



**City of Santa Barbara
Public Works Engineering**



**Underground Utility
Assessment District
(UUAD) Informational
Binder**

Updated 6/28/2019

City of Santa Barbara



Steps for Forming a Private Residential Underground Utilities Assessment District

Prepared by the
City of Santa Barbara
Public Works Department
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Introduction

On April 18, 2006, the Santa Barbara City Council adopted Resolution No. 025 (see Appendix A) stating it shall be the policy of the City of Santa Barbara to support utility undergrounding when requested by homeowners of a particular neighborhood. As such City assistance may be sought to initiate Private Residential Underground Utility Assessment Districts (benefit assessment districts).

City support generally consists of providing a handout defining the process, reviewing and processing benefit assessment district applications, providing coordination with local utility companies, and pending Council approval, providing benefit assessment district start-up support. This may include fronting certain planning/engineering design costs using Southern California Edison Tariff Rule 20A funds allocated to the City of Santa Barbara.

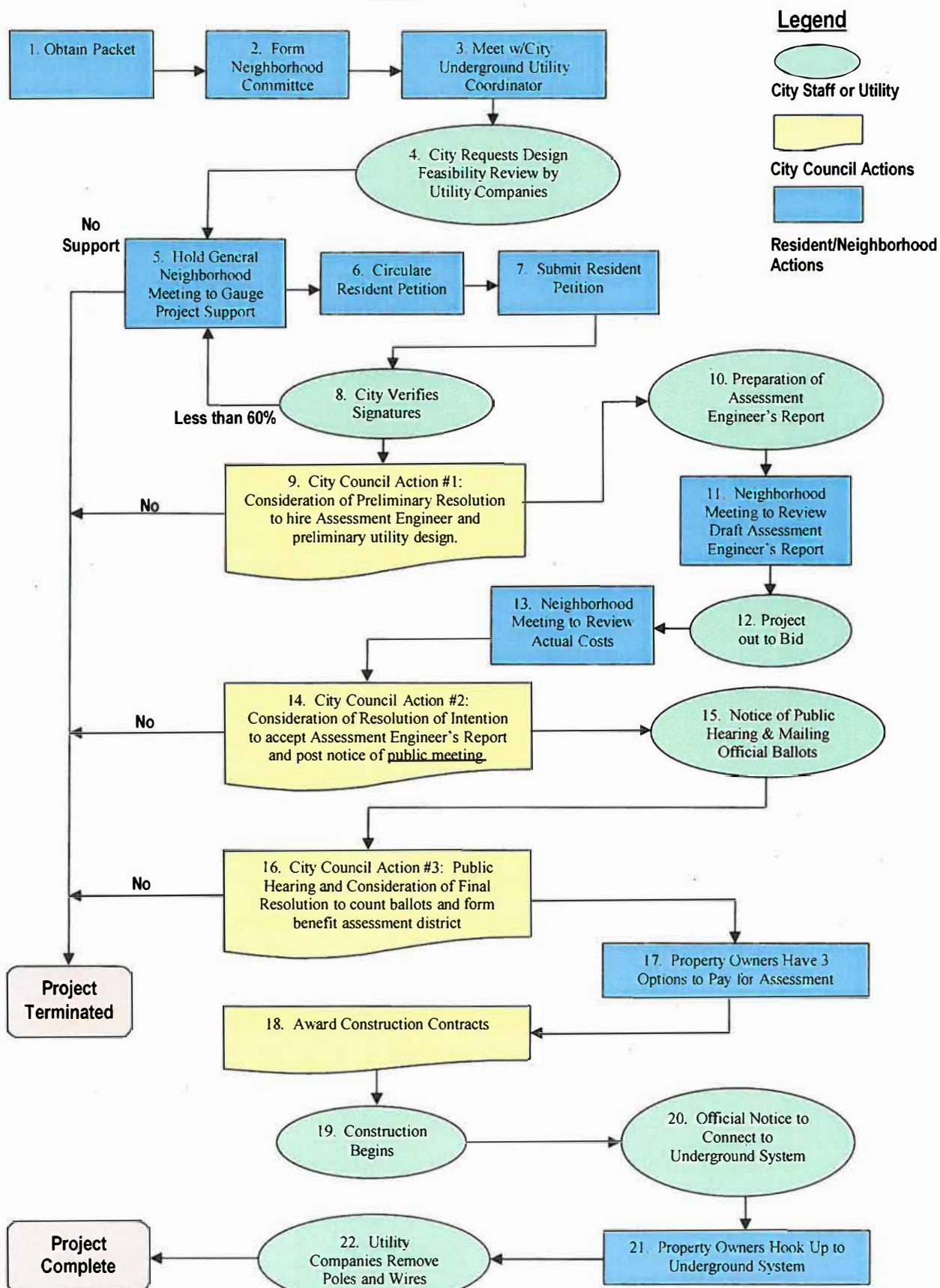
To initiate a benefit assessment district, a resident petition is submitted to the City in accordance with Santa Barbara Municipal Code Chapter 4.60 "Public Works Benefit Assessment District." (See Appendix B.) This Municipal Code Chapter provides direction for formation of Private Residential Underground Utility Assessment Districts discussed in this packet. The combined procedures of Proposition 218 (Article XIII of the State Constitution) and the Municipal Improvement Act of 1913 will also be followed in establishing any benefit assessment district.

Upon staff review and verification, staff will forward the resident petition to City Council for consideration. Pending Council approval, staff will hire an Assessment Engineer who prepares the Assessment Engineer's Report, project design and cost estimates. Two subsequent Council actions are then required to finalize the formation of a benefit assessment district. As outlined in the attached Flow Chart and Step by Step Process, these Council actions are a Resolution of Intention to accept the Assessment Engineer's Report and a Final Resolution where a public meeting is held and official ballots are counted.

If the benefit assessment district is ultimately approved, the City will be reimbursed for all Assessment Engineer and City staff start-up support costs which will be made part of the assessment levied against the properties that are part of the benefit assessment district. If the benefit assessment district fails to be approved, the City will not seek to recover these City start-up support costs. Further, the City will not contribute to any construction costs.



Flow Chart





Step by Step Process

Time of completion shown for each phase is a rough estimate dependent on City staff availability, number of projects in process, and challenges of a particular project to design and/or construct. For a pictorial overview of the process, please see the flow chart on page 4.

- 1. Obtain Packet** - The first step in initiating a Private Residential Underground Utility project (benefit assessment district) is to obtain an informational packet by contacting the City Public Works Engineering Department at (805) 564-5363 or by accessing their web page at: <https://www.santabarbaraca.gov/gov/depts/pw/engineering/default.asp>
 - ◆ **Time for Completion: 1-3 Days**
- 2. Form Neighborhood Committee** - It is strongly recommended that the neighborhood form a committee of interested residents to assist with this project. A committee of 3-5 people is probably sufficient. The Neighborhood Committee will be responsible for coordinating with the City, organizing neighborhood meetings, gathering support, and distributing information regarding the project.
 - ◆ **Time for Completion: 1-2 Months**
- 3. Meet with City Underground Utility Coordinator** - Once a Neighborhood Committee is formed, contact Adam Hendel, Principal Engineer, at (805) 897-1921 or ahendel@santabarbaraca.gov to schedule a kick-off meeting. The purpose of the meeting is to review materials provided in the information packet, propose initial project boundaries, and answer questions.
 - ◆ **Time for Completion: 2-3 Weeks**
- 4. City Requests Design Feasibility Review by Utility Companies** - The City will contact the utility companies to request a design feasibility review and conceptual cost estimates for the project based on utilities identified in the kickoff meeting. Once the review has been completed, a follow-up meeting will be scheduled with the Neighborhood Committee to discuss project boundaries and affected properties.
 - ◆ **Time for Completion: 2-3 Months**
- 5. Hold General Neighborhood Meeting to Gauge Project Support** – Based on information returned by the utility companies, a project scope can be determined. The Neighborhood Committee, along with the City, will hold a neighborhood meeting to gauge support for the project. Based on the consensus of the Neighborhood Committee and neighborhood, the project will either move forward or terminate.
 - ◆ **Time for Completion: 1-2 Months**
- 6. Circulate Resident Petition** – Assuming there is support for the project, a formal petition (resident petition) must be circulated to all property owners within the proposed benefit assessment district. (A copy of the Resident Petition is located on page 15.) Prior to circulating the Resident Petition, the Neighborhood Committee must confirm the proposed boundary for the benefit assessment district. The City will provide a boundary map of the proposed benefit assessment district, an informational letter, and a copy of this packet, all of which must be circulated with the resident petition. Additionally, the City will provide a listing of all property owners within the proposed benefit assessment district. It is important to stress that property



owners, rather than renters, be contacted. Renters DO NOT have the right to vote on the creation of a benefit assessment district.

In order for the project to move forward, property owners of not less than sixty percent (60%) of the area of land proposed to be included within the benefit assessment district must indicate their initial support for the project by signing the resident petition. Signing the resident petition is not a vote. Later in the process, all affected property owners will be given a more precise estimate of their specific share of total costs and will then have the opportunity to officially vote by ballot for or against the creation of the benefit assessment district. (Ballots are weighted in compliance with state law (Proposition 218) according to the level of benefit conferred upon each parcel as identified by the Assessment Engineer's Report.) *Please note that it is possible for property owners who are not in favor of the benefit assessment district to be included in the benefit assessment district.*

◆ **Time for Completion: 4-5 Months**

- 7. Submit Resident Petition** – Once property owners within the proposed benefit assessment district have been contacted and signatures have been obtained from property owners of not less than sixty percent (60%) of the area of land proposed to be included within the benefit assessment district, submit the resident petition to the City for verification.

◆ **Time for Completion: 2-4 Weeks**

- 8. City Verifies Signatures** – The City will verify that signatures on the resident petition represent valid property owners for the proposed benefit assessment district. In the event that the resident petition fails to meet the requirements, the Neighborhood Committee will have to decide whether to continue the project and try to seek additional support, modify the project boundaries, or terminate the project.

◆ **Time for Completion: 2-4 Weeks**

- 9. City Council Action #1: Consideration of Preliminary Resolution** – This is the first of three required City Council actions to form a benefit assessment district. A Preliminary Resolution proposes formation of a benefit assessment district (pursuant to Chapter 4.60 of the Municipal Code) and specifies a distinctive designation for the district. It also describes improvements, exterior boundaries of the proposed benefit assessment district, and orders the preparation and filing of an Assessment Engineer's Report. An Assessment Engineer's Report, as required by law, details the estimated portion of benefit and cost for each individual parcel of land in the proposed benefit assessment district. Additionally, the report explains the method for distributing project costs amongst all affected property owners.

Additionally, staff will request that City Council approve funding for the Assessment Engineer's Report, a survey, detailed plans and specifications from the utility companies, and other administrative costs associated with the project. It is important to note that, should the benefit assessment district be approved, start-up support costs for the identified services will be added to the total cost of the assessment. If the benefit assessment district is not approved, the City will not seek to recover these start-up support costs but may elect to recover these costs from Rule 20A.

◆ **Time for Completion: 1-2 Months**



- 10. Preparation of Assessment Engineer's Report** – The City will work with the Assessment Engineer and utility companies in preparing the Assessment Engineer's Report and plans and specifications. Plans and specifications may include wiring changes to individual service lines so that utility services can be furnished from the underground distribution system and the overhead service can be discontinued. This work may also be included in the construction contracts.

◆ **Time to Completion: 6 Months**

- 11. Neighborhood Meeting to Review Draft Assessment Engineer's Report** – A neighborhood meeting will be called to review the draft Assessment Engineer's Report, which may be modified based on neighborhood input. Preliminary engineering design will also be discussed at this meeting.

◆ **Time to Completion: 1 Month**

- 12. Project out to Bid** – Plans and specifications will be approved by the City Engineer and bids will be solicited for construction.

◆ **Time to Completion: 2 Months**

- 13. Neighborhood Meeting to Review Actual Costs** - A neighborhood meeting will be called to provide actual costs obtained from the bids and to explain the remaining steps in the process. Costs associated with undergrounding individual service lines to each residence will also be made available. It is important to note that in addition to the assessment, each property owner will incur separate costs for wiring changes to individual service lines so that utility services can be furnished from the underground distribution system and overhead service can be discontinued. These costs will vary from property to property based on various challenges to construct and may be included in the individual assessment. Additionally, the Assessment Engineer will finalize the Assessment Engineer's Report and file it with the City Clerk.

◆ **Time for Completion: 2 Months**

- 14. City Council Action #2: Consideration of Resolution of Intention** - This is the second of three required City Council actions to form a benefit assessment district. A Resolution of Intention (pursuant to Chapter 4.60 of the Municipal Code) declares the intention of City Council to order the formation of a benefit assessment district to levy and collect assessments, generally describes the improvements, refers to the proposed assessment district by its distinctive designation, and gives notice of the time and place for a public hearing where protests to the improvements or assessments will be considered.

City Council may approve, as filed, or it may modify the report and approve it as modified. City Council will refer to the approved Assessment Engineer's Report on file with the City Clerk for a full and detailed description of the improvements, boundaries of the benefit assessment district, and proposed assessments in its Resolution of Intention.

The City Council may, by resolution, determine and declare that bonds, notes or other instruments be issued to finance the estimated cost of proposed improvements, including incidental expenses.

◆ **Time to Completion: 2-3 Months**

- 15. Notice of Public Hearing and Mailing of Official Ballots** - The City will prepare and mail official ballots to all affected property owners. Property owners will have no more than 45 days to return their ballot, voting either in favor or against the project. In compliance with state law



(Proposition 218), ballots will be weighted according to the level of benefit conferred upon each parcel by the project as identified in the Assessment Engineer's Report. In other words, ballots associated with parcels which receive more benefit from the project will count more than ballots associated with parcels which receive less benefit from the project assessment. (Note: Proposition 218 regulations take precedence over Santa Barbara Municipal Code Chapter 4.60.)

◆ **Time for Completion: 2 Months**

- 16. City Council Action #3: Public Hearing and Consideration of Final Resolution** - This is the third and final required City Council action to form a benefit assessment district. A final Resolution (pursuant to Chapter 4.60 of the Municipal Code) orders improvements and formation of the benefit assessment district, confirms the diagram and assessment, and constitutes the levy of assessment.

At the public hearing, City Council shall consider all protests against the proposed assessment and tabulate the ballots. City Council shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property as determined by the approved Assessment Engineer's Report.

Unless there is a majority protest as recited in Chapter 4.60 of the Municipal Code, the Council may adopt the Final Resolution, thereby forming the assessment district, and order the assessment diagram to be recorded with the County Assessor.

◆ **Time for Completion: 2 Months**

- 17. Property Owners Have 3 Options to Pay for Assessment** – An official notice from the City will be mailed to all affected property owners informing them of the benefit assessment district creation and amount due. Then, parcel owners will have 30 days to make arrangements for payment of the assessment. Payment options are:
- Direct payment of total assessment to the City Finance Director
 - A lien against the parcel for unpaid assessments will be recorded and can be paid over a period not to exceed 30 years. Payments will include interest accrual. The City will provide the County Assessor with a list of all unpaid assessments. The unpaid portion will be added to the Assessor's tax roll and will be billed with other ad valorem taxes.
 - Seniors (over 62) on limited income or persons who are blind or disabled may qualify to have the assessment deferred until transfer or sale of their home through the state's Property Tax Postponement Program. Additional information regarding this program is available at http://www.sco.ca.gov/ardtax_prop_tax_postponement.html

- 18. Time to Completion: 1 Month**

- 18. Award Construction Contracts** – City Council will award contracts for construction work and may issue bonds, notes or other instruments to pay for project costs. Any bonds, notes or other instruments issued will be repaid through payment of the assessment.

◆ **Time to Completion: 3-4 Months**

- 19. Construction Begins** – The Neighborhood Committee will organize a meeting with the City Underground Utility Coordinator, Contractor, and affected property owners to discuss construction details and timelines. Every effort will be made to minimize disruption caused by



construction. Please understand that there may be times when heavy equipment is operated on neighborhood streets and things might get dusty. In order underground utility wires, trenches will be dug so the pipes can be laid. The City Underground Utility Coordinator and Project Engineer will be available to answer questions and concerns throughout the construction phase.

◆ **Time to Completion: 4-6 Months**

- 20. Official Notice to Connect to Underground System** – Once construction is complete, the City will mail an official notice to all property owners explaining that they are now required to hook up to the underground system

◆ **Time to Completion: 2-3 Months**

- 21. Property Owners Hook Up to Underground System** – Property owners will be given 30 days after the official notice has been mailed to hook up to the underground system. After the deadline has passed, the City may connect the parcel and place an additional lien on the parcel for work completed.

◆ **Time to Completion: 2-3 Months**

- 22. Utility Companies Remove Poles and Wires** – After all properties within the benefit assessment district have connected to the underground system, the utility companies will switch the system from overhead to underground and remove poles and wires from the area.

◆ **Time to Completion: 2-3 Months**

◆ **Total Time for Completion: 3-4 Years**



Frequently Asked Questions

What is utility undergrounding?

Utility undergrounding is the process of placing all overhead utilities (electric, telephone, and cable TV) underground.

What is the City's policy regarding utility undergrounding?

The City Council adopted Resolution No. 025 on April 18, 2006, detailing the City's policy regarding utility undergrounding. The policy generally states that it is the desire of City Council to support neighborhoods who want to be assessed for utility undergrounding when requested by homeowners of a particular neighborhood. Neighborhoods seeking to underground utilities must submit a resident petition signed by property owners of not less than sixty percent (60%) of the area of land proposed to be included within the benefit assessment district before the City commits start-up support. Start-up support generally consists of hiring an Assessment Engineer (who prepares the Assessment Engineer's Report), project design and cost estimates, and administrative costs associated with the project. If the assessment district is ultimately approved, the City will be reimbursed for all start-up support costs which will be made part of the assessment. If the assessment district fails to be approved, the City will not seek to recover these start-up support costs, but may elect to recover costs from Rule 20A funds.

Is undergrounding safe?

YES. In fact, undergrounding may be safer than overhead wires. In the event of an earthquake or strong wind storm, the likelihood of someone being hurt from utility poles and wires falling is eliminated. When wires are placed underground, they are placed into conduit to prevent contact with water or other substances.

Who pays for the utilities to be placed underground?

In residential neighborhoods, undergrounding of utilities is paid for by property owners in the area through creation of a benefit assessment district. The project area or benefit assessment district may be formed only if it is approved by the affected property owners following the combined procedures of the City of Santa Barbara Municipal Code Chapter 4.60 "Public Works Benefit Assessment District," Proposition 218, and the Municipal Improvement Act of 1913.

What do I have to do to get a project started in my neighborhood?

First, contact the City to obtain the informational packet titled, "Steps for Forming a Private Residential Underground Utilities Assessment District" or access the packet on the City WEB site; <https://www.santabarbaraca.gov/gov/depts/pw/engineering/default.asp>. The packet has information needed to start a project in your neighborhood. After receiving the packet, take some time to review all of the materials and then contact Adam Hendel, Principal Engineer, at (805) 897-1921 or ahendel@santabarbaraca.gov. A series of meetings will be set up to discuss the proposed project and requirements.

How much does undergrounding utilities cost?

The cost of undergrounding utilities depends on several factors, including the density of housing within a district, as well as the difficulty of construction (e.g., transmission lines, digging into rocky soil, narrow and hilly streets, pad mount transformers, etc.). Planning and constructing projects within utility easements rather than public streets pose real property/legal challenges.



Additionally, construction costs are rising fast due to construction materials and fuel cost increases. Until engineers have completed a thorough design, an accurate estimate can not be made. However, under State law, you **cannot** be assessed until you are informed of what the exact assessment will be. If the project in your neighborhood moves forward, you will know how much it will cost before you vote for or against the project.

In addition to the assessment, which pays for the cost of placing the shared utilities underground, costs associated with undergrounding your individual service utilities may be included with your individual property assessment. This will allow you to switch your connection from overhead wires to the underground system. These costs will vary from property to property depending on difficulty of construction.

What if I can't pay for it all right now?

If the project is approved by property owners in the proposed project area, you will have 30 days to pay for your share of the project after you receive a notice from the City. However, you can stretch payments over a period not to exceed 30 years. The assessment and accrued interest will be included annually on your parcel tax bill until it is paid off.

What if I can't afford the assessment?

If you are a senior citizen (at least 62 years old) and on limited income, or blind or disabled, you may be eligible to defer the cost of the assessment until you sell or transfer the home, at which time the assessment will be paid with the proceeds from the sale of your house. Visit the California State Controllers Office website for additional information regarding the Property Tax Postponement Program at https://www.sco.ca.gov/ardtax_prop_tax_postponement.html. For other payment options, please see Step 16 in the Step by Step Process for Forming a Private Residential Underground Utilities Assessment District.

How long will this project take to finish?

Based on the size of the project, the time from start to finish will average 3-4 years. While this may seem like a long time, undergrounding is complicated and requires careful design. It is extremely important that the assessment estimate given to you is as accurate as possible. For a detailed breakdown of the timeline for a project, see the Steps for Forming a Private Residential Underground Utilities Assessment District Flow Chart on page 4 of this packet. The flow chart shows all steps required for completing an underground utility project.

Will my electricity be out during the construction?

During construction there will be some disruption because streets in the area will be dug up; however, your electricity, cable TV, and telephone service should only be affected for short intervals. Only after everyone in the project area has connected to the underground system will the overhead wires and poles be removed.

How does the voting work?

Under California State Constitution (Proposition 218), each property owner in the proposed benefit assessment district will receive written notice of the proposed assessment. The proportionate benefit provided to each parcel by the undergrounding project in relationship to the entire cost of the project, including maintenance and operation expenses and the duration of payments, will be provided to each property owner. This written notice shall also contain a ballot, which shall be weighted according to the proportional financial obligation of the affected parcel, and the property owner can indicate his or



her support or opposition to the proposed assessment. This means that the higher the assessment cost, the higher the weight given to the ballot. For example, if your proposed assessment is \$15,000, that might equal one vote. Another person's proposed assessment might be \$30,000, so their ballot would count as two votes.

The ballot must be received by the City prior to a public hearing which the City must conduct. At the public hearing, the City will tabulate the ballots. The district is not formed and the assessments are not made if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property. (Note: Proposition 218 regulations take precedence over Santa Barbara Municipal Code Chapter 4.60.)

Can I change my mind after submitting my ballot?

Yes. You may withdraw or change your ballot prior to the conclusion of the public comment portion of the City Council public hearing.

What happens if I'm not in favor of this project?

It is possible for property owners who are not in favor of the benefit assessment district to be included in the benefit assessment district.

Why can't the City pay for a part of this project?

The City of Santa Barbara is supportive of private residential underground utility projects; however, there are many competing infrastructure needs that must be met, such as repaving roads, repairing public buildings, and maintaining parks. The City can fund certain start-up support costs for private residential underground utility projects. If your project qualifies, City Council will consider funding initial engineering studies to determine the cost of the project. The start-up support money provided by the City will be added to the assessment if the project is approved by property owners.

I have heard of something called Rule 20A. What is that?

The California Public Utilities Commission (CPUC), which regulates companies like Southern California Edison (Edison), adopted Rule 20A which requires Edison to set aside a portion of their revenues from the City of Santa Barbara for undergrounding of utilities. In general, Rule 20A requires that the funds be used for projects with heavy overhead utilities, or in high traffic or public use areas. Edison annually sets aside approximately \$345,000 for undergrounding projects in Santa Barbara. City Council has appointed the Planning Commission as the Utility Undergrounding Advisory Committee who determines priorities for Rule 20A projects. The Planning Commission will soon review a list of proposed projects from staff to consider for some of the major thoroughfares in the City. The City has used Rule 20A funds in the past to underground wires along State Street, Milpas, Santa Barbara Street, Cliff Drive west of Meigs and other locations throughout the City. The work credit balance is \$1.9 million as of May 2019.

Why can't the Utility Companies pay for this project? It's their wires, right?

Unfortunately, undergrounding utilities is expensive and there is no legal requirement for them to underground their facilities.

What will happen to the street lights?



In most cases throughout the City, street lights are attached to utility poles. The project will include installation of new street lights. New street lights must comply with current City standards and costs will be added to the assessment.

I've heard about new technologies like fiber optics and small cell wireless coming to residential neighborhoods. How does undergrounding utilities fit into all of this?

New technologies, such as fiber or wireless, can exist both on overhead poles or underground. Currently, when undergrounding utility projects take place, the fiber optic cable will also be required to be installed underground. Small cell wireless facilities would likely go on street lights or purpose built poles.

How much will undergrounding utilities improve my property value?

Undergrounding utilities may have a positive effect on property values due to improved safety, reliability, enhanced views and general aesthetic improvements. However, the City can not determine the exact value for you. You might want to consult with a real estate agent or real estate appraiser for their advice.

Why can't the City incorporate undergrounding utilities as part of other infrastructure improvements?

As previously mentioned, it takes 3-4 years to plan, design and construct an undergrounding utility project. If the City were to incorporate undergrounding utilities with other infrastructure projects, important improvements like sewer and water line replacements would be delayed. In addition, methods of construction for undergrounding utility projects are different. It is likely that staff will recommend Rule 20A projects on major thoroughfares scheduled for major pavement maintenance in the future.

I still have more questions, who can I call for more information?

You may contact Adam Hendel, Principal Civil Engineer at (805) 897-1921 or ahendel@santabarbaraca.gov.



Underground Utilities Glossary of Terms

Assessment Diagram	The official map submitted to the County Assessor identifying all of the affected parcels and subdivisions.
Assessment District	The parcels of land specified in the Assessment Diagram that are required to pay for the underground utility project.
Assessment Engineer	A duly certified and registered Professional Engineer (PE), directed to prepare the Assessment Engineer's Report.
Assessment Engineer's Report	The official report provided to the City Council and each affected property owner detailing the exact costs of the proposed assessment for a parcel, the method of calculating the assessment, and a detailed assessment diagram.
Assessor's Parcel Number (APN)	This number is assigned by the county to identify and track a particular piece of property.
Boundary Map	See Assessment Diagram
Certificate of Sufficiency	The City of Santa Barbara requires that a standardized petition supporting the formation of an assessment district be signed by property owners of not less than sixty percent (60%) of the area of land proposed to be included within the benefit assessment district. If the City Council finds that the petition is signed by the requisite number of property owners proposed to be included within the benefit assessment district, that finding shall be final and conclusive.
Municipal Act of 1913	The legal authority under which assessments for improvements can be made.
Proposition 218	Approved by the voters in 1996, Prop. 218 expands on the requirements of the Municipal Act of 1913 and requires that affected property owners receive a mailed ballot. In addition, Prop. 218 requires that any new or increased local general taxes be submitted to the voters for approval.
Resident Petition	The official City petition that must be signed by property owners of not less than sixty percent (60%) of the area of land proposed to be included within the benefit assessment district.
Resolution of Intention	A Resolution of the City Council formalizing its intention to create an assessment district after receiving the petitions.
Utility Undergrounding	The process of placing overhead utility wires and facilities underground.
Weighted Ballot	Under Prop. 218, each property owner in a proposed assessment district receive a weighted ballot proportional to the benefit received from the assessment (meaning the higher the benefit, the greater the weight of the ballot).



Steps for Forming a Private Residential Underground Utilities Assessment District

6/28/2019

Private Residential Underground Utilities Assessment District Resident Petition

Honorable City Council
City of Santa Barbara
Santa Barbara, California

We the undersigned property owners of not less than sixty percent (60%) of the area of land in the proposed assessment district depicted on the attached boundary map, which after a weighted mail-in ballot may be subject to assessment for the proposed improvement requested, hereby, do respectfully petition the City Council to institute the necessary proceedings to obtain estimates and parcel assessment values for the improvement of undergrounding the identified aerial utility facilities, including electrical, telephone, and cable television in this district. Improvements consist of construction of necessary substructures (trenching, conduit, manholes, and vaults) with associated engineering and administrative services and all appurtenant work thereto. It is requested that the proceedings for this improvement be instituted under the combined proceedings of the "Improvement Act of 1913," Division 12 of the Streets and Highways Code of the State of California, Article XIID of the State Constitution (Prop. 218), and City of Santa Barbara Municipal Code Chapter 4.60 - Public Works Benefit Assessment District.

APN (Parcel No.)	Parcel Address	(Print) Owner Last Name	(Print) Owner First Name	Owner Address (If different from Parcel Address)	Owner Signature	Support Project (Yes/No)	If you do not support the project, why not?	Date

RESOLUTION NO. 06-025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ESTABLISHING A POLICY FOR THE
CREATION OF UNDERGROUND UTILITY ASSESSMENT
DISTRICTS

WHEREAS, the undergrounding of utilities contributes to neighborhood beautification, the improvement of scenery, and an opportunity to upgrade infrastructure;

WHEREAS, the City Council wishes to clarify its intent regarding the undergrounding of utilities;

WHEREAS, it is the desire of the City Council to be responsive to residents who want to be assessed for utility undergrounding; and

WHEREAS, the City Council desires to clarify the public policy allowing for the creation of underground utility assessment districts.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. General Statement of Policy. It shall be the policy of the City of Santa Barbara to support the undergrounding of utilities when requested by the homeowners of a particular neighborhood.

SECTION 2. Neighborhood Underground Utility Assessment District Formation. Neighborhoods that seek to have utilities undergrounded should submit a petition in accordance with the requirements of Santa Barbara Municipal Code Chapter 4.60. The City will support petitions through City staff coordinating with local utilities, providing a handout defining the process, and funding support.

SECTION 3. Funding of the Engineer's Report. The City will fund start-up support for the formation of a District. This support consists of an Assessment Engineer, who prepares the Engineer's Report, obtains the cost estimates, and assists with the Proposition 218 voting process. If the assessment district is ultimately approved, the City will be reimbursed, and the costs of the start-up support will be made part of the assessment. If the district fails to be approved, the City will not seek to recover the funds.

SECTION 4. Expected Construction Contributions by the City. If the assessment district is approved by the property owners and City Council, the City will not contribute to any of the construction costs.

Appendix B

Chapter 4.60

PUBLIC WORKS BENEFIT ASSESSMENT DISTRICT

Sections:

4.60.010	Definitions.	4.60.090	Notice.
4.60.020	Alternative Procedure.	4.60.100	Formation of a Benefit Assessment District.
4.60.030	Liberal Construction of Chapter; Validity; Finality.	4.60.110	Changes of Organization for Benefit Assessment District.
4.60.040	Benefit Assessment District; Benefited Territory.	4.60.120	Collection and Enforcement of Assessments.
4.60.050	Benefit Assessment District; Contiguous or Non-Contiguous Territory.	4.60.130	Financial Provisions.
4.60.060	Extension of Work and Boundaries of Benefit Assessment District.	4.60.140	Bonds.
4.60.070	Reference to Plan or Map on File and Open to Public Inspection; Construction.	4.60.150	Assessment of Public Property.
		4.60.160	Limitation of Action.
		4.60.170	Judicial Validation.
4.60.080	Acquisition of Property; Assessment Costs.	4.60.180	Performance of Work.

4.60.010 Definitions.

The definitions contained in this Section shall govern the construction of this Chapter unless the context otherwise requires. The definition of a word or phrase applies to any variants thereof.

A. **BENEFIT ASSESSMENT DISTRICT.** A benefit assessment district formed pursuant to this Chapter.

B. **ENGINEER.** The City Engineer, or any other person designated by the City as the engineer for the purposes of any proceedings under this Chapter, including any officer, official, Councilmember or employee of the City or any private person or firm specially employed by the City as engineer for the purposes of this Chapter.

C. **IMPROVEMENT.** The acquisition, installation, construction, extension, reconstruction, repair, maintenance, operation, servicing or improvement or other enhancement of any public works, the costs of which acquisition, installation, construction, extension, reconstruction, repair, maintenance, operation, servicing, or improvement or other enhancement the City is not otherwise prohibited from financing by assessments.

D. **INCIDENTAL EXPENSES.** Any or all of the following:

1. The costs of preparation of any engineer's report, plans, specifications, descriptions, estimates, maps, diagrams and assessments relating to any proceeding hereunder;

2. The costs of printing, advertising and the giving of published, posted and mailed notices;

3. Compensation, if any, to reimburse the City or payable to the county or any other entity, appointed to collect assessments for costs of collection of assessments;

4. Compensation of any engineer, attorney or other professional employed to render services in proceedings pursuant to this chapter;

5. Any other expenses incidental to an improvement;

6. The costs of any acquisition of land, rights-of-way, easements, or other interests therein necessary or appropriate in connection with an improvement;

7. The payment in full of all amounts necessary to eliminate any fixed special assessment liens previously imposed upon any assessment parcel included in the new benefit assessment district, provided that such payment shall be included in the new assessment levied pursuant to this Chapter on such parcel: and

8. Any expenses incidental to the issuance of bonds, notes or other means of financing improvements, including interest owing for a period not to exceed the estimated completion of the improvements plus one year.

E. **INCLUDING.** Unless otherwise expressly limited, means including without limitation and shall not operate to limit the generality of any words preceding such term or to exclude items dissimilar to those words following such term.

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F. PROPERTY OWNER. Any person shown as the owner of land on the last equalized county assessment roll, and where land is subject to a recorded written agreement of sale or conveyance, any person shown therein as purchaser.

G. PUBLIC AGENCY. The State or federal government, any city, any city and county, any county or any other public corporation or entity formed pursuant to charter, general law or special act, for the performance of governmental or proprietary functions within limited boundaries, and any department, board, commission, independent agency or instrumentality of any of the foregoing.

H. PUBLIC SERVICE. The provision of any service to members of the public by the City, including fire protection, police protection, public transportation, public parking, parks and recreational areas, highway improvement, sewage and wastewater treatment, flood protection, drainage, lighting, electric supply, water supply, gas supply, landscaping, land stabilization, geologic hazard prevention and control and rubbish collection.

I. PUBLIC UTILITY. Any public utility subject to the jurisdiction of and regulated by the Public Utilities Commission of the State of California.

J. PUBLIC WORK. Any tangible asset used for a public service, a public purpose or a public purpose incidental to a public service, and includes any real property or any ownership or leasehold interest therein, including rights-of-way and easements, necessary or appropriate in connection therewith, and any use or capacity rights in any of the foregoing.

K. RESOLUTION. Includes any formal official action of a public agency, so denominated, or ordinances thereof. (Ord. 4472, 1987)

4.60.020 Alternative Procedure.

This Chapter shall provide a complete, additional and alternative procedure for accomplishing the acts authorized in this Chapter, and shall be deemed to be supplemental and additional to the powers conferred by the Constitution of the State of California, the Charter of the City and other applicable laws. The City may use the provisions of this Chapter instead of, or in conjunction with, any other laws or methods of financing part or all of the cost of improvements. (Ord. 4472, 1987.)

4.60.030 Liberal Construction of Chapter; Validity; Finality.

This Chapter shall be liberally construed to effectuate its purpose. Any proceedings taken under this Chapter and any assessment levied pursuant thereto shall not be invalidated for failure to comply with the provisions of this Chapter if such failure does not substantially and adversely affect the constitutional rights of any property owner. The exclusive remedy of any property owner so affected shall be appeal to the City Council in accordance with the provisions of this Chapter. All determinations made by the City Council pursuant to this Chapter shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion. All proceedings undertaken by the City pursuant to this Chapter shall be undertaken in accordance with the provisions of Section 19 of Article XVI of the California Constitution, as such section may be amended or supplemented from time to time. (Ord. 4472, 1987.)

4.60.040 Benefit Assessment District; Benefited Territory.

A benefit assessment district shall consist of all territory which, as determined by the City Council, will be benefited by the subject improvements or public works and is to be assessed to pay the costs thereof. (Ord. 4472, 1987.)

4.60.050 Benefit Assessment District; Contiguous or Non-Contiguous Territory.

A benefit assessment district may consist of all or any part of the territory within the City. A benefit assessment district may consist of contiguous or non-contiguous areas. The improvements in one area need not be of benefit to other areas. (Ord. 4472, 1987.)

4.60.060 Extension of Work and Boundaries of Benefit Assessment District.

The provisions of Chapter 2 (commencing with Section 5115) of Part 3 of Division 7 of the California Streets and Highways Code (as said provisions may from time to time be amended or supplemented) pertaining to the extension of the work or the territory of the benefit assessment district beyond the boundaries of a city, are by this reference incorporated into this Chapter. (Ord. 4472, 1987.)

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4.60.070 Reference to Plan or Map on File and Open to Public Inspection; Construction.

Any resolution, notice, report, diagram, or assessment which is required to contain a description of the improvements, the boundaries of the benefit assessment district or any zones therein, or the lines and dimensions of any lot or parcel of land may, for a full and detailed description thereof, refer to any plan or map which is on file with the City Clerk, the county auditor, the county recorder or the county assessor and which is open to public inspection. The plan or map so referred to shall govern for all details of the description. (Ord. 4472, 1987.)

4.60.080 Acquisition of Property; Assessment Costs.

In any proceeding authorized pursuant to this Chapter, the City Council may order any acquisition of land, rights-of-way, easements, or other interests therein necessary or appropriate in connection with such improvement, and assess the cost of such acquisition as a part of the costs of such improvement. The City is authorized to advance the costs of such acquisition from legally available funds, and thereafter obtain reimbursement for such advance as a part of the costs of such improvement. As appropriate, acquisitions may be accomplished through the exercise of any applicable power of eminent domain or otherwise. (Ord. 4472, 1987.)

4.60.090 Notice.

The City Clerk shall give notice or cause the same to be given in accordance with this Section, unless the City Council delegates the duty of giving the notice to some other person, officer or board.

A. Published notice, when required, shall be made as provided in Section 6061 of the California Government Code, unless otherwise specified.

B. Posted notice, when required, shall be made by posting a copy of the notice upon any official bulletin board customarily used by the City for the posting of notices. Posted notices of hearings for the formation or consolidation of a benefit assessment district or for the annexation of territory to an existing benefit assessment district shall be posted at intervals of not more than 300 feet along all existing streets within the proposed benefit assessment district or within the territory proposed to be annexed to or consolidated with an existing benefit assessment district, as the case may be. Posting of notice of such hearings shall be completed at least ten (10) days prior to the date of hearing specified therein, if applicable.

C. Mailed notice, when required, shall be sent by first-class mail and deposited, postage prepaid, in the United States mails and shall be deemed given when so deposited.

The failure of the City Clerk or any person to whom the duty of giving notice was delegated to publish, post or mail any notice or the failure of any person to receive the same shall not affect in any way whatsoever the validity of any proceedings taken under this Chapter, nor prevent the City Council from proceeding with any hearing or other action so noticed. (Ord. 4472, 1987.)

4.60.100 Formation of a Benefit Assessment District.

A. INITIATION OF PROCEEDINGS. Proceedings for the formation of a benefit assessment district may be instituted by resolution of the City Council on its own initiative and shall be instituted by the City Council when a petition requesting the formation of a benefit assessment district is filed with the City Clerk. Such petition may consist of any number of separate instruments, each of which shall comply with all of the requirements set forth below with respect to the petition, except as to the number of signatures. Such petition shall:

1. Request the City Council to institute proceedings for the formation of a benefit assessment district pursuant to this Chapter;
2. describe the boundaries of the territory of the proposed benefit assessment district;
3. describe the proposed improvements; and
4. be signed by property owners of not less than sixty percent (60%) of the area of land proposed to be included within the benefit assessment district. If the City Council finds that the petition is signed by the requisite number of property owners proposed to be included within the benefit assessment district, that finding shall be final and conclusive.

B. Within 90 days after a petition described in Subsection (A) is filed with the City Clerk, the City Council shall adopt a resolution in the form specified in Subsection (C).

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C. PRELIMINARY RESOLUTION. Proceedings for the formation of a benefit assessment district shall be initiated by a resolution of the City Council. Such resolution shall:

1. propose the formation of a benefit assessment district pursuant to this Chapter and specify a distinctive designation for the district;
2. describe the improvements;
3. describe the exterior boundaries of the proposed benefit assessment district; and
4. order the engineer to prepare and file a report in accordance with Subsection (D).

The descriptions in the resolution need not be detailed but shall be sufficient if they enable the engineer to generally identify the nature, location, and extent of the improvements and the location and extent of the benefit assessment district.

D. ENGINEER'S REPORT. The engineer shall prepare a report which shall contain all of the following:

1. A description of the proposed improvements which are not already installed. Such description need not be detailed, but shall be sufficient if it shows or describes the general nature, location, and extent of the improvements. If the benefit assessment district is divided into zones, the description shall indicate the class and type of improvements to be provided for each such zone.

2. A general description of improvements already installed and any other property necessary or convenient for the operation of the improvements if such property is to be acquired as part of the improvement.

3. An estimate of the costs of the improvements, including an estimate of any incidental expenses. The estimate of the costs of the improvements shall contain estimates for all of the following:

- a. the total costs for improvements to be made being the total costs of acquiring, installing, construction, reconstructing, extending, repairing or improving or otherwise enhancing all proposed public works plus, if the proposed benefit assessment district is to participate in maintenance, operation or servicing of the proposed public works, the total estimated costs of maintaining, operating and servicing all existing and proposed public works, including all incidental expenses;

- b. the amount of any contributions to be made from sources other than assessments levied pursuant to this Chapter; and

- c. the net amount to be assessed upon assessable lands within the benefit assessment district, being the total costs for improvements, as referred to in Subsection (a), decreased by the amounts, if any, referred to in Subsection (b).

4. A diagram for the benefit assessment district which shall show (a) the exterior boundaries of the benefit assessment district, and (b) the boundaries of any zones within the benefit assessment district. Each lot or parcel shall be identified by a distinctive number or letter.

5. Proposed assessments for the net estimated costs of the improvements and incidental expenses upon the several subdivisions of land in the benefit assessment district in proportion to the estimated benefits to be received by each subdivision, respectively, from the improvement.

The net amount to be assessed upon the lands within a benefit assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The diagram and assessment may classify various areas within a benefit assessment district into different zones where, by reason of variations in the nature, location and extent of the improvements and other factors which may be identified in the engineer's report, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.

E. APPROVAL OF ENGINEER'S REPORT. Upon completion, the engineer shall file the report with the City Clerk for submission to the City Council. The City Council may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

F. RESOLUTION OF INTENTION. After approval of the report, either as filed or as modified, the City Council shall adopt a resolution of intention which shall do all of the following:

1. Declare the intention of the Council to order the formation of a benefit assessment district to levy and collect assessments;

2. Generally describe the improvements;

3. Refer to the proposed benefit assessment district by its distinctive designation and refer to the report of the engineer, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the benefit assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the benefit assessment district; and

4. Give notice of, and fix a time and place for, a public hearing by the City Council on the question of the formation of the benefit assessment district and the levy of the proposed assessment at which hearing protests to the improvements or the assessment will be considered.

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G. NOTICE OF PUBLIC HEARING. The City Clerk shall give notice of passage of the resolution of intention and of the public hearing by publishing, posting and mailing to each property owner, as provided in Section 4.60.090 of this Chapter, a notice containing the following information:

1. a reference to the resolution of intention adopted in accordance with Subsection (F);
2. a statement of the time, place and purpose of the public hearing;
3. an estimate of the total cost of the proposed improvement;
4. for purposes of the mailed notice only, the amount as shown by the engineer's report estimated to be assessed against the particular parcel covered by the notice;
5. a statement that any property owner interested may file a protest in writing stating all grounds of objection with the City Clerk at least 24 hours before the time set for the hearing and that any written protest must include a description of the property in which each signer of the protest is interested.

H. PUBLIC HEARING. The City Council shall hold the public hearing at the time and place fixed in the resolution of intention and in any order continuing the hearing. All interested persons shall be afforded the opportunity to hear and be heard.

I. CHANGES TO MATTERS IN ENGINEER'S REPORT. During the course or upon the conclusion of the hearing, the City Council may order changes in any of the matters provided in the engineer's report, including changes in the improvements, the boundaries of the proposed benefit assessment district and any zones therein, and the proposed diagram or the proposed assessment. The City Council may, without further notice, order the exclusion of territory from the proposed benefit assessment district, but shall not order the inclusion of additional territory within the benefit assessment district except upon written request by a property owner for the inclusion of his or her property or upon the giving of mailed notice of hearing to the owners of such additional territory upon the question of the inclusion of their property in the benefit assessment district.

J. MAJORITY PROTEST. Upon the conclusion of the hearing, the City Council shall determine whether a majority protest exists. For that purpose, the extent of the territory of the proposed benefit assessment district shall be adjusted in accordance with any orders excluding territory from or including additional territory within the benefit assessment district. A majority protest exists if, upon the conclusion of the hearing, written protests filed and not withdrawn represent property owners owning more than fifty percent (50%) of the area of land to be assessed for the improvements within the proposed benefit assessment district, unless the City Council in its Resolution of Intention with regard to any benefit assessment district determines that the majority protest shall be measured on a basis other than area of land.

K. ABANDONMENT UPON MAJORITY PROTEST; OVERRIDE. Proceedings for the formation of the benefit assessment district shall be abandoned if there is a majority protest unless, by a four-fifths vote of all members of the City Council, the protest shall be overruled.

L. RESOLUTION ORDERING IMPROVEMENTS, FORMING DISTRICT AND LEVYING AN ASSESSMENT. If a majority protest has not been filed, or, if filed, has been overruled, the City Council may adopt a resolution ordering the improvements and the formation of the benefit assessment district and confirming the diagram and assessment, either as originally proposed or as changed by order of the City Council. The adoption of the resolution shall constitute the levy of the assessment which may be collected in annual installments. The City Clerk shall record a notice and assessment diagram describing the assessment as provided in Part 2 of Division 4.5 (commencing with Section 3110) of the California States and Highways Code, as such Division may from time to time be amended or supplemented, except that the period for which the lien continues shall be 30 years instead of the period of 10 years shown in Streets and Highways Code § 3115(c).

M. ASSESSMENT LIEN. From the date of recordation, each assessment levied pursuant to this chapter is a lien upon the land upon which it is levied. This lien is paramount to all other liens, except prior assessments and tax liens. Unless sooner discharged, the lien continues for a period of 30 years from the date of recordation or, if bonds, notes or other instruments are issued to represent the assessment, until the expiration of four years after the due date of the last installment on such bonds, notes or other instruments. All persons have constructive notice of this lien from the date of recordation.

N. NOTICE OF RECORDATION AND ASSESSMENT. The City Clerk shall send mailed notice to the property owners, in accordance with Section 4.60.090 of this Chapter, of recordation of assessment. Such notice shall include:

1. a designation of the property assessed;
2. the amount of the assessment;
3. the date of recordation of the assessment;
4. if provided for in the resolution levying the assessment, that the payment of the sums assessed are due and payable and may be paid as provided by the City Council within 30 days after the date of recording the assessment and the effect of failure to pay within the 30-day period, all in accordance with the resolution of the City Council levying such assessment. (Ord. 4472, 1987.)

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4.60.110 Changes of Organization for Benefit Assessment District.

A. The City Council, either in a single proceeding or by separate proceedings, may order one or any combination of the following changes of organization:

1. The annexation of territory to an existing benefit assessment district formed pursuant to this Chapter;
2. The detachment of territory from an existing benefit assessment district formed pursuant to this Chapter;
3. The dissolution of an existing benefit assessment district formed pursuant to this Chapter; or
4. The consolidation into a single benefit assessment district formed pursuant to this Chapter of two or more existing benefit assessment districts formed pursuant to this Chapter.

The City Council shall not, by annexation, detachment, dissolution, or consolidation, alter the obligation of property owners to pay assessments levied for which improvements were financed by bonds, notes or other instruments issued to represent the assessment. This section does not prevent the lawful refunding of any such bonds or financing or the apportionment of assessments upon the division of properties assessed.

B. Proceedings for a change of organization may be:

1. Undertaken subsequent to or concurrently with proceedings for the formation of a benefit assessment district under this Chapter. Any or all such proceedings may be continued on the completion of any other or all such proceedings.
2. Combined with proceedings for the formation of a benefit assessment district under this Chapter. In such case, any of the several resolutions, reports, notices, or other instruments provided for in this Chapter may be combined into single proceedings.

C. Except as otherwise provided herein, proceedings for a change of organization shall be initiated, conducted, and completed in substantial compliance with the procedure provided in Section 4.60.100 for the formation of a benefit assessment district.

D. In annexation proceedings, the resolutions, reports, notices of hearing, and right of majority protest shall be limited to the territory proposed to be annexed, unless the City Council determines that property owners in the benefit assessment district to which the subject annexation is proposed could be adversely affected by such annexation, in which case such property owners shall also be provided with notice of the hearing. Notice of hearing on the proposed annexation shall be published, posted, and mailed, as applicable, as provided in Section 4.60.090. (Ord. 4472, 1987.)

4.60.120 Collection and Enforcement of Assessments.

A. After the filing of the diagram and assessment, unless the City Council otherwise requests the county auditor or some other public agency official to enter on the county assessment roll or other public record opposite each lot or parcel of land the amount assessed thereupon, the City Finance Director or other such officer, employee or agent of the City as the City Council may determine, shall create a benefit assessment roll or other public record for each lot or parcel of land showing the amount or basis of calculating the amount assessed, as shown in the assessment.

B. Unless otherwise determined by the City Council, assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collecting and enforcement of county taxes shall apply to the collection and enforcement of the assessments. If collection of any assessments is to be done by a public agency other than the City, the net amount of the assessments collected, after deduction of any compensation due such public agency for collection, if any, shall be paid to the City Treasurer.

C. The City may charge a penalty of up to two percent per month for delinquent assessments, unless a different penalty is provided for in the resolution levying the assessment for a particular benefit assessment district.

D. The City may bring an action in any court of competent jurisdiction against property owners to collect delinquent assessments and penalties thereon or to enforce the lien thereof. (Ord. 4472, 1987.)

4.60.130 Financial Provisions.

A. Upon receipt of monies representing assessments, the City Treasurer shall deposit the monies in the treasury of the City to the credit of an improvement fund for the benefit assessment district from which they were collected, and the monies shall be expended only for the improvements or to repay financing incurred for the improvements authorized for such benefit assessment district.

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B. If there is a surplus in the improvement fund for a benefit assessment district upon completion of the improvement, or, if later, upon repayment of the financing therefore, the City Council shall determine the amount of the surplus and shall direct such amount to be applied first to repay the City for any prior contribution or advance made to the fund (as contemplated in Subsection (C)), and second as a credit to the assessment in the proportion which each individual assessment bears to the total of all individual assessments. Where an individual assessment has been paid in cash, the credit shall be returned in cash to the person paying the same upon their furnishing satisfactory evidence of payment. Where any part of an individual assessment remains unpaid, the amount of the surplus apportioned to each parcel shall be credited against the next installment or installments. Any portion of a surplus which has not been paid or claimed by the persons entitled thereto within four years from such entitlement (or if bonds, notes or other instruments issued to represent the assessment have been issued, within four years after the due date of the last installment upon such bonds, notes or instruments) or a surplus or any portion thereof that amounts to \$50 or less to an individual property owner shall be transferred to the City's general fund.

C. If there is a deficit in the improvement fund of a benefit assessment district during any fiscal year, the City Council, from any available and unencumbered funds of the City, may provide but has no obligation to provide for:

1. A contribution to the improvement fund; or
2. A temporary advance to the improvement fund and direct that the advance be repaid from the next annual assessments levied and collected within the benefit assessment district.

D. The City Council may accept contributions from any source toward payment of costs of the improvements for financing therefor. The City Council, at any time either before or after the confirmation of the assessment, may provide for contributions towards payment of improvement costs. All contributions shall be deposited in the improvement fund of the benefit assessment district for which the contribution was provided.

E. In determining an individual assessment, credit may be given for dedications and for improvements constructed at private expense.

F. All contributions authorized prior to confirmation of an assessment shall be deducted from the total improvement costs to be assessed within the benefit assessment district. (Ord. 4472, 1987.)

4.60.140 Bonds.

A. The City Council may, by resolution, determine and declare that bonds, notes or other instruments shall be issued to finance the estimated cost of the proposed improvements, including incidental expenses.

B. The resolution authorizing such issuance shall generally describe the proposed improvements, set forth the estimated cost thereof, specify the number of annual installments and the fiscal years during which they are to be collected, and fix or determine the maximum amount of each annual installment necessary to retire the bonds, notes or other instruments.

C. Notwithstanding any other provision of this Chapter, assessments levied to pay the principal of, and interest on, any bond, note or other instrument issued to represent an assessment levied pursuant to this Chapter, shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt. (Ord. 4472, 1987.)

4.60.150 Assessment of Public Property.

Public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment under this Chapter, unless the resolution of intention expressly provides that it shall be assessed. (Ord. 4472, 1987.)

4.60.160 Limitation of Action.

The validity of an assessment levied under this chapter shall not be contested in any action or proceeding, unless the action or proceeding is commenced within thirty (30) days after the assessment is levied. (Ord. 4472, 1987.)

4.60.170 Judicial Validation.

An action to determine the validity of the acquisition or improvement of any public work, any assessment or any bonds, notes or other financing instituted pursuant to this Chapter may be brought by the City upon authorization of such action by the City Council or by any interested person pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the California Code of Civil Procedure. For such purposes, the "acquisition or improvement of any public work" or an "assessment" shall be deemed to be in existence upon adoption of the resolution ordering the improvements and confirming the assessment (as described in Section 4.60.100(C) of this Chapter). (Ord. 4472, 1987.)

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4.60.180 Performance of Work.

A. The City Council, by contract or otherwise, shall provide for the performance of all work ordered by it pursuant to this Chapter, including the acquisition, installation, construction, extension, reconstruction, repair, maintenance, operation, servicing, improvement or other enhancement of any public works.

B. All or any part of the public works may be acquired, installed, constructed, extended, reconstructed, repaired, maintained, operated, serviced, improved or otherwise enhanced or owned by one or any combination of the following:

- (1) the City;
- (2) any other public agency; or
- (3) any public utility.

(Ord. 4472, 1987.)