RESOLUTION NO. 23-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SPECIAL MAINTENANCE DISTRICT BENEFIT ASSESSMENT DISTRICT NO. 2014-1 (MAMMOTH VIEW)

The Town Council of the Town of Mammoth Lakes (the "Town") does resolve as follows:

WHEREAS, the Town Council of the Town of Mammoth Lakes (the "Town Council"), California pursuant to the terms of the Benefit Assessment Act of 1982, Title 5 Division 2, of the California Government Code (commencing with Section 54703) (hereafter referred to as the "Act") did, approve the Annual Report (hereafter referred to as the "Report") as presented or amended which described the assessment against parcels of land within the Benefit Assessment District designated as follows: Benefit Assessment District No. 2014-1 (Mammoth View) (hereinafter referred to as the "Maintenance District"); and

WHEREAS, the engineer selected by the Town Council has prepared and filed with the Town Clerk, and the Town Clerk has presented to the Town Council, the Report in connection with the proposed levy and collection upon eligible parcels of land within the Maintenance District, and the Town Council did by previous resolution approve such Report; and

WHEREAS, the Town Council desires to levy and collect assessments against parcels of land within the Maintenance District for the fiscal year commencing July 1, 2023 and ending June 30, 2024, to pay the costs and expenses of operating, maintaining, and servicing the improvements within the Maintenance District; and

WHEREAS, the assessment rates within the Maintenance District are exempt from the assessment balloting procedures set forth in Proposition 218 because the Maintenance District was formed by consent of the land owners, and the proposed assessments per lot or parcel are not proposed to increase by more than the assessment rates approved by the landowners at the time of formation of the Maintenance District; and

WHEREAS, the assessment levies are **not** based upon the assessed value of the property within the Maintenance District, but are based upon the special benefit received by the parcels within the Maintenance District from the improvements.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The above recitals are all true and correct.

2. Following notice duly given, the Town Council has held a full and fair Public Hearing regarding its Resolution Approving the Report prepared in connection therewith, the levy and collection of assessments, and considered all oral and written statements, protests and communications made or filed by interested persons.

3. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the Town Council and which has been filed with the Town Clerk, the Town Council hereby finds and determines that:

    (a) The land within the Maintenance District will receive special benefit by the operation, maintenance, and servicing of the improvements which include, but are not limited to: installation, upgrade, construction, or reconstruction of landscaping, street lighting, streets, sidewalks and driveways, curb and gutter, drainage facilities, and snowmelt tubing systems. The improvements also include the construction, maintenance and servicing of appurtenant facilities including, but not limited to, personnel, electrical energy, materials, contracting services, and other items necessary for the satisfactory operation of these services.

    (b) The Maintenance District includes all of the lands receiving such special benefit.

    (c) The net amount to be assessed upon the land within the Maintenance District in accordance with the costs for the fiscal year commencing July 1, 2023 and ending June 30, 2024 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated special benefit to be received by each parcel from the improvements and services.

    (d) The fiscal year commencing July 1, 2023 and ending June 30, 2024, a $5,200 levy will be applied to the parcels in the Maintenance District.

4. The Report and assessment as presented to the Town Council and on file in the office of the Town Clerk are hereby confirmed as filed.

5. The Town Treasurer shall deposit all money representing assessments collected by the County of Mono for the Maintenance District to the credit of a fund for the Maintenance District, and such money shall be expended only for the maintenance, operation and servicing of the landscaping and appurtenant facilities.

6. The adoption of this resolution constitutes the Maintenance District levy in the amount of $5,200 for the fiscal year commencing July 1, 2023 and ending June 30, 2024.

7. A certified copy of the levy shall be filed in the office of the Town Clerk and open for public inspection.

PASSED, APPROVED, AND ADOPTED this 19th day of July, 2023.

John Wentworth, Mayor
Town of Mammoth Lakes

ATTEST:

Jamie Gray, Town Clerk
Town of Mammoth Lakes