

**NOTICE OF PUBLIC HEARING**  
**City of Livingston Consolidated Landscape Maintenance Assessment District No. 1**  
**June 18, 2024 at 7:00 PM**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON  
INITIATING PROCEEDINGS AND ORDERING THE PRELIMINARY  
ENGINEER’S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR  
FISCAL YEAR 2024/2025 FOR THE CITYWIDE CONSOLIDATED LANDSCAPE  
MAINTENANCE ASSESSMENT DISTRICT NO. 1, APPROVING THE  
ENGINEER’S REPORT, DECLARING THE CITY’S INTENTION TO LEVY  
ANNUAL ASSESSMENTS FOR THE DISTRICT, AND APPOINTING A TIME  
AND PLACE FOR A PUBLIC HEARING**

**WHEREAS**, the City Council of the City of Livingston (hereinafter referred to as the “City”), pursuant to the provisions of the Landscaping and Lighting Act of 1972, being division 15 of the Streets and Highways Code of the State of California (the "Act"), desires to initiate proceedings for the City of Livingston’s Citywide Consolidated Landscape Maintenance Assessment District No. 1 (the "District") and Benefit Zones (the “Zones”) and for the levy and collection of assessments within the District and Zones for the fiscal year 2024/2025, for the purposes provided thereof in the Act; and

**WHEREAS**, the public interest and convenience require the City to initiate proceedings for the levy of annual assessments within the District and Zones for the fiscal year 2024/2025, for the purposes provided thereof in the Act; and

**WHEREAS**, Section 22622 of the Act requires the City to adopt a resolution generally describing any proposed new improvements or any substantial changes in the existing improvements and ordering the Engineer to prepare and file a report in accordance with Article 4 of the Act; and

**WHEREAS**, as a condition of original approvals for development within the City has required that developers install landscape improvements adjacent to their Projects, and that the landscaping and related improvements be installed to a standard acceptable to the City, and that developers provide a means satisfactory to the City for assuring the continued maintenance, operation, and servicing of the Improvement Areas and improvements thereto; and

**WHEREAS**, the City has installed landscaping and improvements in the form of parks, located throughout the City in addition to developer installed landscaping; and

**WHEREAS**, the improvements to be installed, constructed or maintained within the District and Zones may include installation, construction or maintenance of any authorized improvements under the Act, including, but not limited to landscape and irrigation improvements and any facilities which are appurtenant to any of the aforementioned or which are necessary or convenient for the maintenance or servicing thereof; and

**WHEREAS**, the individual property owners of the developments are responsible for providing funding towards the costs of the continued maintenance, operation, and servicing of the Improvement Areas and improvements thereto; and

**WHEREAS**, the proposed assessment rates for each of the original 12 Zones, together with the 14 Zones which may be increased annually by the approved CPI rate increase, provide funding to maintain the current improvements; and

**WHEREAS**, in order to maintain the improvements at a standard acceptable to the City the assessments within the District and Zones will need to be levied for fiscal year 2024/2025; and

**WHEREAS**, Proposition 218, the Right to Vote On Taxes Act does hereby require that if the assessment rate is to be increased above an approved CPI rate, a notice of the proposed assessment along with a ballot shall be mailed to all owners of identified parcels within the District and Zones, and that the agency shall conduct a public hearing not less than 45 days after the mailing of said notice; and

**WHEREAS**, all assessments subject to annual rate increases, such annual rate increases were previously approved through a successful balloting of the property owners and these assessment increases require no further balloting; and

**WHEREAS**, notices and Assessment Ballots are not required if assessments are not considered increased; and

**WHEREAS**, Willdan Financial Services has prepared an Engineer's Report (the "Report") which references the location of each Zone's boundaries which are benefited by the improvements and the amounts to be assessed against each of the parcels within the District and Zones; and

**WHEREAS**, the Report, referenced diagrams and assessments have been filed with the City Clerk and are open to public inspection, and may be referred to for all details regarding the improvements, the boundary of the District and Zones, the assessments, total costs, and description of the parcels to be assessed; and

**WHEREAS**, this City Council has examined and considered the Report, references to the diagrams, the assessments, and the proceedings prior thereto.

**NOW, THEREFORE, BE IT RESOLVED**, determined, and ordered by the City Council for the City of Livingston Consolidated Landscape Maintenance Assessment District No. 1, as follows:

Section 1. That the above recitals are true and correct.

Section 2. That the City hereby proposes an annual levy of assessments for The Consolidated Landscape Maintenance Assessment District No. 1, including the following Zones:

Almond Glen	Monte Cristo Estates
Country Glen	Vinewood Estates II (Briarwood)
Country Roads	Monte Cristo Estates II (Briarwood)
Harvest Manor	Kensington Park South (Vineyard Estates)
Vinewood Estates	Bridgeport Village
Vintage West	Davante Villas
North Residential	Country Lane I (Liberty Square)
South Residential	Country Lane II (Country Lane, Kishi)
Central Residential	Parkside-Forecast
North Commercial	Sundance IV (Country Villas IV)
Downtown Commercial	Strawberry Fields
South Commercial	La Tierra (Rancho Estrada)
	Somerset (Sun Valley Estates)
	Sundance (Country Villas 1, 2, and 3)

Thereon to provide for the following work:

Installation, construction or maintenance of any authorized improvements under the Act, including, but not limited to landscape and irrigation improvements and any facilities which are appurtenant to any of the aforementioned or which are necessary or convenient for the maintenance or servicing thereof.

Section 3. The City Council hereby (1) finds that the public interests and convenience requires and (2) declares its intention to order the approval of the levy and collection of assessments against the assessable lots and parcels of land within such District and Zones for the fiscal year commencing July 1, 2024 and ending June 30, 2025 to pay the costs and expenses of the improvements described herein. For the Zones: Bridgeport Village, Country Lane I (Liberty Square), Country Lane II (Country Lane, Kishi), Somerset (Sun Valley Estates), Sundance (Country Villas 1, 2, and 3), Davante Villas, Kensington Park South (Vineyard Estates), La Tierra (Rancho Estrada), Parkside-Forecast, Monte Cristo, Monte Cristo II (Briarwood), Strawberry Fields, Sundance IV (Country Villas IV, Dunmore Homes), and Vinewood Estates II (Briarwood), the assessments proposed by this resolution were approved by the property owners pursuant to a mailed ballot election conducted in accordance with Article XIII D of the California Constitution. For these Zones, in fiscal years subsequent to these approved balloted elections, the City Council may thereafter impose the assessment at any rate or amount that is less than or equal to the amount authorized for previous fiscal year together with an annual increase equal to the percentage increase of the Consumer Price Index (CPI) of “All Urban Consumers” for the San Francisco-Oakland- Hayward Area (“CPI”), as determined by the United States Department of Labor without conducting another mailed ballot election. Each year, the Engineer shall compute the percentage of difference between the annual CPI for the most recent year and the CPI for the previous year and shall then adjust the existing assessment by an amount up to, but not to exceed such percentage increase for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the Engineer shall use the revised index, or a comparable system as approved by the City Council for determining fluctuations in the cost of living.

Section 4. The City Manager is directed to cause the preparation of a report in accordance with Article 4 of the Act for the District and Zones, and upon completion, to file said report with the City Clerk, who shall then submit the same to the City Council for its consideration.

Section 5. In accordance with the City Council's order, the City's Engineer has filed with the City Clerk the Engineer's Report required by Article 4 of the Act and entitled "Annual Engineer's Report, Consolidated Landscaping Maintenance Assessment District No. 1 (the Report)". All interested persons are referred to the Report for a full and detailed description of the improvements, the proposed annual assessments upon assessable lots and parcels of land within the District and Zones.

Section 6. The Report has been presented to the City Council and the City Council has duly considered each and every part of the Report.

Section 7. The location and boundaries of each Zone of the District are shown on maps on file in the office of the City Clerk (Section 22570 of the Streets and Highways Code) have been incorporated into the Report by reference and the assessment upon each assessable lot or parcel of land within the district showing the area to be benefited and assessed for the improvements (Section 22572 of the Streets and Highways Code) has been described in the Report. The diagrams, assessments, and improvement plans have been filed with the City Clerk.

Section 8. The diagrams referenced in the Report, which indicate by a boundary line the extent of the District and Zones, is hereby declared to describe the boundaries of the District and Zones and shall govern for all details as to the extent and location of said District and Zones.

Section 9. This City Council is satisfied with the correctness of the diagrams and assessment including the proceedings and all matters relating thereto.

Section 10. The public interest and convenience require and it is the intention of the City Council of the City to levy and collect additional assessments within the District and Zones for the fiscal year 2024/2025.

Section 11. The City Council hereby finds that each and every part of the Report is sufficient and the City Council hereby preliminarily approves, passes on and adopts the Report as submitted to the City Council and filed with the City Clerk. The preliminary report shall stand as the Report for the purposes of all subsequent proceedings pursuant to this Resolution of Intention.

Section 12. The City Council does hereby reference the Report, which indicates the amount of the proposed increased assessments, the District and Zones boundary, detailed description of improvements, and the method of assessment. The Report is on file in the office of the City Clerk and reference to the Report is hereby made for all particulars.

Section 13. That notice is hereby given that on the 18th day of June 2024, at the hour of 7 p.m., or as soon thereafter as possible, in the City Council Chambers, 1416 "C" Street, in the

City of Livingston, the City will hold a public hearing with reference to the District and Zones

The foregoing Resolution was regularly introduced, passed, and adopted at a regular meeting of the City Council of the City of Livingston, this 21st day of May 2024.

Monica Cisneros, Deputy City Clerk  
of the City of Livingston