

Council Meeting of  
June 15, 2010

**PUBLIC HEARING**

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

Members of the Council:

**SUBJECT: Public Hearing regarding City of Torrance Lighting District No. 99-1**

**Expenditure: \$3,246,745**

**RECOMMENDATION**

The Finance Director recommends that the City Council take the following actions:

1. Hold the Public Hearing on the proposed levy of assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2010-11; and,
2. Adopt the attached Resolution confirming the diagram and assessment for Fiscal Year 2010-11 and ordering the improvements in connection with the City of Torrance Lighting District No. 99-1.

**Funding**

Funding is available in the Street Lighting District Assessment Fund and General Fund.

**BACKGROUND**

Since 1977, the City had Street Lighting District No. 17, a district that paid for costs related to the maintenance and servicing of street lights, safety lights and traffic signals in the City. This district completed its twentieth and final year of collections in the 1996-1997 tax year. On November 1996, California voters approved Proposition 218, an initiative designed to give taxpayers the right to approve or reject local governments' tax increases and special assessments on property.

In accordance with the Proposition 218 provisions, the owner of each parcel subject to an assessment had the opportunity to cast a ballot in favor of, or in opposition to, the formation of a new assessment district under the Landscaping and Lighting Act of 1972. The Landscaping and Lighting Act of 1972 authorizes local public agencies to impose assessments on benefited property to fund the installation, construction and maintenance of landscaping, lighting facilities including traffic signals, street lights and safety lights.

On June 15, 1999, a public hearing approved the formation of a new assessment district under the Landscaping and Lighting Act of 1972 called the City of Torrance Lighting District No. 99-1 (the District) and also approved the initial levy of assessments.

In order to levy assessments to pay for the continued maintenance and servicing of street lights, safety lights, and traffic signals in the City, under the "Landscaping and Lighting Act of 1972", the City of Torrance formed a new City of Torrance Lighting District No. 99-1 (the "District").

On May 11, 2010, the City Council took the following actions:

1. Adopted a RESOLUTION initiating proceedings to levy assessments within the City of Torrance Lighting District No. 99-1 for the Fiscal Year 2010-11.
2. Adopted a RESOLUTION approving the Fiscal Year 2010-11 Engineer's Report for the City of Torrance Lighting District No. 99-1; and
3. Adopted a RESOLUTION of Intention to levy assessments within the City of Torrance Lighting District No. 99-1 for fiscal year 2010-11 which set a public hearing on the assessments for June 15, 2010.

Subsequent to these actions, as required by law, the Resolution of Intention was published in the Daily Breeze on May 26, 2010 which is at least 10 days prior to the date of the public hearing.

### **ANALYSIS**

The total cost of the improvements for fiscal year 2010-11 is \$3,208,245 which is an increase of \$233,595 from last year's costs of \$2,974,650. **The 2010-11 assessment rates remain unchanged from the 2007-08 fiscal year and the rates did not exceed the rates levied with property owner approval in fiscal year 1999-2000.**

<b>Item</b>	<b>Amount</b>
Gross Cost of Improvements	\$3,208,245
City Contribution	(\$1,876,221)
<b><i>Improvement Assessment Amount</i></b>	<b><i>\$1,332,024</i></b>
Incidental Expenses	\$38,500
<b><i>Net Assessment</i></b>	<b><i>\$1,370,524</i></b>

The first step for the City Council to take is to hold the public hearing on the proposed levy of assessments within the City of Torrance Lighting District No. 99-1 for fiscal year 2010-2011. Following the conclusion of the public hearing, the second step is to adopt a Resolution ordering improvements, as defined in Section 4 of the Resolution, and confirming a diagram and assessment for fiscal year 2010-11 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code and as provided by Article XIII D of the California Constitution.

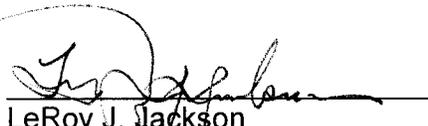
Respectfully submitted,

ERIC E. TSAO  
FINANCE DIRECTOR

By   
Joyce Reyes  
Accounting Manager

CONCUR:

  
Eric E. Tsao  
Finance Director

  
LeRoy J. Jackson  
City Manager

Attachments:

- A. Resolution
- B. Proof of Publication
- C. Agenda Item 12E for the City Council meeting of May 11, 2010 (**Limited Distribution**)
- D. Mayor's Script (**Limited Distribution**)



## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2010/2011 IN CONNECTION WITH THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION**

**THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:**

Section 1. Pursuant to prior resolutions, the City Council of the City of Torrance initiated proceedings and declared its intention to levy an assessment against lots and parcels of property within the City of Torrance Lighting District No. 99-1 (the "District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code and Article XIII D of the California Constitution for the fiscal year commencing July 1, 2010 and ending June 30, 2011. Pursuant to prior resolutions, the City Council ordered Willdan Financial Services, to prepare and file a written report (the "Engineer's Report") in accordance with Article 4 of Chapter 1 of the Act and Article XIII D of the California Constitution and approved such Engineer's Report.

Section 2. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the levy and collection of the proposed assessment within the District for fiscal year 2010/2011 to pay for the costs and expenses of the improvements described in Section 4 hereof. All interested persons were afforded the opportunity to hear and be heard regarding protests and objections to the levy and collection of the proposed assessment. The City Council considered all oral and written statements, protests and communications made or filed by interested persons. All protests and objections to the levy and collection of the proposed assessment against lots or parcels of property within the District for fiscal year 2010/2011 are hereby overruled by the City Council.

Section 3. Based upon its review of the Engineer's Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, and other reports and information, the City Council hereby finds and determines that (i) the land within the District will be specially benefited by the improvements described in Section 4 hereof and in such Engineer's Report, (ii) the district includes all of the lands so benefited, (iii) the net amount to be

assessed upon the lands within the District for the 2010/2011 fiscal year in accordance with the Engineer's Report is apportioned by a formula and method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated special benefits to be received by each such lot or parcel from the improvements, and (iv) only special benefits are assessed and no assessment is imposed on any parcel within exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

Section 4. The City Council hereby orders the proposed improvements to be made as described in the Engineer's Report, which improvements are briefly described as follows: The maintenance and servicing of public lighting facilities, including traffic signals and appurtenant facilities installed in public places in the District.

Section 5. The City Council hereby confirms the diagram and assessment set forth in the Engineer's Report as filed.

Section 6. The assessment is in compliance with the provisions of the Act and Article XIII D of the California Constitution and the City Council has complied with all laws pertaining to the levy of an annual assessment pursuant to the Act and Article XIII D of the California Constitution. Parcels within the District that are owned or used by any county, city, city and county, special district or other local government entity, the State of California, or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

Section 7. The assessment is levied without regard to property valuation.

Section 8. The assessment is levied for the purpose of paying the costs and expenses of the improvements described in Section 4 hereof for fiscal year 2010/2011.

Section 9. The improvements described in Section 4 hereof shall be performed pursuant to law.

Section 10. The County Auditor of Los Angeles County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be collected at the same time and in the same manner as the County taxes are collected. 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 Treasurer.

Section 11. The City Treasurer shall deposit all moneys representing assessments collected by the County to the credit of a special fund known as Improvement Fund, City of Torrance Lighting District No. 99-1.

Section 12. The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the fiscal year commencing July 1, 2010 and ending June 30, 2011.

Section 13. The City Council declares that the diagram and assessment, as presented to the City Council in the Engineer's Report and on file in the Office of the City Clerk is hereby confirmed as filed. The City Clerk is hereby authorized and directed to file the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor, together with a certified copy of this Resolution upon its adoption.

Section 14. A certified copy of the assessment and diagram shall be filed in the office of the City Clerk and open for public inspection.

PASSED, APPROVED and ADOPTED this 15<sup>th</sup> day of June, 2010.

\_\_\_\_\_  
Mayor of the City of Torrance

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III, City Attorney

By \_\_\_\_\_  
Patrick Q. Sullivan, Assistant City Attorney



21250 HAWTHORNE BLVE, STE 170 \* TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 \* (310) 540-5511 Ext. 396

PROOF OF PUBLICATION
(201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance\*

County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

May 26,

all in the year 2010

the foregoing is true and correct.

Dated at Torrance

California, this 26 May 2010

Signature

\*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Marina Del Rey, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Redondo Beach, San Pedro, Torrance and Wilmington

This space is for the County Clerk's Filing Stamp

2010 MAY 26 10:07

COUNTY CLERK'S OFFICE

Proof of Publication of

DB

DB 5-96

PUBLIC NOTICE

RESOLUTION NO. 2010-44
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2010-11 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIII(D) OF THE CALIFORNIA CONSTITUTION, APPOINTING A TIME AND PLACE FOR PUBLIC HEARING

THE CITY COUNCIL OF THE CITY OF TORRANCE HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1 The City Council of the City of Torrance, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act"), proposes to levy and collect assessments against the lots and parcels of land within an existing assessment district designated "City of Torrance Lighting District No. 99-1" (hereinafter referred to as the "District") to pay for the costs and expenses of the improvements described below in Section 3 of this Resolution for the fiscal year commencing July 1, 2010 and ending June 30, 2011.

Section 2 The boundaries of the District are coterminous with the boundaries of the City of Torrance.

Section 3 The proposed improvements may be briefly described as follows: The maintenance and servicing of public lighting facilities, including traffic signals, and appurtenant facilities installed in public places in the District.

Maintenance means the furnishings of services and materials for the ordinary and usual maintenance, operation and servicing of the public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the public lighting facilities and appurtenant facilities; and the cleaning, sandblasting and painting of the public lighting facilities and appurtenant facilities to remove or cover graffiti. Servicing means the furnishing of water for the maintenance of any of the public lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of appurtenant facilities.

Section 4 The assessments to be levied and collected against the lots and parcels of land within the District No. 99-1 for fiscal year 2010-11 are not proposed to increase from the assessments approved by the property owners and levied and collected for fiscal year 1999-2000.

Section 5 Lots or parcels of land within the proposed District that are owned or used by any county, city, city and county, special district or any other local government entity, the State of California, or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

Section 6 Reference is hereby made to the Engineer's Report entitled "City of Torrance Lighting District No. 99-1; Engineer's Annual Levy Report Fiscal Year 2010-11," on file in the office of the City Clerk, for a full and detailed description of the improvements, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

Section 7 NOTICE IS HEREBY GIVEN that the City Council appoints the day of June 15, 2010, at the hour of 7:00 p.m., in the Council Chambers at City Hall, 3031 Torrance Boulevard, Torrance, California, 90503, as the time and place for a public hearing on the levy of the proposed assessments against the lots and parcels of land within the District for the 2010-11 fiscal year.

Section 8 The City Clerk is hereby authorized and directed to give notice of such hearing in accordance with the law.

Section 9 The City Council hereby designates the Finance Director of the City of Torrance, 3031 Torrance Boulevard, California, 90503, (310) 618-5850 to answer inquiries regarding the proceedings.

PASSED, APPROVED AND ADOPTED this 11th day of May, 2010.

APPROVED AS TO FORM: JOHN L. FELLOWS III, City Attorney /s/ Frank Scott Mayor Frank Scott ATTEST:

by /s/ Patrick Q. Sullivan Patrick Q. Sullivan, Assistant City Attorney /s/ Sue Herbers Sue Herbers, City Clerk

TORRANCE CITY COUNCIL RESOLUTION NO. 2010-44
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF TORRANCE }

I, Sue Herbers, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at a regular meeting of said Council held on the 11th day of May, 2010 by the following roll call vote:

AYES: COUNCILMEMBERS Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scott.
NOES: COUNCILMEMBERS None.
ABSTAIN: COUNCILMEMBERS None.
ABSENT: COUNCILMEMBERS None.

Date: May 16, 2010 /s/ Sue Herbers Sue Herbers City Clerk of the City of Torrance

Pub: May 26, 2010