

RESOLUTION NO. 2820-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING THE ANNUAL ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENT DIAGRAM AND THE ANNUAL ASSESSMENT AMOUNTS, AND
AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL
YEAR 2011-12 FOR THE WINDSOR LANDSCAPING AND LIGHTING ASSESSMENT
DISTRICT No. 2
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

WHEREAS, the Town Council of the Town of Windsor intends to levy and collect assessments within the Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2) during FY 2011-12, the area of land to be assessed being located in the Town of Windsor, Sonoma County; and

WHEREAS, an annual Engineer's Report must be prepared and filed outlining the proposed budgets, assessments, the proposed improvements and/or changes to the Assessment District in order to levy and collect assessments any following fiscal year; and

WHEREAS, pursuant to Section 22622 of the Streets and Highways Code, on February 16, 2011, the Town Council adopted a resolution appointing Coastland Civil Engineering as the Engineer of Work for the LLAD-2, directing the preparation and filing of the annual Engineer's Report and describing the potential changes for FY 2011-12; and

WHEREAS, the Engineer of Work prepared and filed the annual Engineer's Report with the Town Clerk as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, on May 4, 2011, the Town Council adopted a Resolution of Intention to levy and collect annual assessments during FY 2011-12, preliminarily approved the annual Engineer's Report for FY 2011-12 as filed and set the times and dates of the public information meeting and public hearing pursuant to section 22624 of the Streets and Highways Code; and

WHEREAS, for FY 2011-12, the total annual assessment for each Zone is proposed as follows:

Zone 101 (Shiloh Oaks)	\$25,535.03
Zone 102 (Miscellaneous Supplemental Parks)	\$139.56
Zone 103 (Windsor Redwoods)	\$7,429.80
Zone 104 (Manzanita Subdivision)	\$186.08
Zone 105 (G&C Auto Body)	\$1,225.04
Zone 106 (705 Shiloh Road)	\$4,023.52

WHEREAS, in order to keep up with inflation, the maximum annual assessments at build out for Zones 101, 102, 103, 104 and 105 are proposed to be increased by the 2010 CPI of +1.40%; and

WHEREAS, for FY 2011-12 there are two annexations into existing Zone 102 (Miscellaneous Supplemental Parks) proposed; and

WHEREAS, for FY 2011-12 there is an increase to the maximum annual assessment for existing Zone 103 (Windsor Redwoods) proposed; and

WHEREAS, for FY 2011-12 a new Zone 106 (705 Shiloh Road) is proposed for LLAD-2 with one annexation; and

WHEREAS, in order to keep up with inflation and to recognize noticing/voting requirements for increasing the maximum annual assessments, Zone 106 shall include an allowance for an annual increase to the estimated maximum annual assessments in accordance with the annual Consumer Price Index (CPI). The annual CPI is based on the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics; and

WHEREAS, notice of the public protest hearing was given by publication and by mailing in accordance to the Landscaping and Lighting Act of 1972; and

WHEREAS, pursuant to Proposition 218, notices and ballots were also mailed out to those property owners whose properties are proposed for annexation into the LLAD-2, or whose maximum annual assessment is being increased over the allowed annual CPI increase; and

WHEREAS, on June 6, 2011, Town staff held the required public information meeting; and

WHEREAS, on July 6, 2011, the Town Council conducted a public hearing and gave every interested person an opportunity to make a protest to the annual Engineer's Report either in writing or orally, and the Town Council has considered each protest; and

WHEREAS, the Town Council finds that a majority written protest against the inclusion of those subdivisions and areas as specified in the Engineer's Report for annexation into the Assessment District have not been made by the impacted property owners representing the land to be assessed; and

WHEREAS, as in previous years, publicly owned property will not be assessed during FY 2011-12 since it has been determined these properties receive no special benefit from the LLAD-2.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby:

1. Approves the FY 2011-12 Annual Engineer's Report for the Windsor Landscaping and Lighting Assessment District No. 2 as prepared and filed.
2. Authorizes the creation of new Zone 106 with allowed annual CPI increases to the maximum annual assessments in order to keep up with inflation.

3. Authorizes the annexation of property into Zone 106 of the Windsor Landscaping and Lighting Assessment District No. 2 as specified in the Engineer's Report.
4. Authorizes the annexation of parcels into existing Zone 102 of the Windsor Landscaping and Lighting Assessment District No. 2 as specified in the Engineer's Report.
5. Authorizes the increase to the maximum annual assessment for Zone 103 over the FY 2010-11 maximum annual assessment plus the 2010 CPI inflation factor as specified in the Engineer's Report.
6. Confirms the assessment diagram, the annual assessments, assessment maximums and CPI increases to the assessment maximums as set forth in the annual Engineer's Report and authorizes the levy and collection of assessments as set forth in said report for FY 2011-12 for each of the Zones:
 - Zone 101 – Shiloh Oaks
 - Zone 102 – Miscellaneous Supplemental Parks
 - Zone 103 – Windsor Redwoods
 - Zone 104 – Manzanita Subdivision
 - Zone 105 – G & C Auto Body
 - Zone 106 – 705 Shiloh Road
7. Adopts this resolution pursuant to Section 22631 of the Street and Highways Code.

PASSED, APPROVED AND ADOPTED this 6th day of July 2011, by the following vote:

**AYES: COUNCILMEMBER FUDGE, GOBLE, SALMON, SCHOLAR AND
MAYOR ALLEN**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



STEVE ALLEN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK