

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO  
DECLARING INTENTION TO ORDER LEVY AND COLLECTION OF FY 2022-23  
ASSESSMENT, GRANTING PRELIMINARY APPROVAL OF ENGINEER'S  
REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE  
CLARKSBURG LIGHTING ASSESSMENT DISTRICT**

**WHEREAS**, the Board of Supervisors of the County of Yolo, State of California (the "Board") is authorized, pursuant to the authority provided by the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof) ("the Act") to levy and collect assessments for the Clarksburg Lighting Assessment District ("Assessment District"); and

**WHEREAS**, Articles XIIC and XIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

**WHEREAS**, as an annual assessment of \$22 per parcel was authorized in June 1994 and has not been increased since that time, but costs of operating and maintaining the streetlights within the Assessment District have increased and an Engineer's Report has been prepared by Todd Riddiough, a licensed engineer, concluding a \$13 per parcel increase in the annual assessment is necessary to meet the total anticipated costs for FY 2022-23 with an annual inflationary adjustment not to exceed 5% per year;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yolo that:

1. It is the intention of the Board to levy and collect assessments within the Assessment District for fiscal year 2022-23 pursuant to the Act and Article XIID of the California Constitution.
2. An engineer's report has been prepared pursuant to the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (the "Report"). The Report has been made, filed with the Clerk of the Board and duly considered by the Board and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the engineer's report for all subsequent proceedings under and pursuant to this resolution.
3. Within the Assessment District, the existing and proposed improvements to be undertaken by the Assessment District are generally described as the installation or construction of public lighting facilities, the installation and construction of any facilities which are pertinent to the foregoing, or which are necessary or convenient for the maintenance or serving thereof, or both, of the foregoing. "Installation" means the construction of improvements, including but not limited to, streetlights and land preparation, such as grading, leveling, cutting and filling. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance of said street light improvements, including repair, removal, or replacement of all or part of any improvement; and the cleaning, sandblasting, and painting of light poles and other

improvements to remove graffiti. "Servicing" means the furnishing of electric current, or energy, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements, or the maintenance of any other improvements.

4. Reference is hereby made to the Report for a description of the improvements, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District.

5. The Assessment District consists of the lots and parcels shown on the boundary map of the Assessment District on file with the Clerk of the Board, and reference is hereby made to such map for further particulars.

6. The Assessment may be continued annually and may be adjusted by up to the maximum annual inflationary adjustment based on the Consumer Price Index (CPI-W and CPI-U) for the San Francisco-Oakland-Hayward, CA area for the most recent February to February as compiled by the Bureau of Labor Statistics, or five percent (5%), whichever is lower, without any additional assessment ballot proceeding.

7. It is the intention of this Board to levy and collect assessments within the Assessment District. The estimated fiscal year 2022-23 cost of providing the maintenance, operations, and servicing of the streetlights within the Assessment District is \$6,127.00. This cost results in a proposed annual assessment rate as follows: THIRTY-FIVE DOLLARS (\$35.00) per parcel.

8. It is the further intention of the Board to have the assessment collected on the tax toll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.

9. The Board of Supervisors orders that a public hearing shall be held before this board, located at 625 Court Street, Woodland, California on **Tuesday, November 23, 2021** at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, to consider the levy of the continued assessments and ballots for the increased fiscal year 2022-23.

10. The Clerk of the Board shall cause a notice of the hearing to be given by publishing a notice, at least ten days prior to the date of the public hearing, in a newspaper circulated in the County.

11. Pursuant to Article XIID, section 4 and Government Code section 53753, notice shall further be provided by giving notice of the proposed increase in the maximum assessment rate and inflationary adjustment as follows:

- a. The record owner(s) of each parcel to be assessed shall be determined from the last equalized secured property tax assessment roll. If the property tax roll indicates more than one owner, each owner shall receive notice, though each parcel will only get one vote.
- b. The notice and ballot shall be mailed to record owner(s) at least forty-five (45) days prior to the November 23, 2021 public hearing. The ballot shall comply with Government Code section 53753.

- c. Failure of any person to receive notice shall not invalidate the proceedings.
- d. The cost of preparing and providing notice shall be included as a cost of the assessment.
- e. All ballots must be returned either by mail or hand delivery prior to the close of the public hearing and will be tabulated in accordance with the procedures set forth in the notice ballot notice and information guide mailed to record owner(s) and Government Code section 53753.
- f. Assessment ballots shall remain sealed until the tabulation of ballots commences after the close of the public hearing, provided that an assessment ballot may be submitted, or changed, or withdrawn by the person who submitted the ballot prior to the conclusion of the public testimony on the proposed assessment at the public hearing.
- g. A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. If there is a majority protest against the proposed increase in the existing assessment, the increase shall not be imposed.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Yolo, State of California, this 28<sup>th</sup> day of September 2021, by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 Jim Provenza, Chair  
 Yolo County Board of Supervisors

Attest: Julie Dachtler, Senior Deputy Clerk  
 Yolo County Board of Supervisors

Approved as to Form:  
 Philip J. Pogledich, County Counsel

By \_\_\_\_\_

By \_\_\_\_\_

Deputy (Seal)

Kimberly E. Hood, Asst. County Counsel