

RESOLUTION NO. No. 20-7252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH PRELIMINARILY APPROVING ENGINEER'S REPORT AND DIRECTING RELATED ACTIONS FOR THE PROPOSED GREENWICH VILLAGE NORTH UNDERGROUND UTILITIES ASSESSMENT DISTRICT

SECTION 1. Recitals.

1. On July 23, 2019, the City Council (the "Council") of the City of Hermosa Beach (the "City"), County of Los Angeles (the "County"), State of California, adopted its resolution entitled "A Resolution of the City Council of the City of Hermosa Beach of Intention to Make Acquisitions and Improvements for the Proposed Greenwich Village North Underground Utilities Assessment District" (the "Resolution of Intention") under the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Act") to initiate proceedings under the Act in and for the City's proposed Greenwich Village North Underground Utilities Assessment District (the "Assessment District") for the making of certain public improvements (the "Improvements") as described in the Resolution of Intention.
2. The Resolution of Intention referred the acquisitions and improvements described therein to NV5, Irvine, California, the person designated therein as the engineer of work (the "Engineer of Work") and directed the Engineer of Work to prepare and file with the City Clerk a report (the "Engineer's Report") pursuant to the Act and containing information set forth in the Resolution of Intention, to which reference is hereby made for further particulars.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermosa Beach as follows:

1. **Recitals.** Each of the above recitals is true and correct and is adopted by the City Council.
2. **Engineer's Report Preliminarily Approved.** The Engineer of Work has prepared and filed the Engineer's Report with the City Clerk, and this Council with the aid of City staff has reviewed the Engineer's Report, and hereby finds it to be sufficient for, and that it shall stand for purposes of subsequent proceedings for the Assessment District and the Engineer's Report is hereby preliminarily approved.

3. Public Hearing. Pursuant to the Act, this Council hereby orders that a public hearing be held before this Council, in the regular meeting place thereof, Council Chambers, City Hall, 1315 Valley Drive, Hermosa Beach, California, on Tuesday, October 13, 2020, at the hour of 6:30 p.m., for the purposes of this Council's determination whether the public interest, convenience and necessity require the Improvements, whether the properties in the Assessment District are specially benefited by the Improvements, the tabulation of special assessment ballots and the determination of the existence of any majority protest and this Council's final action upon the Engineer's Report and the assessments therein. The public hearing may be continued from time to time as determined by the Council.

4. Notice. The City Clerk is hereby authorized and directed to cause notice of the hearing ordered under Section 3 hereof to be given to the record owner of each parcel in the Assessment District by mailing, postage prepaid, in the United States mail, and such notice shall be deemed to have been given when so deposited in such mail. On the face of the envelope mailed to the record owner, in which the notice and ballot are enclosed, there shall appear in no smaller than 16-point bold type the words "OFFICIAL BALLOT ENCLOSED," together with the name of the City and the return address of the City Clerk as the sender. The mailed notice shall be given to all owners of property proposed to be assessed within the Assessment District as shown in the Engineer's Report by such mailing by name to those persons whose names and addresses appear on the last equalized assessment roll of the County or the State Board of Equalization assessment roll, as the case may be. The notice shall be mailed not less than 45 days before the date of the public hearing ordered under Section 3 hereof.

The amount of the proposed assessment for each parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire Assessment District, the amount chargeable to the owner's particular parcel, the anticipated duration of payments for the assessment if bonded, the reason for such assessment and the basis upon which the amount of the proposed assessment was calculated.

Each such mailed notice to owners shall contain a ballot which includes the property owner's name, identification of the parcel and support or opposition to the proposed assessment.

Each notice shall include, in a conspicuous place, a summary of the procedures applicable to the completion, return and tabulation of ballots, including a disclosure that the existence of a majority protest (whereby ballots submitted in opposition exceed those submitted in favor of the assessment, with ballots weighted according to proportional financial obligation of the affected property) will result in the assessment not being imposed. Each mailed ballot shall include a sealable return envelope with the City's address for receipt of the completed ballot.

5. Ballots. The City Clerk is hereby designated as the impartial person, without a vested interest in the outcome of the assessment, responsible for overseeing the tabulation of the ballots. The City Clerk shall maintain a separate and secure file for the safekeeping of the assessment ballots as they are received and pending tabulation. Ballots shall be received up to the time of the close of the public hearing. Ballots shall remain sealed until the close of the public hearing and the beginning of the tabulation, provided that ballots may be submitted, or changed, or withdrawn by the person submitting the ballot prior to the conclusion of the public hearing. During and after tabulation, the ballots shall be disclosable public records under Section 6252 of the California Government Code.

6. Boundary Map. The proposed boundaries of the proposed Assessment District are hereby described as shown on a map thereof on file in the office of the City Clerk (the "Boundary Map"), which indicates by a boundary line the extent of the territory to be included in the proposed Assessment District; the Boundary Map shall govern for all details for further purposes of the proceedings for the Assessment District and reference is hereby made to the Boundary Map for further particulars. The City Clerk is hereby authorized and directed to endorse upon the original and at least one copy of the Boundary Map the date of the filing thereof and date and adoption of this resolution and to cause a copy of the Boundary Map to be filed with the County Recorder of

the County within 15 days after the adoption of this resolution, but in no event later than 15 days before the date of the public hearing ordered under Section 3 hereof. The County Recorder shall endorse upon the Boundary Map the time and date of filing and shall fasten the same securely in a book of maps of assessment and community facilities districts which the County Recorder maintains. The County Recorder shall index the Boundary Map by the name of the City and by the distinctive designation of the proposed Assessment District.

7. **Effective.** This resolution shall be effective immediately. The City Clerk shall certify to the passage and adoption of this Resolution; shall cause the original of the same to be entered among the original resolutions of the City Council; and shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hermosa Beach on this 11th day of August, 2020.

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney