

RESOLUTION NO. 2296-08

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR INDICATING INTENTION TO LEVY AND COLLECT
ANNUAL ASSESSMENTS, PRELIMINARILY APPROVING THE AMENDED
ENGINEER'S REPORT FOR FISCAL YEAR 2008-09 FOR THE WINDSOR 1982 ACT
BENEFIT ASSESSMENT DISTRICT, AND SETTING THE DATES OF THE PUBLIC
INFORMATION MEETING AND THE PUBLIC HEARING
(Pursuant to the Benefit Assessment Act of 1982)**

WHEREAS, on March 19, 2008, the Town Council adopted Resolution No.2246-08 appointing the Engineer of Work, authorizing the formation of an assessment district to fund the operation and maintenance of flood control improvements associated with the Shiloh Oaks Subdivision, pursuant to the Benefit Assessment Act of 1982 (Government Code Sections 54703-54719), and directing the preparation of an Engineer's Report for the formation of this district; and

WHEREAS, on April 16, 2008, the Town Council adopted Resolution No.2265-08 noticing the intention to levy and collect the stated annual assessments and preliminarily approving the Engineer's Report including the estimate of costs and expenses of operating and maintaining the said improvements and the incidental expenses in connection with Zone 101 of the Assessment District as described in the Fiscal Year 2008-09 Engineer's Report as filed with the Town Clerk at that time ("the Original Engineer's Report"); and

WHEREAS, in response to comments subsequently received at and after the public information meeting held on April 28, 2008, the Engineer of Work has amended the method of assessment utilized in the original Engineer's Report to more accurately reflect the benefits received by the various parcels of land within the district from the flood control improvements to be operated and maintained, resulting in amended proposed assessments for the various parcels of land within the district; and

WHEREAS, the assessments are for the operation, maintenance and other incidental costs associated with the flood control improvements associated with the Shiloh Oaks Subdivision (identified as Zone 101 in the Engineer's Report); and

WHEREAS, Coastland Civil Engineering has prepared and filed with the Town an Amended Engineer's Report as required by Section 54716 of the Government Code, reflecting the amended method of assessment and amended proposed assessment amounts; and

WHEREAS, all interested persons are referred to that Amended Engineer's Report for a full and detailed description of the improvements, the boundaries of the Zone and the proposed assessments, as amended, upon assessable lots and parcels of land within the Assessment District for Fiscal Year 2008-09; and

WHEREAS, for Fiscal Year 2008-09, the amended annual assessment for Zone 101 as identified in the Amended Engineer's Report is proposed at \$1,467.03 per acre and the amended estimated build-out maximum assessment is \$1,933.26 per acre; and

WHEREAS, in order to take inflation into account, assessments of the Windsor 1982 Act Benefit Assessment District, including Zone 101 thereof, shall include an allowance for an annual increase to the estimated build-out maximum assessment by the annual Consumer Price Index (CPI); and

WHEREAS, this Resolution is adopted pursuant to Section 54716 of the California Government Code;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby notices the intention to levy and collect the stated amended annual assessments and preliminarily approves the Amended Engineer's Report including the estimate of costs and expenses of operating and maintaining the said improvements and the incidental expenses in connection with Zone 101 of the Assessment District as described in the Amended Fiscal Year 2008-09 Engineer's Report as filed with the Town Clerk; and

BE IT FURTHER RESOLVED that in order to take inflation into account, the Town Council approves the allowance for an annual increase to estimated maximum assessments in accordance with the annual Consumer Price Index (CPI), based on the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics; and

BE IT FURTHER RESOLVED that an informal public information meeting regarding this Assessment District will be held by Town staff on June 30, 2008, at 5:30 p.m. in Building 400 of the Windsor Civic Center, 9291 Old Redwood Highway in Windsor and a public protest hearing will be held by the Town Council on Wednesday, August 6, 2008 at 6:00 p.m. or as soon thereafter as the matter may be heard at the Windsor Civic Center, 9291 Old Redwood Highway, Windsor. At the public protest hearing, the Town Council will consider this assessment district and authorization to levy and collect assessments for Fiscal Year 2008-09; and

BE IT FURTHER RESOLVED that the Town Clerk is authorized and directed to give the Notice of Hearing as required by the 1982 Act Benefit Assessment District regulations as set forth in Section 6066 of the Government Code for said public hearing.

PASSED, APPROVED AND ADOPTED this 4th day of June, 2008, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, GOBLE, PARKER, SALMON AND
MAYOR FUDGE**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK