



COUNTY OF LOS ANGELES

DEPARTMENT OF PARKS AND RECREATION

*"Creating Community Through People, Parks and Programs"*

Russ Guiney, Director

May 31, 2011

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

38 MAY 31, 2011

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**ADOPTION OF RESOLUTION INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR ZONES WITHIN LOS ANGELES COUNTY LANDSCAPING AND LIGHTING ACT DISTRICT NUMBERS 1, 2, AND 4, FOR FISCAL YEAR 2011-12; AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT IN CONNECTION THEREWITH (SUPERVISORIAL DISTRICTS 1, 3, 4, AND 5) (3 VOTES)**

**SUBJECT**

Adoption of the Resolution Initiating Proceedings for the levy of annual assessments for Landscaping and Lighting Act District Numbers 1, 2, and 4, and Zones therein; and order the preparation of the engineer's report in connection with the proposed proceedings.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find the proposed actions categorically exempt from the California Environmental Quality Act in accordance with Sections 15301(c) and 15306 of the California Environmental Quality Act Guidelines because the actions involve information collection, formation of and annexations to the Landscaping and Lighting Act Districts.
2. Adopt a Resolution Initiating Proceedings to levy annual assessments for landscape and park maintenance purposes for Landscaping and Lighting Act District Numbers 1, 2, and 4, and Zones therein, pursuant to provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, Section 22500 et. Seq., and as provided by Article XIID of the California Constitution.
3. Designate the Director of the Department of Parks and Recreation, or his designee, as the "Engineer" for purposes of implementing this procedure.
4. Instruct the Director of the Department of Parks and Recreation to prepare and file an Engineer's Report in accordance with Chapter 1 Article 4 of the Landscaping and Lighting Act of

1972, Part 2 of Division 15 of the Streets and Highways Code of California (commencing with Section 22565) for the annual levy of assessments for Fiscal Year 2011–12 within Landscaping and Lighting Act District Numbers 1, 2, and 4 and Zones therein.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this recommended action is for your Board to initiate proceedings for the levying of annual assessments for landscape and park maintenance purposes by directing the Department of Parks and Recreation (Department) to prepare the required annual Engineer's Report.

This Board action only initiates the assessment process and does not, in itself, establish any assessment rates. In accordance with Proposition 13, assessments cannot be based on property values. Each District and Zone therein, is obligated to establish a benefit formula by which assessments are set according to the benefit received from the service or improvement. Under Proposition 218, which added Articles XIIC and XIID to the California Constitution, the local government (Board) is required to give the affected property owners mailed notice and ballots regarding the proposed new or increased assessment and hold a public hearing (protest hearing) to receive ballots in support of or opposition to the proposed new or increased assessment for tabulation.

On July 12, 1979, August 10, 1995, and July 22, 1997, your Board approved the formation of Landscaping and Lighting Act (LLA) District Numbers 1, 2, and 4 and Zones therein, respectively, for the purpose of providing landscaping in County-administered LLA Districts and Zones therein, pursuant to provisions of LLA of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, Section 22500 et. seq. (Act). As the governing body, the Board of Supervisors is responsible for approving the levying of annual assessments for landscape and park maintenance purposes. Board adoption of the Resolution Initiating Proceedings institutes the annual assessment process for the renewal or increase of existing annual assessments and the establishment of new assessments for Fiscal Year (FY) 2011–12.

### **Implementation of Strategic Plan Goals**

These actions will further the County's Strategic Plan Goals of Operational Effectiveness (Goal 1), by ensuring the continuation of services to maintain the landscaped areas and appurtenant improvements that benefit those who live within these Zones. Furthermore, we will maintain fiscal sustainability of our landscape maintenance services by establishment of the assessments to provide the funding necessary for the operation and maintenance of the park, landscaping and appurtenant facilities that benefit those who live within these Districts and Zones therein. These actions are consistent with the Community and Municipal Services (Goal 3), since landscaping services provide for the delivery of a customer-oriented municipal service that improves the quality of life for residents in the area.

### **FISCAL IMPACT/FINANCING**

All services administered by the Department of Parks and Recreation Special Districts Section, and provided in the Districts and Zones therein, are funded by the assessments established by the Board of Supervisors. The proposed assessments will generate approximately \$8.09 million in total revenue in LLA District Numbers 1, 2, and 4 and Zones therein for FY 2011-12. There will be a projected increase in the total revenue of approximately \$0.08 million over FY 2010-11. There is no fiscal

impact to the General Fund, other than there may be assessments for parcels owned by County of Los Angeles.

#### **OPERATING BUDGET IMPACT**

The recommended actions will have no impact on the Department's operating budget.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Act sets forth procedures that must be followed for any fiscal year during which assessments levied in a prior fiscal year are to be continued. The Act, Government Code Section 53753, and the California Constitution, establish procedures that must be followed for the levy of any new or increased assessments. The Act requires that your Board adopt a Resolution Initiating Proceedings and generally describe any proposed improvements or substantial changes in existing improvements. Your Board must also order the Engineer to prepare and file a report in accordance with Section 22565 of the Streets and Highways Code.

In June 2011, the Department will submit, for your Board's approval, the required Engineer's Report and Resolution of Intention, setting the public hearing date to establish the assessments for FY 2011-12, pursuant to the Act and as provided by the California Constitution.

County Counsel has reviewed and approved this letter and the attached Resolution as to form.

#### **ENVIRONMENTAL DOCUMENTATION**

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in that they meet the criteria set forth in Section 15301(c) and 15306 of the CEQA Guidelines and classes 1(x)(27) and 6 of the County's Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987 because the project involves information collection, formation of and annexations to the LLA Districts.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the action will cause no impact on current services or programs.

#### **CONCLUSION**

Please instruct the Executive Officer-Clerk of the Board to forward two adopted copies of this action to the Department of Parks and Recreation.

The Honorable Board of Supervisors

5/31/2011

Page 4

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Russ Guiney". The signature is fluid and cursive, with a long horizontal stroke at the end.

RUSS GUINEY

Director

RG:KEH:MK

IB:rc

Enclosures

c: Chief Executive Officer  
County Counsel  
Executive Office, Clerk of the Board  
Auditor Controller

**COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS**

**RESOLUTION INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND  
COLLECTION OF ASSESSMENTS FOR LOS ANGELES COUNTY  
LANDSCAPING AND LIGHTING ACT DISTRICT NOS. 1, 2, AND 4 AND  
ZONES THEREIN FOR FISCAL YEAR 2011-2012; AND ORDERING THE  
PREPARATION OF AN ENGINEER'S REPORT IN CONNECTION  
THEREWITH**

**WHEREAS**, on July 12, 1979, August 10, 1995, and July 22, 1997, the Board of Supervisors of the County of Los Angeles approved the formation of Landscape and Lighting Act (LLA) District Nos. 1, 2, and 4, respectively, for the purpose of providing funds for the operation of the LLA Districts and Zones therein within the County of Los Angeles pursuant to provisions of the Landscaping and Lighting Act of 1972 Section 22500 et. seq. of the California Streets and Highways Code (the "Act"); and

**WHEREAS**, within the LLA District No. 1 there are three (3) established, separate Zones, within the LLA District No. 2 there are twenty-three (23) established, separate Zones, and within the LLA District No. 4 there are nineteen (19) established, separate Zones; and each Zone consists of territory that receives substantially the same degree of benefit from the improvements provided in the Zone; and

**WHEREAS**, each of the three (3), twenty-three (23), and nineteen (19) Zones within LLA District Nos. 1, 2, and 4, respectively, retain separate budgets, trust accounts, and unit numbers established by the Los Angeles County Auditor-Controller; and

**WHEREAS**, the Board of Supervisors previously approved the formation of LLA Districts and Zones therein for the purpose of providing funds for landscape maintenance services located therein pursuant to the Act; and

**WHEREAS**, the Board of Supervisors hereby proposes to levy annual assessments for existing LLA District Nos. 1, 2, and 4 and Zones therein, and to levy and collect assessments against the lots and parcels of land within such LLA Districts and Zones therein to pay the costs and expenses of the landscape improvements for the fiscal year commencing July 1, 2011, and ending June 30, 2012, pursuant to the Act; and

**WHEREAS**, the general location and boundaries of the LLA District Nos. 1, 2, and 4 and Zones therein are shown on maps on file in the office of the Los Angeles County Department of Parks and Recreation and are incorporated herein by reference and open to public inspection; and

**WHEREAS**, provisions of the Act require the Board of Supervisors to adopt a Resolution Initiating Proceedings, to generally describe any proposed improvements or substantial changes in existing improvements, and to order the Engineer to prepare and file a report in accordance with Section 22565, of the Act and Article XIID of the California Constitution.

**NOW, THEREFORE, BE IT RESOLVED,**

**Section 1.** That the Board of Supervisors of the County of Los Angeles proposes to establish assessments for park and landscape maintenance purposes for the fiscal year 2011-2012 to be levied against property in LLA District Nos. 1, 2, and 4 and Zones therein pursuant to provisions of the Act.

**Section 2.** That the Board of Supervisors of the County of Los Angeles proposes to establish assessments for park and landscape maintenance purposes for the 2011-2012 fiscal year pursuant to provisions of the Act, to be used for the maintenance, repair, replacement, and upgrades to planted and irrigated slopes, turf areas, parkway panels, medians, automated irrigation system components, and park improvements within LLA District Nos. 1, 2, and 4 and Zones therein, in compliance with procedures set forth in the Act.

**Section 3.** That the Director of the Los Angeles County Department of Parks and Recreation is hereby ordered to prepare and file Engineer's Report in accordance with Section 22565 of the Act.

The foregoing Resolution was on the 31<sup>st</sup> day of May, 2011, adopted by the Board of Supervisors and ex-officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

SACHI A. HAMAI, Executive Officer-  
Clerk of the Board of Supervisors of  
the County of Los Angeles

By: Lachelle Amitherman  
Deputy

APPROVED AS TO FORM  
BY COUNTY COUNSEL

ANDREA SHERIDAN ORDIN

By: [Signature]  
Deputy County Counsel

