



DATE: May 16, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Property Management Division

SUBJECT: **ADOPTION OF RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 2012-13 FOR THE MARLADO HIGHLANDS LANDSCAPE MAINTENANCE DISTRICT**

SYNOPSIS

Staff recommends that the City Council adopt the resolution confirming the diagrams and assessments for the Marlado Highlands Landscape Maintenance District, Assessment District 1-1988, and order the assessments to be levied for FY 2012-13.

BACKGROUND

The Marlado Highlands Landscape Maintenance District (hereinafter "District") was formed pursuant to the authority granted by the Landscaping and Lighting Act of 1972 of the California Streets and Highways Code. This legislation provided the means to finance the maintenance of landscape improvements within the boundaries of the District.

ANALYSIS

The City Council is required to conduct a public hearing regarding the proposed FY 2012-13 assessments to be levied within the District. The public hearing provides all interested persons an opportunity to be heard, either in writing or orally at the public hearing, regarding the renewal and proposed assessments. After consideration of the evidence submitted, the City Council is requested to adopt the resolution for the District confirming the FY 2012-13 diagram and assessment.

The amount of the assessment levied against a parcel is based on benefit unit costs. Benefit units are assigned to each parcel reflecting both land use designation and proximity to District landscaping. The District's total costs, divided by the total benefit units in the District, determines the assessment per benefit unit. A parcel's assessment is determined by multiplying its assigned number of benefit units by the assessment per benefit unit.

Single-family homes are assessed one benefit unit. An additional 0.1 benefit unit is assessed if the single-family home is adjacent to District landscaping. Condominiums and apartments are assigned 0.8 benefit unit per dwelling.

An itemized outline of costs and the calculation of the average annual assessment per benefit unit are summarized in the attached Engineer's Report, approved on April 18, 2012, and the accompanying exhibits. The report identifies the proposed assessment for each lot and parcel of real property within the District. Exhibit C of the Engineer's Report contains an assessment roll showing the proposed amount to be assessed against each parcel within each District. The proposed assessments within the Engineer's Reports will be used to pay the operation, maintenance, and material costs associated with the District for FY 2012-13. Exhibit C is available for review in the City Clerk's office. Since there will not be any changes to the Engineer's Report approved on April 18, 2012, the City Council is not required to approve a Modified Engineer's Report. The proposed assessments within the Engineer's Report, approved on April 18, 2012, will be used to pay the operation, maintenance and material costs associated with the District for FY 2012-13.

ALTERNATIVE ANALYSIS

The current amount of revenue generated from the levy of the annual assessments is not sufficient to cover the cost to effectively maintain the District. In addition, over past few years although the expenses of the District have exceeded the assessment revenue and the District's reserve account depleted, the Marlado Highlands Homeowners Association ("Marlado HOA") had been making a donation to offset the deficit. For this fiscal year, the Marlado HOA will not be providing the additional funding.

Beginning with FY 2012-13, the options for the District would be to either: drastically reduce the level of service; approve and initiate a ballot measure to have the property owners within the district vote to increase assessments; turn over the maintenance of the property within the District to the Marlado HOA; or dissolve the District. For FY 2012-13 staff is recommending a reduction in the level of service to offset the deficit. This would include less maintenance, water, and contract extras. Over the next year, staff will be evaluating the other options and will forward a recommendation to the City Council in advance of the approval process for FY 2013-14.

FISCAL IMPACT

All costs are included in the District's budget. Revenues to cover the estimated expenditures are levied and collected as a special assessment against the properties within the District. The budget for the District is detailed on Exhibit B of the Engineer's Report.

District	Current Annual / Monthly	Proposed Annual / Monthly	CPI	Account Numbers
Mar Lado Highlands	\$495.62/\$41.30	No Change	No CPI	320319249

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council adopt the resolution confirming the diagrams and assessments for the Marlado Highlands Landscape Maintenance District, Assessment District 1-1988, and order the assessments to be levied for FY 2012-13.

PREPARED BY:



Rosa A. Jones
Contract/Lease Coordinator

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

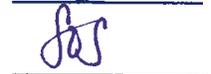
Michelle Skaggs Lawrence, Deputy City Manager



Douglas E. Eddow, Real Property Manager



Scott O. Smith, City Engineer



Teri Ferro, Financial Services Director



Attachments: Resolutions

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE, CALIFORNIA, CONFIRMING THE FISCAL
4 YEAR 2012-2013 DIAGRAM AND ASSESSMENT FOR THE
5 MAR LADO HIGHLANDS LANDSCAPE MAINTENANCE
DISTRICT, ASSESSMENT DISTRICT NO. 1-1988

6 WHEREAS, the City Council of the City of Oceanside, pursuant to the
7 Landscaping and Lighting Act of 1972, being Section 22500 et. seq., of the California
8 Streets and Highways Code, hereinafter referred to as the "Act", adopted Resolution
9 No. 12-R0235-1 declaring its intention to levy and collect assessments for fiscal year
10 2012-2013 to pay the maintenance, operation and administrative costs for landscaping
11 and appurtenant improvements within the Mar Lado Highlands Landscape
12 Maintenance District, Assessment District No. 1-1988;

13 WHEREAS, said resolution also set a public hearing for May 16, 2012, at 5:00
14 p.m., or as soon thereafter as possible, in the City Council Chambers located at 300
15 North Coast Highway, Oceanside, California, as the time and place to hear protests
16 and objections to the proposed assessment and renewal of said district;

17 WHEREAS, the City Clerk of the City of Oceanside has given notice of said
18 hearing by publishing the Resolution of Intention, as required by Section 22626 of the
19 Act;

20 WHEREAS, at the time and place stated in said Resolution of Intention, a public
21 hearing was duly held by the City Council of the City of Oceanside, at which time all
22 persons desiring to be heard were heard;

23 WHEREAS, the Engineer's Report for the Mar Lado Highlands Landscape
24 Maintenance District was approved by the Oceanside City Council on April 18, 2012,
25 and no changes have been made to that report.

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1 WHEREAS, said Report, on file with the City Clerk of the City of Oceanside,
2 contains a full and detailed description of the boundaries of the assessment district,
3 the proposed assessments to be levied against each assessable lot or parcel of land
4 within the district, and a description of the improvements to be maintained or modified;

5 WHEREAS, the City Council of the City of Oceanside, adopted Resolution
6 No.12-R0234-1 which approved the Engineer's Report regarding the district's
7 proposed 2012-2013 costs and assessments;

8 WHEREAS, the City Council of the City of Oceanside has examined and
9 considered the proposed assessment in said Report and proceedings prior thereto, in
10 addition to the evidence presented at said hearing; and

11 WHEREAS, upon completion of said hearing, the City Council of the City of
12 Oceanside determined that a majority protest did not exist.

13 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as
14 follows:

15 SECTION 1. That on May 16, 2012 at 5:00 p.m., said hearing on the
16 proposed 2012-2013 fiscal year assessment and renewal was duly held, and each and
17 every step required under the Act and the California Constitution to levy said
18 assessment and renew said district in the proceedings prior to and including said
19 hearing has been duly taken.

20 SECTION 2. That the City Council does determine that the Engineer's
21 Report approved by its Resolution No.12-R0234-1 and the amount of the assessment
22 rates shown in said Report should be confirmed.

23 SECTION 3. This City Council does determine that the amounts to be
24 assessed against the individual parcels shown on the assessment diagram contained
25 in said Report are approved and confirmed, and the City Clerk of the City of Oceanside
26 is directed to endorse upon the Engineer's Report for the Mar Lado Highlands
27 Landscape Maintenance District its approval and the date thereof.

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1 SECTION 4. The City Clerk of the City of Oceanside is directed to file said
2 diagram and assessment as required by Section 22641 of the Act.

3 PASSED AND ADOPTED by the City Council of the City of Oceanside,
4 California, this _____ day of _____, 2012, by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

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Mayor of the City of Oceanside

13 APPROVED AS TO FORM:
14 OFFICE OF THE CITY ATTORNEY

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16 

17 _____
City Attorney

18 ATTEST:

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20 _____
City Clerk

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24 **Resolution confirming the fiscal year 2012-2013 diagram and**
25 **assessment for the Mar Lado Landscape Maintenance**
26 **District, Assessment District No. 1-1988**
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