

ORDINANCE NO. _____

An ordinance ordering the confirmation, levy, and collection of annual assessments for Fiscal Year 2023-24 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, California Streets and Highways Code).

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 authorized the formation of City of Los Angeles Landscaping and Lighting District No. 96-1 (District) and approved 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, and recreation and community facilities in the District;

WHEREAS, the proposed assessments 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 10, 2023, adopted an Ordinance of Intention to levy and collect annual assessments for Fiscal Year 2023-24, pursuant to the provisions of the Landscaping and Lighting Act of 1972;

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

WHEREAS, the City Council has heard all testimony and evidence, and desires to confirm the assessments.

NOW, THEREFORE,

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

Section 1. The City Council hereby finds that the public interest, convenience, and necessity require the confirming, levying, and collecting of the annual assessments for Fiscal Year 2023-24 for 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, and recreation and community facilities in the District.

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

(a) The Engineer's Report, which was adopted on May 9, 2023, with all amendments to the report, if any, includes the L.A. for Kids Steering Committee FOUR YEAR PLAN (Plan), the A LIST, B LIST and C LIST of the improvement projects, and the diagram for the District and the Assessment. The Plan specifies in detail which acquisitions and improvements are planned for Fiscal Years 2023-24 through 2026-27, 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 2023-24. The B LIST of the Plan includes projects that may be substituted for projects on 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 2023-24 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 2023-24 Fiscal Year. All projects on the A LIST are 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 2023-24 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 2023-24 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 percent of the assessable lands within the District.

Sec. 3. The City 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, for parks, open spaces, and 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 City 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 such 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 City 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 City Council hereby declares that the adoption of this ordinance constitutes the levy of an assessment for the fiscal year commencing July 1, 2023, and ending June 30, 2024, 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 Los Angeles County Auditor-Controller.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with City 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.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By


STEVEN H. HONG
Deputy City Attorney

Date

May 19, 2023

File No. _____

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Confirmation to Levy.docx

The Clerk of the City of Los Angeles
hereby certifies that the foregoing
ordinance was passed by the Council
of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____