

RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE LEVYING OF AN ANNUAL ASSESSMENT FOR SOLID WASTE AND RECYCLING SERVICES FOR FISCAL YEAR 2011-2012 PURSUANT TO TITLE 15, CHAPTER 48 OF THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Title 15, Chapter 48 of The City of West Hollywood Municipal Code, the City Council confirms the levy of an annual assessment for solid waste and recycling services for all residential parcels in the City. The City Engineer prepared and filed a written report in accordance with Title 15, Chapter 48 of the City of West Hollywood Municipal Code and approved such Engineer's Report as filed.

SECTION 2. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the levy and collection of the proposed assessment for fiscal year 2011-2012. All interested persons were afforded the opportunity to hear and be heard. The City Council considered all oral statements and all written protests made or filed by any interested person. All oral and written protests to the levy and collection of the proposed assessment for fiscal year 2011-2012 are hereby overruled by the City Council.

SECTION 3. Based upon its review of the Engineer's Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk and the Department of Public Works, the City Council hereby finds and determines that (i) each parcel in the City benefits from receiving solid waste and recycling services (ii) the net amount to be assessed upon each parcel of real property for fiscal year 2011-2012 in accordance with the Engineer's Report is apportioned by a formula and method that fairly distributes the net amount among all assessable parcels in proportion to the estimated benefits received by each parcel, and (iii) no assessment is imposed on any parcel that exceeds the reasonable cost of the benefits conferred on that parcel.

SECTION 4. Residential parcels that are owned or used by any county, city, city and county, special district or any other local governmental entity, the State of California or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such parcels receive no benefit from the service.

SECTION 5. The assessment is in compliance with the provisions of the City of West Hollywood Municipal code and Article XIID of the California Constitution and the City Council has complied with all laws pertaining to the levy of an annual assessment pursuant to the City of West Hollywood Municipal Code and Article XIID of the California Constitution.

SECTION 6. The assessment is levied without regard to property valuation.

SECTION 7. The City Council hereby finds and determines that the cost of the service that is financed by the assessment for fiscal year 2011-2012 is \$1,347,891.20

SECTION 8. The City Council hereby determines and imposes the assessment for fiscal year 2011-2012, at the rates set forth in the Engineers Report of \$201.46 per Single Family dwelling unit for City Solid Waste, Recycling and Green service fee or \$30.75 per Multi-Family dwelling unit for City Recycling and Green service fee, which is in compliance with the provisions of the City of West Hollywood Municipal code and Article XIID of the California Constitution.

SECTION 9. The adoption of this resolution constitutes the levy of an assessment against all residential parcels of property in the City of West Hollywood for the fiscal year commencing July 1, 2011 and ending June 30, 2012.

SECTION 10. The County Auditor of Los Angeles County shall enter on the County Assessment Roll opposite each parcel of land the amount of the assessment, and such assessment, and each installment of the assessment, shall be collected in the same manner, and shall be subject to the same penalties and priority of lien as, other charges and taxes fixed and collected by, or on behalf of the City. After collection by the County, the net amount of the assessment, after deduction of any compensation due the County, shall be paid to the City Treasurer.

SECTION 11. The City Treasurer shall deposit all money representing assessments collected by the County to the credit of the West Hollywood Solid Waste Fund.

SECTION 12. The City Clerk is hereby authorized and directed to file with the County Auditor the assessment or a certified copy of the assessment together with a certified copy of this Resolution.

SECTION 13. A certified copy of the assessment shall be filed in the office of the City Clerk and open for public inspection.

PASSED, APPROVED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2011

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Mayor

ATTEST:

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City Clerk