

RESOLUTION NO. 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR RESCHEDULING THE PUBLIC HEARING FOR THE PROPOSED FORMATION OF LANDSCAPE ASSESSMENT DISTRICT NO. 39-2019 TO AUGUST 6, 2019.

WHEREAS, by Resolution No. 2019-18, approved on May 21, 2019, the City Council ordered a public hearing on the formation of Landscape Assessment District No. 39-2019 pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code § 22500 et seq. ("Act")); and

WHEREAS, Proposition 218 was adopted on November 6, 1996 adding Articles XIIC and XIID to the California Constitution, which impose certain procedural and substantive requirements relating to formation of District 39-2019 and imposition of assessments under the Act; and

WHEREAS, notices of a public hearing and ballots were mailed to all property owners of record in the proposed District 39-2019 on May 31, 2019, which property owners were divided into Zones A, B, and C (Exhibit A), based upon the amount of the proposed assessment in each Zone; and

WHEREAS, while the notices sent to property owners were accurate, the ballots for Zones A and C in the proposed District 39-2019 had the wrong amount of the proposed assessment printed on them; and

WHEREAS, in order to fully comply with the 45-day notice requirement and other requirements set forth in Proposition 218 and the Act, the City Council has determined that replacement ballots with the correct information are to be mailed and the public hearing on this matter is to be rescheduled to a date 45 days after the mailing of the replacement ballots.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Diamond Bar as follows:

Section 1. The above Recitals are in all respects true and correct.

Section 2. The public hearing originally scheduled for July 16, 2019 on the proposed formation of Landscape Assessment District No. 39-2019 shall be rescheduled for August 6, 2019. The hearing shall be conducted in the SCAQMD Auditorium located at 21865 Copley Drive, Diamond Bar, CA at the hour of 6:45 p.m., or as soon thereafter as the matter may be heard, for the purpose of this City Council's determination of

whether the public interest, convenience and necessity require the improvements and this City Council's final action upon the Engineer's Report and assessments therein.

Section 3. City staff shall cause to be mailed to each property owner in Zones A and C of the proposed District, no later than 45 days before August 6, 2019, a replacement ballot containing the correct proposed assessment along with a notice explaining the reason for the replacement ballot and the procedures to be followed to complete the ballot process. City staff shall also cause a notice to be sent to all property owners in Zone B apprising them of the continued hearing date, which notice shall also extend the time for property owners in Zone B to submit their ballots up to and including the date of the hearing on August 6, 2019.

Section 3. The City Clerk shall:

- a) Certify to the adoption of this Resolution; and
- b) Cause a true and correct copy of this Resolution to be published pursuant to California Government Code § 6061.

PASSED, ADOPTED AND APPROVED this 18TH day of June 2019.

Carol Herrera, Mayor
City of Diamond Bar

ATTEST:

I, TOMMYE CRIBBINS, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Resolution was passed, approved and adopted at the regular meeting of the City Council of the City of Diamond Bar held on the 18th day of June 2019, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAINED:	COUNCIL MEMBERS:

Tommye Cribbins, City Clerk
City of Diamond Bar

EXHIBIT A

