATER CONFIRMING THE ENGINEER'S REPORTS AND ORDERING THE CONTINUED MAINTENANCE OF THE CITY OF ATWATER LIGHTING AND DRAINAGE AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICTS AND LEVY OF ASSESSMENTS FOR FISCAL YEAR 2024-25

WHEREAS, a Notice of Public Hearing was duly and legally published in the time, form and manner as required by law for the 2024-25 levy of assessments under the Benefit Assessment Act of 1982 for the City of Atwater's ("City") Lighting and Drainage Maintenance Assessment Districts; and

WHEREAS, a Notice of Public Hearing was duly and legally published in the time, form and manner as required by law for the 2024-25 levy of assessments under the Landscaping and Lighting Act of 1972 for the City's Landscape Maintenance Assessment Districts; and

WHEREAS, the City of Atwater City Council ("City Council") did on the 28th day of May 2024, adopt its Resolution to initiate proceedings to levy and collect assessments against the parcels within the City's Landscape Maintenance Assessment Districts for Fiscal Year 2024-25 to pay for the costs of operations and maintenance therein; and

WHEREAS, the City Council previously ordered the Willdan Financial Services (the City's "Assessment Engineer") to prepare the Engineer's Reports showing the detailed work, boundaries of the City's Lighting and Drainage Maintenance Assessment Districts and Landscape Maintenance Assessment Districts (the "District" or "Districts") together with the maximum and proposed assessments for Fiscal Year 2024-25 and to file the Engineer's Reports with the City Clerk; and

WHEREAS, the City Council previously approved each Engineer's Report on a preliminary basis and that each Engineer's Report, unless amended, shall be used for all

subsequent proceedings related to the levy of assessments to the Districts for Fiscal Year 2024-25; and

WHEREAS, each Engineer's Report provides the fiscal year 2024-25 maximum assessment rates of each District, including those Districts with approved annual inflators to the maximum rates, and in such cases, the Engineer's Reports provide the applicable annual increase to each maximum assessment rate; and

WHEREAS, Proposition 218, the "Right to Vote On Taxes Act" does require that if an assessment rate is to be increased above a previously approved annual rate, a notice of the proposed assessment along with a ballot shall be mailed to each owner of identified parcels within the District, and that the agency shall conduct a public hearing not less than 45 days after the mailing of said notice; and

WHEREAS, the maximum assessment rates for fiscal year 2024-25 are not proposed to be increased above the approved rates after applying the duly approved annual inflator increases for those Districts with approved annual inflators; and

WHEREAS, mailed notices and Assessment Ballots are not required if assessments are not increased above the approved maximum assessment rates, including any increases due to a previously approved annual inflator; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdictional facts in the proceedings, concerning the necessity for the contemplated work and the benefits to be derived therefrom and the proposed assessments, and said City Council having confirmed its jurisdiction to order the proposed work.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Atwater does hereby resolve, order, and determine as follows:

Section 1: That the above recitals are true and correct; and

Section 2: Following notices duly given, the City Council has held a full and fair Public Hearing regarding the Districts, the levy and collection of assessments, the Engineer's Reports prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters; and

Section 3: That the Engineer's Reports prepared by the City's Assessment Engineer, as described in the previously adopted Resolutions, are hereby ordered finally approved with ordered changes, if any; and

Section 4: That the methods of assessment described within each Engineer's Report are hereby approved; and

Section 5: That the public interest and convenience requires the continuation of assessment procedures for the Districts, and the City Council hereby orders that the work

and assessments, as set forth and described in the Engineer's Reports and previously adopted Resolution, be done and made; and

Section 6: The City Council does hereby approve the annual levy within the Lighting and Drainage Maintenance Districts and Landscape Maintenance Districts listed below, as fully described in the Engineer's Reports, as amended, for the fiscal year commencing July 1, 2024.

Lighting and Drainage Maintenance Districts:

Northwood Village; Orchard Park; Wildwood Estates; Woodview Garland; Shaffer Lakes West; Woodhaven; Sierra Park 2; Shaffer Lakes East; Price Annexation; Sandlewood Square; Pajaro Dunes; Redwood Estates; Cottage Gardens; Airport Business Park; Silva Ranch; Mello Ranch 1; Mello Ranch 2; Camellia Estates; Juniper Meadows; Camellia Meadows; Stone Creek; America West Business Park; Bell Crossing; Atwater South; Beluga Court; Meadow View Estates; Aspenwood; Applegate Ranch; The Reserve; Juniper Meadows II and Simon.

Landscape Maintenance Districts:

Price Annexation; Sandlewood Square; Pajaro Dunes; Redwood Estates; Cottage Gardens; Silva Ranch; Mello Ranch 1; Mello Ranch 2; Juniper Meadows; Camellia Meadows; Stone Creek; America West Business Park; Bell Crossing; Atwater South; Meadow View Estates; Aspenwood; Applegate Ranch, the Reserve and Simon.

Section 7: The City Council hereby authorizes and directs Willdan Financial Services to submit the levy of fiscal year 2024-25 special assessments and required forms to the County Auditor on behalf of the City. The City Clerk is directed to deliver a certified and attested copy of this adopted Resolution to Willdan Financial Services within seven days following its adoption via e-mail to mashley@willdan.com.

The foregoing resolution is hereby adopted this 24th day of June 2024.

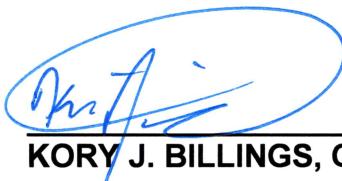
AYES: Cale, Ambriz, Nelson
NOES: Raymond
ABSENT: Button

APPROVED:



MIKE NELSON, MAYOR

ATTEST:



KORY J. BILLINGS, CITY CLERK

"I, Kory J. Billings, City Clerk of the City of Atwater and as such Ex-Officio Clerk of the City Council of the City of Atwater, hereby certify that the foregoing Resolution is a true, correct, and complete copy of the original of such resolution, which is on file in my office.



Kory J. Billings

City Clerk of the City of Atwater, and
Ex-Officio Clerk of the City Council of the
City of Atwater, State of California."