**RECLAMATION DISTRICT NO. 2035**

**RESOLUTION 2018-\_\_\_\_\_\_**

**RESOLUTION INITIATING PROCEEDINGS,**

**PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE FORMATION OF SPECIAL ASSESSMENT DISTRICT AND LEVYING OF THE SPECIAL BENEFIT ASSESSMENT**

**WHEREAS**, Reclamation District No. 2035 (“RD 2035”) is responsible for operating and maintaining the drainage and pump station system that serves approximately 20,000 acres; and

**WHEREAS**, RD 2035 is responsible for operating and maintaining approximately 12.1 miles of the Yolo By-pass West Levee; and

**WHEREAS**, RD 2035 proposes to levy a special benefit assessment (“the Assessment”) to fund the costs of operations and maintenance in order to continue to provide drainage and levee operations and maintenance (the “Services”); and

**WHEREAS**, the Services will provide special benefits to real properties within the boundaries of RD 2035 (the “Properties”); and

**WHEREAS**, the boundaries of the Assessment include all the Properties that receive special benefit from the Services; and

**WHEREAS**, RD 2035 directed Larsen Wurzel & Associates, Inc. to have a registered professional engineer certified by the State of California prepare a detailed Engineer’s Report establishing a methodology to determine and apportion the special benefit received by the Properties and allocate the cost of the Services in proportion to said special benefits; and

**WHEREAS**, the Board of Trustees (the "Board") of RD 2035 has determined to undertake proceedings pursuant to the Benefit Assessment Act of 1982, being California Government Code sections 54703 et seq. (the "Act"), to levy assessments to perform the Services; and

**WHEREAS**, the adoption of a new special benefit assessment is subject to constitutional procedural requirements and majority protest ballot proceeding by the owners of the assessed parcels.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. **Recitals.** Theabove recitals are true and correct.
2. **Authority.** To provide for the Services, the Board of RD 2035 hereby proposes the formation of an Assessment District pursuant to Article XIII D of the California Constitution; the Proposition 218 Omnibus Implementation Act, Gov’t Code § 53750 et seq.; and the Act.
3. **Preliminary Engineer’s Report.** The Board hereby preliminarily approves an Engineer's Report (the Preliminary Engineer’s Report) attached to this resolution as **Exhibit A** as filed and determines and proposes for adoption the assessments described therein. The Preliminary Engineer's Report sets forth a full and detailed description of the costs financed by the assessments, the parcels to be assessed, the proposed assessments upon assessable lots and parcels, and the methodology used to determine the proposed assessments. The Preliminary Engineer's Report is on file in the RD 2035 office located at 45332 County Road 25, Woodland, California, and shall be made available for review by any interested member of the public during normal business hours.
4. **Description of Assessment District.** The Board hereby specifies and describes the exterior boundaries of the Assessment District to be entirely within the RD 2140 boundary as shown on the Boundary Map included within the Preliminary Engineer’s Report, which is hereby approved. The Boundary Map shall govern for all details as to the extent of the Assessment District.
5. **Public Hearing.** On June \_\_\_, 2018 at \_\_\_ a.m / p.m., the Board will hold a public hearing (“Hearing”) on the proposed formation of the Assessment District and the levying of the special benefit assessment. The hearing will be held at the RD 2035 office located at 45332 County Road 25, Woodland, California. At the hearing, landowners within the proposed Assessment District will have the opportunity to make written or oral comments on the proposed assessment and to submit assessment ballots, including new or changed assessment ballots. After the close of the public comment portion of the hearing, the Board recess the meeting and direct the tabulation of the assessment ballots. The Board will re-open the hearing upon the completion of the tabulation at which time the results of the assessment ballot proceeding are expected to be announced. Absent a majority protest, the Board may take a final action regarding the formation of the Assessment District and levying of the special benefit assessment.
6. **Published & Posted Notice.** As required by the Act, the Board Secretary is hereby authorized and directed to cause a notice of the proposed assessment to be published in a newspaper of general circulation per the requirements of Government Code Section 6066 and to be posted in at least three public places within the boundaries of RD 2035. The published notice shall include notice of the filing of the Preliminary Engineer’s Report, the time, date, and place of the Public Hearing and shall be published be once a week for two successive weeks. The two publications shall take place in newspaper published once per week or oftener and there shall be at least five days intervening between the respective publication dates.
7. **Mailed Notice and Balloting Process.** The Board Secretary is hereby authorized and directed to cause a notice of the Hearing (“Notice”) to be given in accordance with law by mailing, postage prepaid, by U.S. mail, and such Notice shall be deemed to have been given when so deposited in the mail. The Notice shall be mailed to all property owners who would be subject to assessment within the proposed Assessment District, with delivery to those persons owning property within the Assessment District whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Yolo, or in the case of any public entity, the representative of such public entity at the address thereof known to the Secretary. The Notice shall include the assessments proposed for the owner's particular parcel(s), the total amount of the proposed assessment chargeable to the entire Assessment District, the reason for the assessments, and the basis upon which the amount of the assessments was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the assessment will not be imposed unless a majority of the weighted votes received are in favor of the assessment.

PASSED AND ADOPTED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reclamation District 2035 clerk

Attachments: **Exhibit A: Preliminary Engineer’s Report**