

RESOLUTION NO. 2024-1910

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 CALABASAS PARK ESTATES ZONE 8 WITHIN LANDSCAPING & LIGHTING ACT DISTRICT NO. 22

WHEREAS, the City levies an assessment in connection with its Landscaping and 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. 2024-1892, the City Council declared its intention to increase the authorized assessment rate in the following zone: Calabasas Park Estates; 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, section 4 of the California Constitution and other applicable law; and

WHEREAS, on May 22, 2024, 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 2024-25 assessments; and

WHEREAS, on June 12, 2024, 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 2024-25 and thereafter closed the public hearing, setting June 17, 2024 as the date for the tabulation of ballots; and

WHEREAS, on June 17, 2024 the city clerk or her designee, as an impartial person having no vested interest in the increased assessment of the Calabasas Park Estates 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

Calabasas Park Estates Zone and the levy of assessments as more specifically described in the Final Engineer's Report dated June 12, 2024 which has been approved by Resolution 2024-1904 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 Calabasas Park Estates Zone, (i) a majority protest as defined by Article XIID of the California Constitution and Streets & Highways Code section 22630.5, does not exist; (ii) the City has now met each requirement of Article XIID, section 4 and other 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. 2024-1892 (as adjusted by any inflation adjustment disclosed on the assessment ballot):

Calabasas Park Estates Homeowners' Association

SECTION 4. The City Council finds that in the Calabasas Park Estates Zone a majority protest, as defined by Article XIID, section 4 of the California Constitution and Streets & Highways code section 22630.5, exists and therefore abandons proceedings to increase the authorized assessment rate in such Zone:

N/A

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 26th day of June, 2024.

Alicia Weintraub, Mayor

ATTEST:

APPROVED AS TO FORM:

Analuz Mendoza, Interim City Clerk

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

CITY CLERK’S CERTIFICATE OF CANVASS

I, Analuz Mendoza, Interim City Clerk of the City of Calabasas, do certify that on June 17, 2024, 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); Calabasas Park Estates HOA:

Calabasas Park Estates HOA

Total in Favor	Total Against
89	77

ATTESTED:

Analuz Mendoza, Interim City Clerk

Date: _____

Attachment:

Ballot Tally Sheet