

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, OVERRULING ANY OTHER PROTESTS AND
ORDERING THAT THE ALTERNATIVE METHOD FOR THE
LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO
THE SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183, AND APPROVING,
CONFIRMING AND ADOPTING DIRECTOR'S REPORT FOR
FISCAL YEAR 2019-20**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to the provisions of Chapter 16, Article II, Division 5.1 of the Santa Clara City Code ("City Code") on May 13, 1986, Council adopted Resolution No. 5068, "A Resolution of Intention to Form Santa Clara Convention Center Complex Maintenance District No. 183 and to Order that the Alternative Method for the Levy of Benefit Assessments be Made Applicable Thereto";

WHEREAS, after proceedings to that end duly held on June 3, 1986, the Council adopted Resolution No. 5081, "A Resolution of Intention to Order that the Alternative Method for the Levy of Benefit Assessments be Made Applicable to City of Santa Clara Convention Center Complex Maintenance District No. 183, Providing for Notice of Hearing Thereon, Approving Director's Report, and Providing for Notice of Hearing on Director's Report";

WHEREAS, pursuant to Article VI of Chapter 16.10 of the City Code), the City Manager has caused to be prepared a budget for the costs and expenses of maintaining and operating within the City of Santa Clara Convention Center Complex Maintenance District No. 183 ("District") the local public improvements for the fiscal year 2019-20, including (a) the gross amount required for the costs and expenses of maintaining and operating the improvements; (b) the surplus balance available at the end of the preceding fiscal year for such purposes; (c) the amount, if any, to be contributed to pay any part of the costs and expenses; (d) the amount, if any, to be repaid to the City for funds advanced by it to pay deficiencies which occurred in prior years; and (e) the balance of the amount necessary to pay the costs and expenses;

WHEREAS, pursuant to Resolution No. 19-8685 and the City Code, the Director of Public Works has made and filed with the City Clerk a written report ("Director's Report") for fiscal year 2019-20, which provides the basis for the levy of benefit assessments for the cost of maintenance and operation on all lots or parcels of property within the District, and the Director's Report sets forth the budget, the formula or formulae for the annual assessment levy, a description of each lot or parcel of property in the District, Assessor's Parcel Number or other description sufficient to identify the same, the amount of assessment to be levied for fiscal year 2019-20 against each lot or parcel of property, and such other information as will be necessary or useful in applying the formula or formulae;

WHEREAS, on April 9, 2019 this Council duly considered the Director's Report and found that each and every part thereof was sufficient and that neither the Director's Report nor any part thereof required modification, and ordered that the Director's Report shall be open to public inspection;

WHEREAS, Proposition 218 passed on November 5, 1996, added Articles XIII C and XIII D to the State of California Constitution which requires property owners within the District to annually approve any assessment increase that is more than any previous assessment;

WHEREAS, procedures of approval required the preparation of a Director's Report on how the assessments were prepared and based;

WHEREAS, pursuant to Resolution No. 19-8685 and the provisions of the City Code, notice of hearing any and all protests in relation to the Director's Report and any of the matters contained therein was given by causing notice of public hearing to be posted at Santa Clara City Hall on April 23, 2019, published in the Santa Clara Weekly, a newspaper of general circulation, on April 17, 2019, and mailed to all property owners in the Maintenance District on May 2, 2019, as provided by the City Code, all as more particularly appears from the certificates and affidavits thereof on file in the office of the City Clerk of the City, whereupon the hearing on the Report was duly and regularly held at the time and place advertised in the notice and in Resolution No.

19-8685;

WHEREAS, the Director's Report, and public hearing meeting notice were timely provided to the entities within the District who are responsible for paying the assessments;

WHEREAS, because the proposed assessment that is greater than any previous assessment, the procedures of approval under Proposition 218 not only require the preparation of a Director's Report on how the assessments were prepared and based, but further necessitate a written ballot ("Ballot") to be returned in order to determine the approval of the proposed any assessment increases for the District;

WHEREAS, persons interested, objecting thereto, filed written protests with the City at or before the time set for hearing, and all persons interested, desiring to be heard were given an opportunity to be heard and all matters and things pertaining thereto were fully heard and considered by the Council;

WHEREAS, the Council has remedied and corrected any errors or informalities in the Director's Report and has revised and corrected any of the acts or determinations of the various City officials as contained therein, and is fully informed of the contents;

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That a weighted vote, based on the assessment to each property, was needed to approve the proposed annual assessments for said District because this year's assessment is more than the greatest previously approved assessment.
2. That all written protests, objections and other written communications were read at a noticed public hearing and all persons desiring to be heard were fully heard, and that all protests in relation to the alternative method for the levy of benefit assessment and said formula and said Director's Report be, and each of them are hereby, overruled in accordance with Article VI of Chapter 16.10 of the City Code.

3. That the Director's Report and each and every part thereof contained all the matters and things called for by Resolution No. 5081 and the City Code, including the budget, the formula or formulae for the annual assessment levy, Assessor's Parcel Number or other description sufficient to identify the same, the amount of the assessment to be levied against each lot or parcel of land in accordance with the formula or formulae, and such other information as will be necessary or useful in applying the formula adopted by the Council.
4. That the Director's Report and assessment roll, and each of the assessments therein as duly revised and corrected be, and they are hereby approved, confirmed and adopted.
5. That the special benefit assessments shall be levied and collected annually upon the last equalized secured and utility tax rolls upon which ad valorem property taxes are collected. They shall be in addition to all other ad valorem property taxes levied, and shall be collected together with, and not separate therefrom, and enforced in the same manner and by the same persons and at the same time and with the same penalties and interest as are ad valorem property taxes. All laws applicable to the collection and enforcement of the ad valorem property taxes shall be applicable to the special benefit assessment levy, and the assessed lot or parcel of property, if sold for taxes, shall be subject to redemption in the same manner as such real property is redeemed from the sale for ad valorem property taxes, and if not redeemed, shall in like manner pass to the purchaser.
6. That the Director's Report, together with a certified copy of this Resolution, shall forthwith be delivered to the Director of Finance of this City, who shall thereafter deliver the Director's Report to the officer of the County of Santa Clara designated by law to extend ad valorem property taxes upon the tax roll. Proper County officer shall cause to be posted to the tax rolls, in a column provided therefor, the amount of each of the special benefit assessments proposed to be levied and collected for the fiscal year as set forth in the Director's Report as confirmed.

7. That the City Clerk shall forward a certified copy of this Resolution and Director's Report to the City Manager, Director of Public Works, and Director of Finance of this City and to the officer designated by law to extend ad valorem property taxes upon the tax roll on which they are collected.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6th DAY OF JUNE, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Director's Report