

RESOLUTION NO. 2009-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
PRELIMINARILY APPROVING ENGINEER'S REPORT AND DIRECTING RELATED ACTIONS
BLUE OAK LANE SEWER ASSESSMENT DISTRICT**

RESOLVED, by the City Council (the "Council") of the City of Los Altos (the "City"), County of Santa Clara (the "County"), State of California, as follows:

1. **Resolution of Intention.** On June 23, 2009, this Council adopted its Resolution of Intention to Make Acquisitions and Improvements, (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 Blue Oak Lane Sewer Assessment District (the "Assessment District") to accomplish the completion and financing of certain improvements (the "Improvements") described in the Resolution of Intention.

2. **Engineer's Report.** The Resolution of Intention referred the Improvements described therein to the person designated therein as 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.

3. **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.

4. **Public Hearing.** Pursuant to the Act, this Council hereby orders that a public hearing shall be held before this Council, in the regular meeting place thereof, Council Chambers, City Hall, 1 North San Antonio Road, Los Altos, California on September 8, 2009, at the hour of 7:00 o'clock 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.

5. **Notice.** The City Clerk is hereby authorized and directed to cause notice of the hearing ordered under Section 4 above to be given by mailing, postage prepaid, in the United States mail, such notice being deemed given when so deposited in such mail. The envelope or cover of the mailing shall include the name of the City and the return address of the City Clerk as the sender. The mailed notice shall be given to the owners of each of the parcels proposed to be assessed within the Assessment District as shown in the Engineer's Report, addressed to such owners as their names and addresses appear on the last equalized assessment roll of the County or on the State Board of Equalization assessment roll, as the case may be, or as such address may otherwise be known to the City Clerk.

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. The notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing ordered under Section 4 hereof.

6. **Ballots.** Each such mailed notice under Section 5 above shall contain an assessment 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 weighed 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 completed ballots. The City Clerk is hereby designated as the impartial person responsible for 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 closing 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.

7. **Boundary Map.** The proposed boundaries of the 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 and which Boundary Map shall govern for all details for further purposes of the proceedings for the Assessment District and to which reference is hereby made 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 of the adoption of this resolution, but in no event later than 15 days before the date of the public hearing ordered under Section 4 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 shall keep in his or her office. The County Recorder shall index the Boundary Map by the name of the City and by the distinctive designation of the proposed Assessment District.

8. **Effective.** This resolution shall take effect upon adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of July 2009 by the following vote:

AYES: PACKARD, CARPENTER, CASAS, BECKER, SATTERLEE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE


Megan Satterlee, MAYOR

ATTEST


Susan Kitchens, CITY CLERK