

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Allan L. Roeder  
Dept: Interim City Manager  
Subject: PUBLIC HEARINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT, GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND GARDEN GROVE PARK MAINTENANCE DISTRICT (FY 2015-16) AND APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE COLLECTION OF DISTRICT ASSESSMENTS

From: William E. Murray  
Dept: Public Works  
Date: July 14, 2015

OBJECTIVE

To hold Public Hearings prior to the adoption of the FY 2015-16 assessments under the Landscape and Lighting Act of 1972 and determine whether to levy assessments for 1) the Garden Grove Street Lighting District, 2) the Garden Grove Street Lighting District No. 99-1, and 3) the Garden Grove Park Maintenance District, and approve an Agreement with the County of Orange for collection of special taxes, fees, and assessments for these Districts.

BACKGROUND/DISCUSSION

On May 12, 2015, the City Council adopted Resolution Nos. 9284-15, 9285-15, and 9286-15, declaring its intention to levy and collect annual assessments for FY 2015-16 to pay for the street lighting and park maintenance. The City Engineer, as required by state law, has prepared and filed a report for each district. The purpose of the Public Hearings are to hear testimony on the question of the annual assessments for parcels located within the Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District. Furthermore, the attached Agreement is required by the County for the purposes of collecting annual assessments on the County's tax rolls at a fixed rate per District. These fees have not increased and will not impact the respective Districts' budgets.

Properties throughout the city have been paying assessments to fund street lighting and community park maintenance. The proposed assessments are based on rates and methodology as previously adopted in FY 1997-98 by the City Council for the

PUBLIC HEARINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT, GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND GARDEN GROVE PARK MAINTENANCE DISTRICT (FY 2015-16) AND APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE COLLECTION OF DISTRICT ASSESSMENTS

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Garden Grove Street Lighting District and the Garden Grove Park Maintenance District.

The boundaries of the Garden Grove Street Lighting District No. 99-1 include two zones; the first involving an area easterly of Dale Street between Lampson Avenue and Chapman Avenue, including an area west of Fairview Street approximately 900 feet south of Trask Avenue, and the second involving an area on Gail Lane, north of Chapman Avenue. Property owners approved this district on June 22, 1999, through a special ballot proceeding.

With regard to the Garden Grove Street Lighting District, property owners on Louise Street, from Acacia Avenue to Stanford Avenue, have separately requested the installation of local lighting along their street. As these properties are currently paying only the arterial lighting assessments, an assessment balloting process is required to impose the additional local lighting assessment. Assessment ballots were mailed out on May 29, 2015 to Louise Street property owners who are affected by the proposed additional local lighting assessment. All ballots are due back to the City Clerk prior to the close of the Public Hearing.

If a majority of the returned ballots are against the additional assessment, then the additional local lighting assessment will not be levied and local lighting along Louise Street will not be installed. In the absence of a majority protest, the City Council may authorize the levying of the local lighting assessment on these properties and authorize the installation of the street lights.

There are seventeen (17) affected properties along Louise Street. The City Clerk will tabulate the ballots and announce the results for all district assessments following the close of each Public Hearing.

#### FINANCIAL IMPACT

The adoption of street lighting and park maintenance assessments will raise approximately \$1,300,000 in street lighting revenue and \$700,000 in park maintenance revenue. The assessments will be collected by the County.

PUBLIC HEARINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT, GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND GARDEN GROVE PARK MAINTENANCE DISTRICT (FY 2015-16) AND APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE COLLECTION OF DISTRICT ASSESSMENTS

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RECOMMENDATION

It is recommended that the City Council take the following actions:

1. For the Garden Grove Street Lighting District No. 99-1:

- Conduct the Public Hearing for the proposed annual levy of assessments;
- Receive the report of the City Clerk regarding protests received; and
- Assuming that there is no majority protest, adopt the Resolution confirming the assessment in Street Lighting District No. 99-1 for FY 2015-2016. (Resolution is Attachment 1 to the Agenda Report)

2. For the Garden Grove Park Maintenance District:

- Conduct the Public Hearing for the proposed annual levy of assessments;
- Receive the report of the City Clerk regarding protests received; and
- Assuming that there is no majority protest, adopt the Resolution confirming the assessment in the Garden Grove Park Maintenance District for FY 2015-2016. (Resolution is Attachment 2 to the Agenda Report)

3. For the Garden Grove Street Lighting District:

- Conduct the Public Hearing for the proposed annual levy of assessments, including the additional local lighting assessments for Louise Street, from Acacia Avenue to Stanford Avenue;
- Receive the report of the City Clerk regarding protests received for the annual general levy and for the balloting for the additional local lighting assessments;
- Assuming that there is not a majority protest on any of the general or additional local lighting assessments, adopt the Resolution confirming all of the proposed assessments in the Garden Grove Street Lighting District. For FY 2015-2016 (Resolution is Attachment 3 to the Agenda Report); and

PUBLIC HEARINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT, GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND GARDEN GROVE PARK MAINTENANCE DISTRICT (FY 2015-16) AND APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE COLLECTION OF DISTRICT ASSESSMENTS

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- If there is a majority protest for Louise Street, adopt the Resolution confirming only the general proposed assessment for the Garden Grove Street Lighting District for FY 2015-2016 (Resolution is Attachment 4 to the Agenda Report).

4. For the Agreement with the County of Orange:

- Approve the Agreement for Collection of Special Taxes, Fees, Charges, and Assessments with the County of Orange; and
- Authorize the Interim City Manager to sign the Agreement on behalf of the City and make minor changes, as appropriate.



WILLIAM E. MURRAY, P.E.  
Public Works Director



By: Ana V. Neal  
Sr. Administrative Analyst

- Attachment 1: Resolution for Garden Grove Street Lighting District No. 99-1
- Attachment 2: Resolution for Garden Grove Park Maintenance District
- Attachment 3: Resolution for Garden Grove Street Lighting District (no majority protests)
- Attachment 4: Resolution for Garden Grove Street Lighting District (majority protest for Louise Street)
- Attachment 5: Agreement with County of Orange
- Attachment 6: Louise Street Area Map

Approved for Agenda listing



Allan L. Roeder  
Interim City Manager

# ATTACHMENT NO. 1

## GARDEN GROVE CITY COUNCIL

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

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2015-16 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the installation, maintenance, and servicing of certain public street lighting facilities in the City of Garden Grove Street Lighting District No. 99-1 (Resolution No. 9281-15) for FY 2015-16 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 12, 2015, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9285-15 fixed July 14, 2015, at 6:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9285-15, and of the time and place and purpose of the Public Hearing;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the improvements proposed; and

WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented to it, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the 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 FY 2015-16, in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and Article XIIIID of the California Constitution and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

SECTION 4. The City Council hereby confirms the diagram and assessment for the District for FY 2015-16. 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, 2015, and ending June 30, 2016, as set forth in the reports.

SECTION 5. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 6. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 7. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor for collection of the assessment on the tax roll.

# ATTACHMENT NO. 2

## GARDEN GROVE CITY COUNCIL

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

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2015-16 FISCAL YEAR

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the maintenance of public parks in the city of Garden Grove (Resolution No. 9282-15) for FY 2015-16 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 12, 2015, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9286-15 fixed July 14, 2015, at 6:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9286-15 and of the time and place and purpose of the Public Hearing;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;



Whereas, protests were not made by the owners of more than one-half of the area of the property to be assessed for the improvements proposed; and

WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented to it, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the 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 FY 2015-16 in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and that the City Council has complied with all laws pertaining to the levy of an annual assessment. The City Council hereby confirms the diagram and assessment for the District for FY 2015-16. 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, 2015, and ending June 30, 2016, as set forth in the report.

SECTION 4. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 5. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 6. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor for collection of the assessment on the tax roll.

## ATTACHMENT NO. 3

### GARDEN GROVE CITY COUNCIL

#### RESOLUTION NO.

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2015-2016 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT (NO MAJORITY PROTEST FOR LOUISE STREET AREA)

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the installation, maintenance, and servicing of certain public street lighting facilities in the City of Garden Grove Street Lighting District (Resolution No. 9280-15) for FY 2015-16 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 12, 2015, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9284-15 fixed July 14, 2015, at 6:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9284-15, and of the time and place and purpose of the Public Hearing;

WHEREAS, the City has caused notices and ballots to be mailed to the record owners of properties along Louise Street, from Acacia Avenue to Stanford Avenue (hereinafter Louise Street Area) for potential addition of the Local Lighting Assessment rate;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;

WHEREAS, the Louise Street Area ballots that were returned were tabulated, and no majority protest exists with regard to the addition of the Local Lighting Assessment rate;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the other improvements proposed; and

WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the 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 FY 2015-16, in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and that the City Council has complied with all laws pertaining to the levy of an annual assessment. The City Council hereby confirms the diagram and assessment for the District for FY 2015-16. 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, 2015, and ending June 30, 2016, as set forth in the report.

SECTION 4. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 5. The City Council hereby orders the levy of an assessment against properties in the Louise Street Area, for which Local Lighting was proposed, for payment of the Local Lighting Assessment and authorizes the installation of local lights on that street.

SECTION 6. The City Council finds that the Southern California Edison Company is the only practical contractor capable of furnishing said improvements, and authorization is hereby granted to continue with said contractor pursuant to agreement dated July 22, 1958, without publishing any notice inviting bids or submitting said contract to competitive bidding.

SECTION 7. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 8. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor, for collection of the assessment on the tax roll.

# ATTACHMENT NO. 4

## GARDEN GROVE CITY COUNCIL

### RESOLUTION NO.

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2015-2016 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT (MAJORITY PROTEST FOR LOUISE STREET AREA)

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the installation, maintenance, and servicing of certain public street lighting facilities in the City of Garden Grove Street Lighting District (Resolution No. 9280-15) for FY 2015-16 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 12, 2015, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9284-15 fixed July 14, 2015, at 6:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9284-15 and of the time and place and purpose of the Public Hearing;

WHEREAS, the City has caused notices and ballots to be mailed to the record owners of properties along Louise Street, from Acacia Avenue to Stanford Avenue (hereinafter Louise Street Area) for potential addition of the Local Lighting Assessment rate;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;

WHEREAS, the Louise Street Area ballots that were returned were tabulated, and a majority protest exists with regard to the addition of the Local Lighting Assessment rate;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the other improvements proposed; and

WHEREAS, except as to the protests for the addition of local lighting in the Louise Street Area, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the 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 FY 2015-16, in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and that the City Council has complied with all laws pertaining to the levy of an annual assessment. Except for the proposed assessment for additional local lighting in the Louise Street Area, the City Council hereby confirms the diagram and assessment for the District for FY 2015-16. 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, 2015, and ending June 30, 2016, as set forth in the report, except as to the additional local lighting in the Louise Street Area.

SECTION 4. Except for the proposed additional local lighting in the Louise Street Area, the City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 5. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 6. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor, for collection of the assessment on the tax roll.



**AGREEMENT FOR COLLECTION OF SPECIAL  
TAXES, FEES, CHARGES AND ASSESSMENTS**

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the COUNTY OF ORANGE, a political subdivision of the State of California, hereinafter referred to as "County" and \_\_\_\_\_, hereinafter referred to as "District".

**RECITALS**

The following recitals are a substantive part of this Agreement:

WHEREAS, the parties desire to enter into an agreement whereby taxes and special assessments for the District will be collected by the County at the same time and in the same manner as County taxes are collected and the District will pay to the County the fees for collection hereinafter set forth; and

WHEREAS, Section 29142 of the Government Code provides that when taxes or assessments are collected by a county for any special district, or zone, or improvement district thereof, excluding a school district, the board of supervisors may provide for a collection fee for such services; and

WHEREAS, Section 29304 of the Government Code provides that whenever any special assessment or special assessment taxes are levied upon land or real property by any city, county, district or other public corporation, and the same are to be collected by a County, there shall be added to the amount of the special assessment or special assessment tax an amount fixed by agreement between the county and city, district, public corporation, officer, or body for each special assessment or special assessment tax to be collected; and

WHEREAS, Section 51800 of the Government Code provides for the County to collect special assessments on County property tax rolls for cities and districts located in the County, and to enter into an agreement regarding the amount of compensation to be paid to the County for the collection of such assessments; and

WHEREAS, when requested by District, it is in the public interest that the County collect on the County tax rolls the special taxes, fees, and assessments for District.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

**AGREEMENT**

1. Collection Services. County agrees, when requested by District as hereinafter provided, or as required by law, to collect on the County tax rolls the special taxes, fees, and assessments of District, and of each zone or improvement District thereof.

2. Transmission of Information. When County is to collect District's special taxes and assessments, District agrees to notify the Orange County Auditor-Controller of the Assessor's parcel

numbers and the amount of each special tax, fee, or assessment to County, and including, but not limited to, any act of omission or assessment to be so collected.

3. Certification by the District. The District shall certify to the Orange County Auditor-Controller the fixed charge special assessments in a dollar amount to be applied on each parcel of real property which parcel shall be designated by the assessment (i.e., parcel) number shown on the County Secured Assessment Roll for the year in which the assessment is to be collected..

4. Verification by District. It shall be the obligation of the District prior to the time of delivery to the Orange County Auditor-Controller of the fixed charge special assessment roll to check the County Secured Assessment Roll after it is filed by the Orange County Assessor with the Orange County Auditor-Controller to verify that the parcel numbers on the assessment roll for fixed charge special assessments certified by the District correspond with the assessment (i.e., parcel) numbers shown on the County Secured Assessment Roll. Any changes in special assessment data previously certified to the Orange County Auditor-Controller by the District, which changes occur as a result of such verification, shall be certified by the District to the Orange County Auditor-Controller .

5. Collection Fee. County will charge the sum of 0.30 percent (0.30%) of the original value for each special tax, fee, or assessment that is to be collected on the County tax rolls by the County for the District.

6. Charge for Revision of Assessment. After the roll has been delivered by the Orange County Auditor-Controller to the Orange County Tax Collector the County will charge the District for each fixed charge special assessment changed or deleted. Said charge shall be \$15.00 for each assessment or parcel number placed on the County Secured Assessment Roll. Payment shall be submitted to the Orange County Auditor-Controller with the request for the change or deletion.

7. Modification of Collection Fees and Charges. The County reserves the right to increase or decrease any charges herein provided in proportion to any changes in costs incurred by the County in providing the services described herein, provided that written notice of any increase or decrease in charges shall be given by the County to the District on or before May 15 of any year during the term of the Agreement.

8. Authority for Levy and Compliance with Law. District warrants that the taxes, fees, or assessments imposed by District and collected pursuant to this Agreement comply with all requirements of state law, including but not limited to Article XIIC and XIID of the California Constitution (Proposition 218).

9. Release. District hereby releases and forever discharges County and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of District's responsibility under this agreement, or other action taken by District in establishing a special tax, fee, or assessment and implementing collection of special taxes or assessments as contemplated in this agreement, including but not limited, any required remedial action in the case of delinquencies in such assessment payments or the issuance, sale, or administration of any bonds issued in connection with the District's program.

10. Indemnification. District agrees to and shall defend, indemnify and save harmless County and its officers, agents and employees (“indemnified parties”) from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of any of District’s responsibility under this agreement, or other action taken by District in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessment as contemplated in this agreement, including but not limited, any required remedial action in the case of delinquencies in such assessment payments or the issuance, sale, or administration of any bonds issued in connection with the District’s program.

11. Cooperation. District agrees that its officers, agents and employees will cooperate with County by answering inquiries made to District by any person concerning District’s special tax, fee, or assessment, and District agrees that its officers, agents and employees will not refer such individuals making inquiries to County officers or employees for response.

12. Assignment. District shall not assign or transfer this agreement or any interest herein and any such assignment or transfer or attempted assignment or transfer of this agreement or any interest herein by District shall be void and shall immediately and automatically terminate this agreement.

13. Term of Agreement. All existing agreements between the County and District pertaining to collection of taxes and special assessments by the County for the District shall be terminated upon the execution of this Agreement. This Agreement shall continue from year to year and shall be subject to cancellation by either party by giving written notice to the other party of cancellation prior to July 1st of the preceding fiscal year.

14. Waiver. County or District’s waiver of breach of any one term, covenant, or other provision of this agreement, is not a waiver of breach of any other term, nor subsequent breach of the term or provision waived.

**IN WITNESS WHEREOF**, the Parties hereto have signed this Agreement as of the day and year first above written.

\_\_\_\_\_, DISTRICT

By: \_\_\_\_\_

Its: \_\_\_\_\_

**COUNTY OF ORANGE**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: James H Eggert  
James H Eggert Counsel to District

By: \_\_\_\_\_  
\_\_\_\_\_, Deputy County Counsel

**Louise Street Area**  
 Acacia - Stanford  
 CITY OF GARDEN GROVE, CA

Points of Interest  
 Base Layers  
 Parcels  
 City Limits  
 Garden Grove  
 Other Cities

Streets  
 Site of Names

