

Resolution No. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF YOLO COUNTY APPROVING
ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT, AND ORDERING
LEVY OF THE CLARKSBURG LIGHTING DISTRICT ASSESSMENT FOR FISCAL YEAR
2022-2023**

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) to levy and collect assessments for the Clarksburg Lighting Assessment District ("Assessment District"); and

WHEREAS, on September 28, 2021, the Board preliminarily approved an Engineer's Report which includes: (1) a description of the streetlight operations and improvements to be funded with assessment proceeds; (2) an estimate of the annual cost of services described in the Engineer's Report; (3) a diagram and boundary map for the Assessment District; and (4) a specification of the amount to be assessed upon the parcels within the Assessment District; and

WHEREAS, the Board adopted Resolution No. 21-123 on September 28, 2021, a "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," and set the public hearing on the proposed increase to the annual assessment for November 23, 2021; and

WHEREAS, the total number of parcels to be assessed, and the total amount of annual assessment revenue are contained within the Engineer's Report; and

WHEREAS, the County has provided, pursuant to Article XIII D, section 4, of the California Constitution, Government Code section 53753 and Streets & Highway Code section 22626, a 45-day written mailed notice to each record owner of assessable parcels of real property located within the Assessment boundaries for the Clarksburg Lighting Assessment District of the public hearing held at a regular meeting of the Board on November 23, 2021 in accordance with Resolution No. 21-123 and further published notice of the public hearing at least 10 days prior to the public hearing; and

WHEREAS, the form of written mailed public notice of the public meeting contained the following information: (1) the total amount of assessments to be levied within the district for fiscal year 2022-2023, as well as the inflationary adjustment applicable to future assessments; (2) the assessment chargeable to each owner's parcel; (3) the duration of the proposed assessment; (4) the reason for the assessment; (5) the basis upon which the amount of the proposed assessment was calculated; (6) the date, time and place of the public hearing as specified in this resolution; and (7) a summary of the voting procedures and the effect of a majority protest.

WHEREAS, the form of the written mailed public notice mailed to the property owners of record also included a ballot by which each property owner could express their support or opposition to the proposed assessment increase; and

WHEREAS, pursuant to the provisions of California Constitution Article XIII-D, section 4, and Government Code section 53753, an opportunity for protest has been afforded, and the

assessment ballots mailed to record owners of assessable real property within the established boundaries of the Clarksburg Lighting Assessment District have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel (one vote per parcel for this proceeding); and

WHEREAS, the Board has examined and reviewed the Engineer's Report, considered all public testimony and written protests presented, and evaluated the results of the property owner protest ballot proceedings for the proposed assessments.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT:

1. The Final Engineer's Report for the Clarksburg Lighting Assessment District, together with the diagram and boundary map of the Assessment contained therein, and the proposed assessment roll for the fiscal year 2022-2023, are hereby confirmed and approved; and
2. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, the Board expressly finds and determines that (a) each of the several assessed lots and parcels of land within the Assessment District will be specially benefited in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderated in favor of, said finding and determination as to special benefit to property with the Assessment to be financed with assessment proceeds; and
3. As determined by the ballot tabulation certified by the Deputy Clerk, since a majority protest, as defined by Article XIII D of the California Constitution, does not exist, this Board thereby acquired jurisdiction to order the levy of the increased assessments.
4. The Clarksburg Lighting Assessment District's assessments, including the approved annual increase to the existing assessment of \$13.00 per parcel, consistent with the Engineer's Report are hereby levied, pursuant to the provisions of the Landscaping and Lighting Act of 1972 Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof) and Article XIII-D of the California Constitution; and
5. The Clarksburg Lighting Assessment District assessments for fiscal year 2022-2023 shall be levied on the tax roll at the rate of **THIRTY-FIVE DOLLARS AND ZERO CENTS (\$35.00) per parcel**, as specified in the Engineer's Report for fiscal year 2022-2023, with estimated total annual assessment revenues as set forth in the Engineer's Report; and
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 CPIU) 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.

PASSED AND ADOPTED by the Yolo County Board of Supervisors this 23rd day of November, 2021 by the following vote:

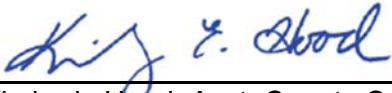
AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jim Provenza, Chair
Yolo County Board of Supervisors

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

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

By: _____

By: 

Kimberly Hood, Asst. County Counsel