

ORDINANCE NO. _____

An ordinance ordering confirmation, levy and collection of annual assessments for Fiscal Year 2015-16 for City of Los Angeles Landscaping and Lighting District No. 96-1, pursuant to provisions of the Landscaping and Lighting Act of 1972 (Division 15, Part 2, Streets and Highways Code, State of California).

WHEREAS, on November 5, 1996, voters in the City of Los Angeles approved Proposition K (also known as the L.A. for Kids Program), which authorizes the formation of City of Los Angeles Landscaping and Lighting District No. 96-1 (District) and approves the levy and collection of an annual assessment of \$25 million within the District for a period of 30 years for the purpose of funding the acquisition of land, or land and improvements, and for the development, improvement, restoration and maintenance of improvements funded by the District, of parks, open spaces, recreation and community facilities;

WHEREAS, the assessments proposed received approval of a majority of the voters prior to the passage of Proposition 218 and, therefore, are exempt from the procedures and approval process set forth in Section 4 of Proposition 218;

WHEREAS, the Los Angeles City Council on May 20, 2015, adopted an Ordinance of Intention to levy and collect annual assessments for Fiscal Year 2015-16, pursuant to the provisions of the Landscaping and Lighting Act of 1972;

WHEREAS, the City Clerk did proceed to give notice in the manner required by law of the time and place for a public hearing on the questions of the levying and collecting the annual proposed assessment; and

WHEREAS, the City Council has heard all testimony and evidence, and is desirous of confirming the assessments.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The Los Angeles City Council hereby finds that the public interest, convenience and necessity require the confirming, levying and collecting of the annual assessments for the Fiscal Year 2015-16 for the City of Los Angeles Landscaping and Lighting District No. 96-1 to provide funding for the acquisition of land, or land and improvements, and for the development, improvement, restoration and maintenance of improvements funded by the District, of parks, open spaces, recreation and community facilities in the District.

Sec. 2. The Council finds, determines and declares that:

(a) The Engineer's Report, which was adopted on May 20, 2015, with all amendments to the report, if any, includes the L.A. for Kids Steering Committee FIVE-YEAR PLAN, the A LIST, B LIST and C LIST of the improvement projects, and the diagram for the District and the Assessment. The L.A. for Kids Steering Committee FIVE-YEAR PLAN specifies in detail which acquisitions and improvements are planned for Fiscal Years 2015-16 through 2019-20, and describes the locations of the improvements to be funded by the District. The A LIST of the Plan includes projects that are planned for Fiscal Year 2015-16. The B LIST of the Plan includes projects that may be substituted for projects in the A LIST during the fiscal year in the event the City Council determines that any project on the A LIST will not be implemented in the 2015-16 Fiscal Year. The C LIST of the Plan includes competitive grant alternate projects that may be substituted for projects on the A LIST during the fiscal year in the event it is determined by the City Council that any project on the A LIST will not be implemented in the 2015-16 Fiscal Year. All projects on the A LIST will be subject to environmental analysis pursuant to the California Environmental Quality Act (CEQA). A Categorical Exemption, Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration has been or will be prepared prior to project initiation, and a Notice of Exemption or Notice of Determination has been or will be filed, when applicable. For projects on the B LIST and the C LIST, compliance with CEQA must be completed prior to the City Council approving during the 2015-16 Fiscal Year, the substitution of any of those projects for projects on the A LIST;

(b) The properties referred to in the Engineer's Report, which are proposed to be assessed, are benefited by the acquisitions and improvements provided for and the assessment is spread in proportion to the benefits;

(c) The total net amount to be assessed to the whole District proposed for the 2015-16 Fiscal Year is not an increase from any previous year; and

(d) The written protests filed and not withdrawn prior to the conclusion of the public hearing do not represent property owners owning more than 50% of the assessable lands within the District.

Sec. 3. The Council hereby declares that the amounts to be assessed for the expense of the acquisition of land, or land and improvements, and of the development, improvement, restoration and maintenance of improvements funded by the District, shall be levied and collected at the same time and in the same manner and by the same officers as County property taxes are levied and collected, all laws providing for the collection and enforcement of County property taxes shall be applied to the collection and enforcement of the assessments, and all assessments collected shall be disbursed and expended for the acquisition of land, or land and improvements, and for the development, improvement, restoration and maintenance of improvements funded by

the District, of parks, open spaces, recreation and community facilities in the District, all as described in the Engineer's Report, with all amendments to the report, if any.

Sec. 4. The Council hereby declares that properties owned by public agencies such as cities, the County, the State or the federal government, will not be assessed except when the property is not devoted to a public use. Rights-of-way that are owned by utilities and railroad operating rights-of-way are also exempt from assessment.

Sec. 5. The Council hereby approves, confirms and adopts the diagram and assessments as set forth in the Engineer's Report, with all amendments to the report, if any.

Sec. 6. The Council hereby declares that the adoption of this ordinance constitutes the levy of an assessment for the fiscal year commencing July 1, 2015, and ending June 30, 2016, in the total net amount of \$25 million for the entire District.

Sec. 7. The City Clerk shall cause the filing of the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

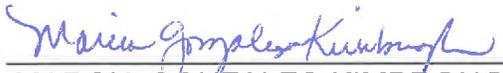
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
MARCIA GONZALES-KIMBROUGH
Deputy City Attorney

Date 5/27/15

File No. 14-1194