

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Mary K. Lindley, Parks, Recreation & Community Services Director 

DATE: May 24, 2006 (Meeting June 7, 2006)

SUBJECT: Consider Final Review of the Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2006/2007 and Resolution Confirming the Levy Amount

EXECUTIVE SUMMARY

The City Council is being asked to open the public hearing on the continuation of the Landscape and Lighting Maintenance Assessment Districts for FY 2006/07, receive testimony, close the Public Hearing, approve the final Engineer's Report (Report), and adopt a resolution confirming the assessment levy.

BACKGROUND

In 1984, a Landscaping and Lighting Maintenance Assessment District (AD 84-2), encompassing the entire City, was created to fund costs associated with street lighting and the maintenance of various landscaped areas in the City. This was a successor to the District enacted by the County of Ventura prior to the incorporation of the City. In subsequent years, Zones of Benefit were added to fund the maintenance of certain specific areas. Later, these Zones were changed to District 1 through District 12 (District 13 is now unassigned).

In 2001, the City Council formed three new assessment districts to fund the maintenance of certain landscape improvements in and adjacent to:

- Tract 5201, Wilshire Builders (AD01-1, District 14)
- Tract 4928, Toll Brothers (AD01-2, District 15)
- Tract 5166, Cabrillo (AD01-3, District 16)

In 2004, the City Council formed a new assessment district, AD04-1 (District 18) to fund the maintenance of certain landscape improvements in and adjacent to Tract 5307 (Colmer Development), located at the corner of Los Angeles Avenue and Flory Avenue. Lastly, in 2005, the Council approved the formation of AD05-01 (District 19) for landscape improvement in and adjacent to PM 5264 (M&M Development). District 17 is currently unassigned.

As part of the annual budget process, the City Council considers whether or not to renew the subject Assessment Districts and levy assessments for the upcoming fiscal year. In preparation for that consideration, it is necessary to prepare an Engineer's Report setting forth certain relevant information pertaining to such an action.

On December 21, 2005, the City Council adopted Resolution No. 2005-2428 directing the preparation of said Engineer's Report. On May 17, 2006, the Council approved the Engineer's Report and set June 7, 2006, as the date for a Public Hearing.

DISCUSSION

Engineer's Report

The City Council is being asked to receive public testimony on the continuation of the assessment. By approving the Report on May 17, the Council established the assessment amount and set the assessment levy. The Report was provided to the Council prior to its May 17 meeting and sets forth certain relevant information, including the following:

- a Boundary Map(s);
- the reason for the assessments;
- the duration of the assessments;
- the method of assessments;
- the amount of the annual assessments;
- information regarding cost of living adjustments;
- information pertaining to reductions to the amounts levied in order to keep assessment fund reserve balances within certain prescribed limits; and
- a description of improvements to be maintained.

Improvements to be Maintained

The improvements and maintenance funded by the Assessment Districts are generally described as follows:

- a. **Street Lighting:** Street lighting energy and maintenance costs (Citywide assessment).
- b. **Landscape Maintenance:** The maintenance of certain designated parkways and medians (Citywide assessment).
- c. **Sub-Districts:**

- 1 Pecan Avenue [T-2851]
- 2 Steeple Hill Area [T-2865] ***
- 3 Buttercreek/Peppermill [T-3032]
- 4 Williams Ranch Rd [T-3274]
- 5 Pheasant Run Area [T-3019 & T-3525] ***
- 6 Inglewood St. [T-3306]
- 7 Moorpark Business Park (L. A. Ave & Gabbert)
- 8 Home Acres Buffer
- 9 Moorpark Industrial Park (Condor Drive)
- 10 Mountain Meadows (PC-3) ***
- 11 Alyssas Ct. [T-4174]
- 12 Carlsberg Specific Plan Area
- 13 Unassigned
- 14 Wilshire Builders [T-5201] (AD01-1)
- 15 Toll Brothers [T-4928] (AD01-2)
- 16 Cabrillo [T-5161] (AD01-3) ***
- 17 Unassigned
- 18 Colmer [T-5307] (AD04-1) ***
- 19 M&M [PM 5264]

*** Includes Landscape and Drainage Maintenance

FY 2006/07 Assessment Amounts and Adjustment

The method used to establish the assessment amounts is set forth in the Engineer's Report. This method (benefit spread formula, etc.) is unchanged from prior years. The assessment amounts proposed for FY05/06 are set forth in Exhibit 1. Pursuant to language set forth in the formation documents for Districts 12, 14, 15, 16, 18, and 19 the annual assessments for these Districts may be increased annually to cover cost-of-living increases. The assessment amounts set forth in Exhibit 1 include these COLA Adjustments. Those adjusted assessment amounts are summarized as follows:

Zone/District	FY 05/06 Per Unit (Ac.) Assessment Amount	C.O.L.A. Adjustment Amount [4.042%]	FY 06/07 Per Unit (Ac.) Assmnt. Amount	Total FY 06/07 Assessment
12 - Residential	\$450.64	\$18.22	\$468.86	\$263,968.18
12 - Commercial	\$163.14	\$6.59	\$169.73	\$12,485.34
12 - Institutional	\$1,468.90	\$59.37	\$1,528.27	\$5,868.56
				\$282,322.08
14	\$132.74	\$5.36	\$138.10	\$1,381.00
15	\$1,600.70	\$64.71	\$1,665.41	\$539,592.84
16	\$386.70	\$15.64	\$402.34	\$23,738.06
18	\$814.06	\$32.91	\$846.97	\$21,174.25
19			\$2,032.71	12,745.09

Improvement Reserve Ceiling

The Engineer's Report provides for a Capital Reserve Account for each District. Consistent with past City Council action, the Engineer's Report stipulates that Capital Reserve Account for any Zone/District should not exceed an amount equal to three (3) times the annual operating budget for that Zone/District. Should the projected Year-End Fund Balance for any Zone/District exceed that "ceiling", the amount of the assessment shall remain unchanged; but the amount of the assessment to be levied upon the affected properties shall be reduced to a lesser amount determined by the Assessment Engineer to be consistent with these guidelines.

Decreased Levy Amounts

Pursuant to the above policy, the amounts to be levied upon the parcels in certain Zones/Districts shall be less than the assessment amount set forth in Exhibit 1. A summary of those adjustments is as follows:

District	FY 06/07 Est. Ending Balance with FULL Assessment	Three Times Estimated Annual Expenses	Total Assessment Amount	Total Levy Amount	Remarks
10	\$37,296	\$14,574	\$7,252.00	\$725.00	10% of Assessment
15	\$2,150,460	\$15,000	\$539,593.00	\$53,959.00	10% of Assessment
16	\$75,057	\$23,940	\$15,445.00	\$1,545.00	10% of Assessment
16	\$44,099	\$15,000	\$8,292.00	\$829.00	10% of Assessment
18	\$45,911	\$24,300	\$15,760.00	\$1,576.00	10% of Assessment

Assessment Amounts Unchanged

Except as noted above, under the title "FY 2006/07 Assessment Amounts and Adjustment" and "Decreased Levy Amounts", the per lot (per acre) assessment amounts set forth in the Engineer's Report are the same as those set last year. Any action to otherwise increase these assessments may not be taken without first seeking approval of such an increase via a mail ballot prepared and processed in accordance with the requirements of Proposition 218.

Fund Activity

Attached as Exhibit 2 are charts showing fund activity for all Zones/Districts for FY03/04 through FY06/07. Page 4 of that exhibit shows certain details with respect to the Reserve Fund Ceilings and the Assessment vs. Levy amounts for FY06/07.

FY 05/06 Fund Deficits

As reflected on Page 2 of Exhibit 2, it is anticipated that the FY 05/06 Year-End Fund Balance for certain Zones/Districts will again show a deficit. A summary of those

anticipated deficits is as follows:

Fund	FY05/06			FY05/06
	Begin Bal.	Revenue **	Expenses	Ending Bal.
2300 - Landscape	(\$79,497)	(\$253,035)	\$286,553	(\$113,015)
2305 - Dist. 5	(\$8,899)	\$32,294	\$38,711	(\$15,316)
2307 - Dist. 7	(\$4,897)	\$16,215	\$15,476	(\$4,158)
2309 - Dist. 9	(\$18)	\$1,418	\$1,657	(\$257)
Total	(\$93,311)	(\$203,108)	\$342,397	(\$132,746)

** Note: Includes monies transferred into these Funds in November of 2005 to offset Beginning Year deficit.

Consistent with prior year practices, it is the intent of staff to present a report to the City Council in November of 2006, recommending approval of certain fund transfers to "zero-out" the projected FY 05/06 deficits noted above. That action will be deferred to November so that it will be based upon actual year-end fund balances. Using the above estimates, that action would be as follows:

Transfer to: Fund	From	From	Total Transfer Amt.
	Gas Tax Fund 2605	General Fund Fund 1000	
2300 - Landscaping	\$113,015.00	\$0.00	\$113,015.00
2305 - Dist. 5 (L/S Only)	\$7,658.00	\$7,658.00	\$15,512.00
2307 - Dist. 7	\$2,079.00	\$2,079.00	\$4,158.00
2309 - Dist. 9	\$128.50	\$128.50	\$257.00
Total	\$122,880.50	\$9,865.50	\$132,746.00

** Note: This amount will be transferred in November 2006 to eliminate the deficit.

FY 06/07 Fund Deficits

As reflected on Page 3 of Exhibit 2, it is anticipated that the FY 06/07 Year-End Fund Balance for certain Zones/Districts will once more show a deficit. A summary of those anticipated deficits is as follows:

Fund	Revenue***	Expenses	FY 06/07 Ending Bal.
2300 - Landscaping	\$285,892	\$343,662	(\$57,770)
2300 - Lighting	\$231,486	\$256,862	(\$25,376)
2305 - Dist. 5 (L/S)	\$38,656	\$38,852	(\$196)
2307 - Dist. 7	\$15,456	\$17,551	(\$2,095)
2309 - Dist. 9	\$1,620	\$2,020	(\$400)
2310 - Dist 10 (L/S)	\$195,892	\$236,716	(\$40,824)
Total	\$769,002	\$895,663	(\$126,661)

STAFF RECOMMENDATIONS (Roll Call Vote)

- 1) Open the Public Hearing, take public testimony, and close the Public Hearing.
- 2) Adopt Resolution No. 2006- ____ .

Attachments:

- Exhibit 1: Summary of Assessment Amounts
- Exhibit 2: Fund Activity
- Exhibit 3: Resolution

Exhibit 1:
 Summary of Assessment Amounts

Description	Total Assessment Amount (\$)	Per Lot Assessment			
		Landscape Maintenance		L/S & Drainage Maint.	
		Number	Amount (\$)	Number	Amount (\$)
Citywide					
Street Lighting	231,480.00		20.84		
Landscaping	172,877.00		17.24		
Sub-Total	404,357.00		38.08		
1. Tract 2851	9,702.00	75	129.36		
2. Tract 2865 Landscaping	66,848.04	574	116.46		
LS / Drainage	6,990.72			48	145.64
	73,838.76				
3. Tract 3032	3,079.30	265	11.62		
4. Tract 3274	6,382.92	129	49.48		
5. T 3019/3525 Landscaping	15,273.52	142	107.56		
LS / Drainage	8,566.50			75	114.22
	23,840.02				
6. Tract 3306	924.00	22	42.00		
7. NE L. A. Ave / Gabbert Rd	11,297.78	91.74 ac	123.15 ac		
8. Buffer: City	7,669.20	498	15.40		
Buffer: Home Acres	7,573.68	201	37.68		
9. Condor Drive	1,356.14	49.44 ac	27.43 ac		
10. PC-3: L/S - Comm. Prop.	7,216.06	11.23 ac	642.57 ac		
L/S - Residential	135,858.50	1,775	76.54		
LS / Drainage - Res.	58,457.22			669	87.38
	201,531.78				
11. Tract 4174	3,040.02	9	337.78		
12. Carlsberg - Residential	251,212.48	536	468.68		
Com. / Ind.	12,485.34	73.56 ac	169.73		
Institutional	5,868.56	3.84 ac	1,528.27		
	269,566.38				
13. Unassigned					
14. Tract 5201 (Wilshire)	1,381.00	10	138.10		
15. Tract 4928 (Toll): Res.	359,728.56	216	1,665.41		
Golf Course [33%]	179,801.28	108	1,600.70		
	539,529.84				
16. T 5161	23,738.06			59	40.23
17. Unassigned					
18. T 5307	21,174.25			25	846.97
19. T 5264 (M&M)	48,142.25		2,032.71		
Backup			7,678.19		
Total	1,658,124.38				

Landscape / Lighting
Assessment Districts
Fund Activity: FY06/07
ESTIMATE as of 5/03/06

Fund	Description	Beginning Balance	Rev. Code	Levy Amount	Transfers In Rev #3720	Interest	Total Revenue	Exp. Code	Expenses	Total Available Less Expenses	Less Reserve	Ending Balance
2300	Lighting	6,909	3100	231,480			231,480	8901	256,862	(18,473)	0	(18,473)
	Improvements	0							0	0	0	0
	Landscape	(113,015)	3102	172,877	113,015	0	285,892	7901 & 7902	343,662	(170,785)	0	(170,785)
2300		(106,106)		404,357	113,015	0	517,372		600,524	(189,258)	0	(189,258)
2301	Dist 1: T-2851	17,506	3102	9,702	921	0	10,623	7901	7,781	20,348	(20,348)	0
2302	Dist 2: L/S [T2865]	132,722	3102	72,439	5,760	5,760	78,199	7901	77,405	133,516	(133,516)	0
	Dist 2: Drains	8,450	3103	1,400			1,400	8902	405	9,445	(9,445)	0
2302		141,171		73,839	0	5,760	79,599		77,810	(142,960)	0	0
2303	Dist 3: T-3032	2,539	3102	3,079	230	230	3,309	7901	3,300	2,548	(2,548)	0
2304	Dist 4: T-3274	4,596	3102	6,383	230	230	6,613	7901	8,511	2,698	(2,698)	0
2305	Dist 5: L/S [T3019 & 3525]	(15,316)	3102	23,340	15,316		38,656	7901	38,852	(15,512)	0	(15,512)
	Dist 5: Drains	1,841	3103	500			500	8902	405	1,936	(1,936)	0
2305		(13,475)		23,840	15,316	0	39,156		39,257	(13,576)	(1,936)	(15,512)
2306	Dist 6: T-3306	1,031	3102	924	30	30	954	7901	1,550	435	(435)	0
2307	Dist 7: NE LA & Gabbert	(4,158)	3102	11,298	4,158		15,456	7901	17,551	(6,253)	0	(6,253)
2308	Dist 8: Buffer	14,721	3102	15,243	691	691	15,934	7901	23,401	7,254	(7,254)	0
2309	Dist 9: Condon	(257)	3102	1,356	257	7	1,620	7901	2,020	(657)	0	(657)
2310	Dist 10: PC-3: L/S	7,938	3102	194,280	1,612	1,612	195,892	7901	236,716	(32,886)	0	(32,886)
	Dist 10: Drains	30,044	3103	725			725	8902	4,858	25,911	(25,911)	0
2310		37,981		195,005	0	1,612	196,617		241,574	(6,976)	(25,911)	(32,886)
2311	Dist 11: T 4174	6,098	3102	3,040	230	230	3,270	7901	1,400	7,968	(7,968)	0
2312	Dist 12: Carlsberg	373,889	3102	269,663	18,432		288,095	7901	146,150	515,834	(515,834)	0
2313	Unassigned			1,017,729	132,746	28,143	1,178,618		1,170,829	483,325	(727,892)	(244,567)
2314	Dist 14: T-5201 [Wilshire]	2,682	3102	1,381	70	70	1,451	7901	960	3,173	(3,173)	0
2315	Dist 15: T4928 [Toll]	1,610,857	3102	53,959	67,276		121,235	7901	5,000	1,727,092	(1,727,092)	0
2316	D-16: T-5161 [Cabrillo] L/S	59,612	3102	1,545	2,995		4,540	7901	7,980	56,172	(56,172)	0
	Dist 16: Drains	35,807	3103	829			829	8902	5,000	31,636	(31,636)	0
2316	Totals	95,419		2,374	0	2,995	5,369		12,980	87,808	(87,808)	0
2317	Unassigned											
2318	D-18: T-5307 [Flory] L/S	30,151	3102	1,576	1,152		2,728	7901	8,100	24,779	(24,779)	0
	Dist 18: Drains	9,669	3103	5,414			5,414	8902	5,000	10,083	(10,083)	0
2318	Totals	39,820		6,990	0	1,152	8,142		13,100	34,862	(34,862)	0
2319	Dist 19: M&M	15,578	3102	12,745	230	230	12,975	7901	5,000	23,553	(23,553)	0
2320	Dist 20: Lyon Track#5187	4,718	3102	0	230	230	230	7901	0	4,948	(4,948)	0
2321	Dist 21: Shea 1-forming 7/0	4,760	3102	0	230	230	230	7901	0	4,990	(4,990)	0
2322	Dist 22: Pardee Track#504	4,759	3102	0	230	230	230	7901	0	4,989	(4,989)	0
2323	Dist 23: Suncal	4,618	3102	0	230	230	230	7901	0	4,848	(4,848)	0
Total		2,258,747		1,095,178	132,746	100,786	1,328,710		2,379,588	2,379,588	(2,624,155)	(244,567)
Bold = Totals												Est Transfer
												Nov 2007

> Est. Transfer November 2006
< Levy Amount Less Than Assessment Amount

Landscape / Lighting
Assessment Districts
Fund Activity: FY06/07
Assessment / Levy Calculations

Fund	Description	A Beginning Balance	B Levy Amount	C Amount of Fund CAP [Est 3 Yr Costs]	D Assessment Amount	E Levy Amount	F Levy Amount	Remarks
2300	Lighting Improvements Landscaping	6,909 0 (113,015)			231,480	231,480	231,480	
2301	Dist 1: T-2851	17,506	7,781	23,343		172,877	172,877	
2302	Dist 2: L/S [T2865] Dist 2: Drains	132,722 8,450	77,405 405	232,215 10,000 #	72,439 1,400	404,357 1,400	404,357	
2303	Dist 3: T-3032	2,539	3,300	242,215	73,839	73,839	73,839	
2304	Dist 4: T-3274	4,596	8,511	25,533	6,383	3,079	3,079	
2305	Dist 5: L/S [T3019 & 3525] Dist 5: Drains	(15,316) 1,841	38,852 405	116,556 10,000 #	23,340 500	6,383 500	6,383	
2306	Dist 6: T-3306	(13,475)	39,257	126,556	23,840	23,840	23,840	
2307	Dist 7: NE LA & Gabbert	1,031	1,550	4,650	924	924	924	
2308	Dist 8: Buffer	(4,158)	17,551	52,653	11,298	11,298	11,298	
2309	Dist 9: Conдор	14,721	23,401	70,203	15,243	15,243	15,243	
2310	Dist 10: PC-3; L/S Dist 10: Drains	(257) 7,938	2,020 236,716	6,060 710,148	1,356 194,280	1,356 194,280	1,356	Levy = 10% of Assessment
2311	Dist 11: T 4174	30,044	4,858	14,574	7,252	7,252	7,252	
2312	Dist 12: Carisberg	37,981	241,574	724,722	201,532	201,532	201,532	
2313	Unassigned Sub-Total AD 84-2	6,098 373,889 475,536	1,400 146,150 570,305	14,200 # 584,600 # 1,884,635	3,040 269,663 1,024,257	3,040 269,663 1,017,729	3,040	
2314	Dist 14: T-5201 [Wilshire]	2,682	960	3,840 #	1,381	1,381	1,381	
2315	Dist 15: T4928 [Toil]	1,610,857	5,000	15,000	539,593	539,593	539,593	
2316	D-16: T-5161 [Cabrillo] L/S Dist 16: Drains	59,612 35,807 95,419	7,980 5,000 12,980	23,940 15,000 38,940	15,445 8,292 23,738	15,445 8,292 2,374	1,545	Levy = 10% of Assessment Levy = 10% of Assessment Levy = 10% of Assessment
2317	Unassigned							
2318	D-18: T-5307 [Flory] L/S Dist 18: Drains	30,151 9,669 39,820	8,100 5,000 13,100	24,300 15,000 39,300	15,760 5,414 21,174	15,760 5,414 6,990	1,576	Levy = 10% of Assessment
2319	Dist 19: M&M	15,578	5,000	15,000	12,745	12,745	12,745	
2320	Dist 20: Lyon Track#5187	4,718	0	10,000 #	0	0	0	
2321	Dist 21: Shea 1-forming 7/0	4,760	0	10,000 #	0	0	0	
2322	Dist 22: Pardee Track#504:	4,759	0	10,000 #	0	0	0	
2323	Dist 23: SunCal	4,618	0	10,000 #	0	0	0	
		2,258,747	607,345	# CAP set by administrative action (Higher than 300% of Annual Cost History)		1,095,178	1,095,178	

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 2006/07 FOR THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS

WHEREAS, by Resolution No. 2005-2428, the City Council ordered the preparation of an Engineer's Report for the City's Landscaping and Lighting Maintenance Assessment Districts (the "Assessment Districts") for fiscal year 2006-07; and

WHEREAS, pursuant to said Resolution, the Engineer's Report ("Report") was prepared by SCI Consulting Group, formerly known as Shilts Consultants, Inc., Engineer of Work, in accordance with Section 22565, et. seq., of the Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, by Resolution No. 2006-2467 the City Council preliminarily approved the Engineer's Report for said Districts and set a date for a Public Hearing; and

WHEREAS, said report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 7, 2006, at the hour of 6:30 p.m. in the Council Chambers, located at 799 Moorpark Avenue, Moorpark, California 93021, were appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by the 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 and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

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

SECTION 1. The public interest, convenience and necessity require that the levy be made.

SECTION 2. The Assessment Districts benefited by the improvements and 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 3. The Engineer's Report as a whole and each part thereof, to wit:

(a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) the diagram showing the Assessment Districts, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment Districts; and

(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 the Assessment Districts in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;

are finally approved and confirmed.

SECTION 4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, 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 5. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2006-07 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Engineer's Report.

SECTION 6. Based on the oral and documentary evidence, including the Engineer's Report, 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 the 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.

SECTION 7. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Ventura. 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 County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Moorpark Landscaping and Lighting Maintenance Assessment Districts.

SECTION 8. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the improvement funds previously established under the distinctive designation of the Assessment Districts. Moneys in the improvement funds shall be expended only for the maintenance, servicing, construction or installation of the improvements.

SECTION 9. The assessments levied are in conformance with Proposition 218.

SECTION 10. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 7th day of June, 2006

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk