DRAFT ORDINANCE ORDERING CONFIRMATION, LEVY AND COLLECTION OF PROPOSITION K ANNUAL ASSESSMENTS FOR FISCAL YEAR 2013-14 FOR CITY OF LOS ANGELES LANDSCAPING AND LIGHTING DISTRICT NO. 96-1
Pursuant to provisions of the Landscaping and Lighting Act of 1972 (Division 15, Part 2, California Streets and Highways Code)

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 12-1670

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance orders confirmation, levy and collection of Proposition K annual assessments for Fiscal Year 2013-14, for the City of Los Angeles Landscaping and Lighting District No. 96-1, pursuant to provisions of the Landscaping and Lighting Act of 1972 (Division 15, Part 2, California Streets and Highways Code).

Pursuant to Council Rule 38, we transmitted a copy of this ordinance to the Department of Recreation and Parks, the Bureau of Engineering and the members of the L.A. for Kids Steering Committee, all of whom had no objections or recommended approval.
If you have any questions regarding this matter, please contact Deputy City Attorney Marcia Gonzales-Kimbrough at (213) 978-8126. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney
ORDINANCE NO. 


WHEREAS, on November 5, 1996, voters in the City of Los Angeles approved Proposition K (also known as the L.A. for Kids Program), which authorizes the formation of City of Los Angeles Landscaping and Lighting District No. 96-1 (District) and approves the levy and collection of an annual assessment of $25 million within the District for a period of 30 years for the purpose of funding the acquisition of land, or land and improvements, and for the development, improvement, restoration, and maintenance of improvements funded by the District, of parks, open spaces, recreation and community facilities; and

WHEREAS, the assessments proposed received approval of a majority of the voters prior to the passage of Proposition 218 and, therefore, are exempt from the procedures and approval process set forth in Section 4 of Proposition 218; and

WHEREAS, the Los Angeles City Council on May 17, 2013, adopted an Ordinance of Intention to levy and collect annual assessments for Fiscal Year 2013-14, pursuant to the provisions of the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Clerk did proceed to give notice in the manner required by law of the time and place for a public hearing on the questions of the levying and collecting the annual proposed assessment; and

WHEREAS, the City Council has heard all testimony and evidence, and is desirous of confirming the assessments.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. The Los Angeles City Council hereby finds that the public interest, convenience and necessity require the confirming, levying and collecting of the annual assessments for the Fiscal Year 2013-14, for the City of Los Angeles Landscaping and Lighting District No. 96-1, to provide funding for the acquisition of land, or land and improvements, and for the development, improvement, restoration, and maintenance of improvements funded by the District for parks, open spaces, recreation and community facilities in the District.
Sec. 2. The Council finds, determines and declares that:

(a) The Engineer's Report, which was adopted on May 17, 2013, with all amendments to the report, if any, includes the L.A. for Kids Steering Committee FIVE-YEAR PLAN, LIST A, LIST B and LIST C of the improvement projects, and the diagram for the District and the Assessment. The L.A. for Kids Steering Committee FIVE-YEAR PLAN specifies in detail which acquisitions and improvements are planned for Fiscal Years 2013-14 through 2017-18, and describes the locations of the improvements to be funded by the District. LIST A of the Plan includes projects that are planned for Fiscal Year 2013-14. LIST B of the Plan includes projects that may be substituted for projects in LIST A during the fiscal year in the event the City Council determines that any project in LIST A will not be implemented in the 2013-14 Fiscal Year. LIST C of the Plan includes competitive grant alternate projects that may be substituted for projects in LIST A during the fiscal year in the event it is determined by the City Council that any project on LIST A will not be implemented in the 2013-14 Fiscal Year. All projects in LIST A have been subject to environmental analysis pursuant to the California Environmental Quality Act (CEQA). A Categorical Exemption, Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration has been or will be prepared prior to project initiation, and a Notice of Exemption or Notice of Determination has been or will be filed, when applicable. For projects in LIST B and LIST C, compliance with CEQA must be completed prior to the City Council approving during the 2013-14 Fiscal Year, the substitution of any of those projects for projects in LIST A;

(b) The properties referred to in the Engineer's Report, which are proposed to be assessed, are benefited by the acquisitions and improvements provided for and the assessment is spread in proportion to the benefits;

(c) The total net amount to be assessed to the whole District proposed for the 2013-14 Fiscal Year is not an increase from any previous year; and

(d) The written protests filed and not withdrawn prior to the conclusion of the public hearing do not represent property owners owning more than 50 percent of the assessable lands within the District.

Sec. 3. The Council hereby declares that the amounts to be assessed for the expense of the acquisition of land, or land and improvements, and of the development, improvement, restoration, and maintenance of improvements funded by the District, shall be levied and collected at the same time and in the same manner and by the same officers as County property taxes are levied and collected, all laws providing for the collection and enforcement of County property taxes shall be applied to the collection and enforcement of the assessments, and all assessments collected shall be disbursed and expended for the acquisition of land, or land and improvements, and for the development, improvement, restoration, and maintenance of improvements funded by
the District for parks, open spaces, recreation and community facilities in the District, all as described in the Engineer's Report, with all amendments to the report, if any.

Sec. 4. The Council hereby declares that properties owned by public agencies such as cities, the County, the State or the federal government, will not be assessed except when the property is not devoted to a public use. Rights-of-way that are owned by utilities and railroad operating rights-of-way are also exempt from assessment.

Sec. 5. The Council hereby approves, confirms and adopts the diagram and assessments as set forth in the Engineer's Report, with all amendments to the report, if any.

Sec. 6. The Council hereby declares that the adoption of this ordinance constitutes the levy of an assessment for the fiscal year commencing July 1, 2013, and ending June 30, 2014, in the total net amount of $25 million for the entire District.

Sec. 7. The City Clerk shall cause the filing of the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor.
Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _______________________.

JUNE LAGMAY, City Clerk

By __________________________________________ Deputy

Approved ____________________________

__________________________________________ Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By ____________________________

MARCIA GONZALES-KIMBROUGH
Deputy City Attorney

Date __May 17, 2013_________________

File No. 12-1670__________________