

**RESOLUTION NO. 2024-118**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, INITIATING THE PROCEEDINGS, APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR FISCAL YEAR 2024-25 AND SETTING A PUBLIC HEARING FOR JULY 16, 2024, FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING AND LANDSCAPING DISTRICT NO. 2, A SPECIAL ASSESSMENT DISTRICT

WHEREAS, the City Council of the City of Carlsbad, California, previously formed a special assessment district pursuant to the terms of the Landscaping and Lighting Act of 1972 (California Streets and Highways Code Section 22500 et seq.), known and designated as Street Lighting and Landscaping District No. 2; and

WHEREAS, the Street Lighting and Landscaping District No. 2 assessment is increasing a maximum amount in accordance with the increase in the consumer price index, but such increase is not considered a "new or increased assessment" under California Government Code Section 54954.6 as the assessment does not exceed an assessment formula or range which was previously specified in a public notice for a public hearing and voters of the district approved a maximum annual increase by the consumer price index (CPI) for All Urban Consumers for the San Diego County area, as determined by the rate published in March of each year; and

WHEREAS, the district is an existing assessment district in which assessments are not proposed to be increased as defined by Article XIID of the California Constitution (Proposition 218) and the Proposition 218 Omnibus Implementation Act (California Government Code Section 53750 et seq.), and is therefore exempt from the Proposition 218 procedures and requirements pursuant to California Constitution Article XIID Section 5, subdivision (a); and

WHEREAS, the City Council wishes to initiate proceedings to provide for the annual levy of assessments for fiscal year 2024-25 to provide for the annual costs for maintenance of improvements, defined as existing street lighting, median landscaping and street trees, within the district; and

WHEREAS, a preliminary engineer's report has been prepared and is presented to the City Council and is attached as Attachment A, as required by law, and the City Council desires to continue with the proceedings for the annual levy; and

WHEREAS, the improvements to be maintained shall consist of all originally designated and authorized improvements, as well as certain new and additional improvements; and

WHEREAS, the City Council has carefully examined and reviewed the engineer's report as presented, and is satisfied with each and all of the items and documents as set forth within it, and is satisfied that the assessments, on a preliminary basis, have been distributed in accordance with the benefits received from the improvements to be maintained, as set forth in the engineer's report.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the public interest and convenience require, and it is the intention of this legislative body to levy and collect assessments to pay the annual costs and expenses for the maintenance and/or servicing of the improvements for Street Lighting and Landscaping District No. 2, with the improvements generally described as follows: the maintenance of certain street lighting improvements, street trees, and median landscaping improvements, as set forth and described in the engineer's report. The proposed new improvements to be maintained and serviced caused generally by new development within the district are described as follows: the maintenance of certain additional street lighting improvements and additional landscaping improvements, including replacement of street trees and median landscaping improvements, all as set forth and described in the engineer's report.

3. That the improvements are of direct benefit to the properties within the boundaries of the district, which the legislative body previously declared to be the area benefited by the improvements, as identified and referenced in the boundary map previously approved by the City Council, a copy of which is on file in the office of the City Clerk and open for public inspection, and which is designated by the name of this district.
4. That the improvements are referred to in the Harris & Associates preliminary engineer's report, and Harris & Associates is directed to complete and file the engineer's report generally containing the following:
  - A. Plans and specifications describing the general nature, location and extent of the improvements within the district;
  - B. A diagram for the district, showing the area and properties proposed to be assessed;
  - C. An estimate of the cost of the maintenance and/or servicing of the improvements for the district for the Fiscal Year commencing July 1, 2024, and ending June 30, 2025; and
  - D. An assessment of the estimated costs of the maintenance and/or servicing, assessing the net amount upon all assessable lots and/or parcels within the district in proportion to the benefits received.
5. That the engineer's report, as presented, is approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the engineer's report for a full and detailed description of the improvements to be maintained, the boundaries of the district and any zones within it, and the proposed assessments upon assessable lots and parcels of land within the district.
6. That the Street Lighting and Landscaping District No. 2 assessment maximum increase in accordance with the increase in the consumer price index is not considered a "new or increased assessment" under California Government Code Section 54954.6. Further, the district is an existing assessment district in which assessments are not proposed to be increased as defined by Article XIII D of the California Constitution (Proposition 218) and the Proposition 218 Omnibus Implementation Act.
7. Notice is hereby given that a public hearing is scheduled for 5 p.m. at the City Council Chambers located at 1200 Carlsbad Village Drive in Carlsbad, California, on the following date:

**Tuesday, July 16, 2024**

At that time this legislative body will hear protests or objections in reference to the annual levy of assessments and to any other matters contained in this resolution. Any persons who wish to object to the proceedings or the annual levy should file a written protest with the City Clerk prior to the time set for the public hearing. If there is a majority protest against the levy of an annual assessment that is increased from the previous year, the proposed increase in the assessments shall be abandoned. A majority protest exists if, upon the conclusion of the hearing, written protests filed and not withdrawn, represent property owners owning more than 50% of the assessable area of land within the district.

8. That the City Clerk is authorized and directed to give notice as required by law by causing a copy of this resolution to be published in a newspaper of general circulation within the City of Carlsbad, not less than 10 days prior to the date set for the public hearing.
9. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the persons designated below:

CITY OF CARLSBAD, CITY CLERK  
1200 CARLSBAD VILLAGE DRIVE, CARLSBAD, CA 92008

and

ANNA TAN-GATUE, PROJECT MANAGER  
HARRIS & ASSOCIATES  
TELEPHONE: (800) 827-4901 EXT. 2344

Owners of property within the district may mail written protests to the following address:

CITY OF CARLSBAD, CITY CLERK  
1200 CARLSBAD VILLAGE DRIVE, CARLSBAD, CA 92008

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 11th day of June, 2024, by the following vote, to wit:

AYES: BLACKBURN, BHAT-PATEL, ACOSTA, BURKHOLDER.

NAYS: NONE.

ABSTAIN: NONE.

ABSENT: LUNA.

PUBLISH DATE: July 5, 2024

City of Carlsbad | City Council