

ORDINANCE NO. _____

An Ordinance of Intention to Levy and Collect Annual Assessments for fiscal year 2018-19 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, Streets and Highways Code, State of California).

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 thirty 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, 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 March 27, 2018, adopted a Resolution instructing the City Engineer to prepare a report and Ordinance of Intention pursuant to the provisions of the Landscaping and Lighting Act of 1972; and

WHEREAS, the total net amount to be assessed to the whole District proposed for the 2018-19 fiscal year is not an increase from the amount authorized by Proposition K.

NOW, THEREFORE,

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

Section 1. The City Council hereby declares its intention to determine that the public interest, convenience and necessity require the levy and collection of assessments for the 2018-19 fiscal year for 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, of parks, open spaces, recreation and community facilities in the District.

Sec. 2. The City Council hereby adopts, approves and confirms the Engineer's Report, which includes the L.A. for Kids Steering Committee FIVE-YEAR PLAN, and the A LIST, B LIST, and C LIST of the improvement projects, and the diagram for the District and the Assessment, and orders the Report be filed with the City Clerk, and sets the matter for public hearing as specified in Section 8. The L.A. for Kids Steering

Committee FIVE-YEAR PLAN (Plan) specifies in detail which acquisitions and improvements are planned for the fiscal years 2018-19 through 2022-23, and describes the locations of the improvements to be funded by the District. The A LIST of the Plan includes projects planned for fiscal year 2018-19. The B LIST of the Plan includes projects that may be substituted for projects on the A LIST during the fiscal year in the event it is determined by the City Council that any project on the LIST A will not be implemented in the 2018-19 fiscal year. The C LIST of the Plan includes competitive grant alternate projects that may be substituted for projects on the A LIST during the fiscal year in the event it is determined by the City Council that any project on the A LIST will not be implemented in the 2018-19 fiscal year. All projects on the A LIST are subject to environmental analysis pursuant to the California Environmental Quality Act (CEQA), and the environmental analysis process has already been completed, or will be completed prior to adoption of the Ordinance Ordering Confirmation, Levy and Collection of Annual Assessment or as required by law. A Categorical Exemption, Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration has been or is being prepared and a Notice of Exemption or Notice of Determination has been or will be filed when applicable. For projects on the B LIST and the C LIST, compliance with CEQA must be completed prior to the City Council approving during the 2018-19 fiscal year, the substitution of any of those projects for projects on the A LIST. The Engineer's Report also describes the boundaries of the Assessment District, and the method and rationale for spreading the proposed assessment in proportion to the benefit received by each lot or parcel of land within the District. The Engineer's Report is by this reference incorporated herein as though set forth in full.

Sec. 3. The Council hereby reaffirms that the boundaries of the City of Los Angeles Landscaping and Lighting District No. 96-1 shall be coterminous with the boundaries of the City of Los Angeles. Every lot or each parcel of land within the City boundaries shall be included in the District.

Sec. 4. The Council hereby declares that the public interest, convenience, and necessity require, and that it is the intention of said Council to order, that the expense necessary for 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 including repairs, replacement, utilities, care, supervision and all other items necessary for proper maintenance and operation of the Assessment District improvements shall be assessed upon each lot or parcel of land lying within the District in proportion to the estimated benefits received from the improvements.

Sec. 5. The Council hereby declares that the amounts to be assessed for the expense of such 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.

Sec. 6. 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 such 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. 7. The Council hereby declares that the proceedings for the levy and collection of assessments of the aforesaid District shall be taken under and in accordance with an act of the Legislature of the State of California known and designated as the Landscaping and Lighting Act of 1972 (Division 15, Part 2 of the Streets and Highways Code).

Sec. 8. The "Public Hearing": The day of May 22, 2018, at the hour of 10:00 a.m., or as soon thereafter as Council business permits, and on any hours and days for continued hearing as ordered by the Council, at the City Council Chambers, Room 340, City Hall, 200 North Spring Street, Los Angeles, California, is the time and place when and where any and all persons having any objections to the levy and collection of the assessments for 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 for the District may appear before the Council and show cause why the expense of the acquisition of any land or land and improvements, developing, improving, restoring, and maintaining these improvements, and the installation and construction of any facilities necessary or convenient to the District, should not be assessed against the District as described and proposed herein.

Sec. 9. Written Protest; Grounds; Withdrawal: Any interested person may, prior to the conclusion of the hearing, file a written protest with the City Clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. Protest by a property owner shall contain a description sufficient to identify the property owned by that person.

Sec. 10. The City Clerk shall cause the notice of the public hearing, in the form and manner specified in Section 6061 of the Government Code, to be published in a newspaper published at least once a week and circulated in the City of Los Angeles, which is hereby designated for that purpose. The publication of notice shall be completed at least ten days before the public hearing date.

Sec. 11. 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Marcia Gonzales Kimbrough
MARCIA GONZALES-KIMBROUGH
Deputy City Attorney

Date April 25, 2018

File No. 17-0999

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____