

**ITEM 12 ATTACHMENT A  
RESOLUTION NO. 2022-1807**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DECLARING AND CERTIFYING THE RESULTS OF A MAIL BALLOT PROCEEDING CONDUCTED IN CONNECTION WITH LANDSCAPE LIGHTING ACT DISTRICT NO. 22**

**WHEREAS**, the City levies an assessment in connection with its Landscape Lighting Act District No. 22 (the "District") pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500 *et seq.* (the "Assessment Law")); and

**WHEREAS**, by its Resolution No. 2022-1782, the City Council declared its intention to increase the authorized assessment rate in the following zone: Las Villas; and

**WHEREAS**, by that same Resolution, the City Council directed that notice of the increased assessment and of a public hearing be given to the owner of each parcel that would be subject to the proposed assessment increase and that such notice includes an assessment ballot as required by Article XIID of the California Constitution and applicable law; and

**WHEREAS**, on May 25, 2022, the City Council held a full and fair public meeting at which all interested persons could give oral and written testimony with respect to the increased assessment and Fiscal Year 2022-23 assessments; and

**WHEREAS**, on June 22, 2022, the City Council held a full and fair public hearing with respect to the increased assessments and levy of assessments and has considered all oral and written testimony and protests with respect to the proposed assessment increase for Fiscal Year 2022-23 and thereafter closed the public hearing, setting June 27, 2022 as the date for the tabulation of ballots; and

**WHEREAS**, on June 27, 2022 the city clerk or her designee, as an impartial person having no vested interest in the increased assessment of the Las Villas Zone as required by Government Code section 53753(e) to tally the assessment ballots that had been received prior to the close of the public hearing, tabulated the assessment ballots pursuant to state law and the City's "Procedures for the Completion, Return and Tabulation of Assessment Ballots"; and

**WHEREAS**, the City Council has received a report with respect to the tabulation of ballots and desires to declare and certify the results of that tabulation and with no majority protest, orders the increased assessment of Las Villas Zone and the levy assessments as more specifically described in the Final Engineer's Report dated June 22, 2022 which has been approved by Resolution 2022-1797

and which is on file in the Office of the City Clerk and available for public inspection.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. The forgoing recitals are each true and correct.

SECTION 2. The City Council declares and certifies that the results of the balloting are as shown on the tabulation report attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. The City Council finds that in the Las Villas Zone, (i) a majority protest as defined by Article XIID of the California Constitution does not exist; (ii) the City has now met each requirement of Article XIID and applicable law with respect to increasing the assessment in these Zones and (iii) the City Council may now, and in each future year, levy the assessment in these Zones at any rate which does not exceed the rate proposed for that Zone in Resolution No. 2022-1782 (as adjusted by any inflation adjustment disclosed on the assessment ballot):

N/A

SECTION 4. The City Council finds that in the Las Villas Zone a majority protest, as defined by Article XIID of the California Constitution exists and therefore abandons proceedings to increase the authorized assessment rate in such Zone:

Las Villas Homeowners' Association

SECTION 5. The City Council reserves the right to levy the assessment in any Zone listed in Section 4 at the rates authorized prior to the conduct of this assessment ballot proceeding.

SECTION 6. The City Clerk shall certify as to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 10<sup>th</sup> day of August, 2022.

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Mary Sue Maurer, Mayor

ATTEST:

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Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

APPROVED AS TO FORM:

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Matthew T. Summers  
Colantuono, Highsmith & Whatley, PC  
City Attorney

**EXHIBIT "A"**  
**CITY CLERK'S CERTIFICATE OF CANVASS**

I, Maricela Hernandez, City Clerk of the City of Calabasas, do certify that on June 27, 2022, pursuant to the City's "Procedures for the Completion, Return, and Tabulation of Assessment Ballots," I canvassed the returns of the special balloting for the Prop 218 Process for the Landscape Lighting Act District No. 22 (LLAD 22); Las Villas HOA:

<b>Las Villas HOA</b>	
<b>Total in Favor</b>	<b>Total Against</b>
17	30

ATTESTED:



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Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

Date: June 28, 2022

Attachment:

Ballot Tally Sheet

# Calabasas Las Villas

District Totals

Zone	Amount Subject to Ballot			Number of Ballots				Outcome	Percent \$	Percent \$	Percent #	Percent #
	Yes	No		Yes	No	Changed	Duplicates		Yes	No	Yes	No
1 Las Villas	29,599.72	52,234.80	✂	17	30	-	-	FAIL	36%	64%	36%	64%
<b>Total District</b>	29,599.72	52,234.80		17	30	-	-	<b>FAIL</b>	<b>36.2%</b>	<b>63.8%</b>	<b>36.2%</b>	<b>63.8%</b>
<b>Percent</b>	36%	64%		36%	64%							
					47.00							

District Totals

7/25/2022, 10:54 AM