

CITY OF FAIRFIELD

RESOLUTION NO. 2020-83

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD APPROVING THE 2020-2021 SUPPLEMENT TO ENGINEER'S REPORT, CONFIRMING THE BOUNDARIES AND ASSESSMENT AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS (SMITH RANCH ASSESSMENT DISTRICT)

WHEREAS, by its Resolution No. 2020-57, a Resolution Preliminary Approving 2020-2021 Supplement to Engineer's Report for Levy and Collection of Maintenance Assessments and providing for Notice Thereof, Smith Ranch Assessment District (the "District"), this Council found the Supplement to Engineer's Report (Fiscal Year 2020-2021) (the "2020-2021 Supplement"), duly made and filed with the City Clerk, to be sufficient in every particular, whereupon it was determined that the report should stand as the 2020-2021 Supplement for all subsequent proceedings under and pursuant to aforesaid resolution, and Tuesday, May 19, 2020, at the hour of 6:00 p.m., in the regular meeting place of this Council, Fairfield-Suisun Unified School District, 2490 Hilborn Road, Fairfield, California, or in the manner as specified on the regular meeting agenda, was appointed as the time and place for the hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was duly and regularly published; and

WHEREAS, at the appointed times and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levy of the assessments as contained in said 2020-2021 Supplement.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. Property owners owning more than fifty percent (50%) of the area of assessable lands within the District had not, at the conclusion of said hearing, filed written protests against the said proposed levy, as a whole or as to any part thereof, or against the District or the extent thereof to be assessed for the costs and expense of the levy as a whole, or as to any part thereof, or against the estimate of costs and expenses, in whole or in part, or against the maps and description, in whole or in part, or against the boundaries or the assessment to pay for the costs and expenses thereof, in whole or in part.

Section 2. The public interest, convenience, and necessity require that levy be made.

Section 3. The District benefited by the improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

Section 4. The 2020-2021 Supplement, as a whole and each part thereof, are hereby finally approved and confirmed, to wit:

- a. The estimate of the itemized and total costs and expenses of maintaining said improvements and of the incidental expenses in connection therewith.
- b. The boundaries showing the District, the description of the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District.
- c. The assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto.

Section 5. Final adoption and approval of the 2020-2021 Supplement, as a whole and of the plans and specifications, estimate of the costs and expenses, and the assessment, as contained in the 2020-2021 Supplement, as hereinabove determined and ordered, is intended to and shall refer and apply to the 2020-2021 Supplement, or any portion thereof, as amended, modified, or revised or corrected by or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

Section 6. The 2020-2021 assessment shall be \$325 per parcel. The assessment range is \$195 - \$395.

Section 7. The assessment to pay the costs and expenses of the maintenance of the improvements is hereby levied for the Fiscal Year 2020-2021 pursuant to Section 10100.8 of the California Streets and Highway Code.

Section 8. Based on the oral and documentary evidence, including the 2020-2021 Supplement, offered and received at the hearing, this Council expressly finds and determines:

- a. That each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against said lots and parcels of land, respectively, and

b. That there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits; and expenses of maintenance must be incurred at intervals of more frequent than every five years in order to maintain the level of benefit and the assessed parcels and that the level of benefit incurred otherwise decline more rapidly than usual for the other public works of the type involved.

Section 9. Immediately upon the adoption of this resolution, but in no event later than the first Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution with the Auditor of the County of Solano. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment.

The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of the assessments. After collection by the County of Solano, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Director of Finance of the City of Fairfield.

Section 10. Upon receipt of monies representing assessments collected by the County of Solano, the City of Fairfield shall deposit the monies in the City Treasury to credit a separate maintenance fund, which maintenance fund the City of Fairfield is hereby directed to establish under the distinctive designation of the District. Monies in the maintenance fund shall be expended only for the maintenance of the improvements provided in these proceedings.

PASSED AND ADOPTED this 19th day of May, 2020, by the following vote:

AYES: COUNCILMEMBERS: PRICE / TIMM / BERTANI / MOY

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: VACCARO

MAYOR

ATTEST:

CITY CLERK