

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AUTHORIZING AN ASSESSMENT BALLOT
PROCEEDING FOR THE PLEASANTON PARK,
OLIVEWOOD, HANSEN PARK AND
MANSIONETTE MAINTENANCE DISTRICTS**

WHEREAS, the City Engineer has caused to be prepared a report, in writing, for the Pleasanton Park, Olivewood, Hansen Park and Mansionette Maintenance Districts in accordance with Section 13.62.150 of the Merced Municipal Code and in accordance with Article XIII C and Article XIII D of the California Constitution; and

WHEREAS, the City Council proposes to conduct an assessment ballot proceeding by mailed ballots in accordance with Section 4000 of the Election Code and Sections 53739 et seq. of the Government Code; and

WHEREAS, in accordance with Government Code Section 53753, mailed notice to all property owners, including, as assessment ballot must be given and a public hearing held on any proposed assessment increase.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby approves the City Engineer's Reports and sets a public hearing for Monday, June 19 2017, at the City Council Chambers, 678 West 18th St, Merced, California, to consider an increase in the assessments for the Pleasanton Park, Olivewood, Hansen Park and Mansionette Maintenance Districts to raise sufficient revenue to provide the maintenance set forth in the Engineer's Reports.

SECTION 2. The City Clerk is directed to give notice by mail to the record owner of each identified parcel within the Pleasanton Park, Olivewood, Hansen Park and Mansionette Maintenance Districts. Each such notice shall include the total amount of the proposed assessment chargeable to the entire district, the amount chargeable to the record owner's parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed

assessment was calculated, and the date, time and location of the public hearing on the proposed assessment.

SECTION 3. In addition, each notice shall include, in a conspicuous place thereon, a summary of the proceedings for the completion, return, and tabulation of the assessment ballot described in Section 4 hereof, including a statement that the assessment shall not be imposed if the ballots submitted in opposition to the formation of the district and the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property. The notice by mail shall be given at least forty (45) days prior to the date of the public hearing.

SECTION 4. Each notice given pursuant hereto shall contain an assessment ballot that includes the City's address for receipt of the form and place where the person returning the assessment ballot may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed assessment. Each assessment ballot shall be signed and either mailed or otherwise delivered to the address indicated on the assessment ballot. Regardless of the method of delivery, all assessment ballots shall be received at the address indicated, or at the Council Chambers, 2nd floor, 678 West 18th St, in order to be included in a tabulation of majority protest.

SECTION 5. An assessment ballot may be submitted, changed, or withdrawn prior to the conclusion of the public testimony on the proposed assessment at the public hearing.

SECTION 6. The City Clerk is further directed to include a stamped, addressed envelope for the return of the assessment ballot with the notice to the record owners(s).

SECTION 7. Following the public hearing on the proposed assessment, the City Council shall consider all objections or protests, if any, to the proposed assessment. At the public hearing, any interested person shall be permitted to present written or oral testimony. The public hearing may be continued from time to time.

SECTION 8. At the conclusion of the public hearing, the City Council shall tabulate the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. In the event that more than one of the

record owner(s) of an identified parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the identified parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interest or, if the ownership interests are not shown on the record, as established to the satisfaction of the City Council by documentation provided by those record owners.

SECTION 9. A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment increase, exceed the assessment ballots submitted, and not withdrawn, in its favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon an identified parcel for which each assessment ballot was submitted.

SECTION 10. If there is a majority protest against the imposition of the increased assessment, the City Council will not impose the increase.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2017, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Kelly Fincher 4/5/17
City Attorney Date