

RESOLUTION NO. 14-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE
DETERMINING THAT NO MAJORITY PROTEST EXISTS WITH RESPECT
TO THE CITY OF MILLBRAE FIRE SUPPRESSION ASSESSMENT,
CONFIRMING THE RESULTS OF THE PROPERTY OWNER BALLOT
PROCEEDING, APPROVING THE ENGINEER'S REPORT DATED
FEBRUARY 6, 2014, IMPOSING AND LEVYING THE ASSESSMENT AND
CONFIRMING THE RATE OF THE ASSESSMENT FOR FISCAL YEARS
2014-15 THROUGH 2023-24**

WHEREAS, by prior resolutions, the City Council has (i) initiated proceedings to levy the City of Millbrae Fire Suppression Assessment (the "Assessment") pursuant to Title 5, Division 1, Part 1, Article 3.6 of the California Government Code (Section 50078 et seq.); (ii) ordered that an assessment ballot proceeding be conducted pursuant to Article XIII D of the California Constitution with respect to the Assessment; and (iii) set the time and date for a hearing on the Assessment; and

WHEREAS, on April 22, 2014, the City Council held a public hearing on the Assessment and the proposed levy of the Assessment for Fiscal Year 2014-15 in accordance with the methodology, analysis and schedule of rates set forth in the Engineer's Report prepared by Harris & Associates dated February 6, 2014. The public hearing was noticed according to all applicable provisions of law. At the hearing, the City Council considered oral and written testimony regarding the Assessment from all interested persons; and

WHEREAS, following the close of the public hearing on April 22, 2014, the City Council continued the matter of the proposed fire suppression assessment to May 13, 2014, in order to permit the tabulation of the assessment ballots returned with respect to the Assessment; and

WHEREAS, on May 13, 2014, the City Council received a report of the results of the tabulation of the returned ballots as follows:

Dollar Assessment:		Number of Ballots:	
Yes:	\$403,005 56.30%	Yes:	1,751
No:	\$312,828 43.70%	No:	1,332
Total	\$715,833 100.00%	Total:	3,083

WHEREAS, based on these results, the City Council has determined that the majority of weighted votes support the assessment; and

WHEREAS, the City Council desires to impose the assessment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILLBRAE AS FOLLOWS:

Section 1. The foregoing recitals are all true and correct.

Section 2. The City Council finds and determines that:

- (a) No majority protest exists with respect to the Assessment; and
- (b) The results of the tabulation of the valid property owner ballots returned by the property owners within the City of Millbrae prior to the conclusion of the Public Hearing and property owner protest proceeding held by the City Council on April 22, 2014, are hereby confirmed and made public record; and
- (c) The purpose of the Assessment is to value the special benefit to each parcel of property and to impose on each parcel its pro-rata share of the costs to (i) obtain, furnish, operate and maintain fire suppression services and apparatus and (ii) pay the salaries and benefits of firefighting personnel; and
- (d) The rate of the Assessment against each parcel is based upon the type of use of the parcel and the risk classification of the structures or other improvements on, or the use of, the parcel; and
- (e) The Assessment will not fund those services (such as emergency medical response and traffic accident responses) provided by the Fire Department that are unrelated to fire prevention and suppression services which do not provide a special benefit to property; and
- (f) The special benefits to property conferred by funded services include, but are not limited to, protection of improvements upon assessed parcels from the hazard of fire; reduction of expected property loss from fires that do occur; and reduction of fire-related injuries and personal property damage for which the owners of assessed parcels would otherwise be liable; and
- (g) Only a portion of the special benefits conferred by the funded services described above have been assessed; the general benefits derived from those services have not been assessed; and
- (h) The Assessment is not imposed upon any parcel in an amount that exceeds the reasonable cost of the proportional special benefit conferred on that parcel; and
- (i) The Assessment is supported by the information, analysis and methodology set forth in the "City of Millbrae Fire Suppression Assessment, Engineer's Report," dated February 6, 2014, (the "Report"). The Report, as finalized and presented to the City Council on May 13, 2014, is hereby approved and on file in the Office of the City Clerk and is incorporated herein by reference; and

- (j) The City has complied with all requirements of Article XIII D, Section 4 of the California Constitution with respect to the Assessment, and has given all notice and conducted the hearing and all assessment ballot proceedings that are required by such Article and by other applicable laws; and
- (k) Having completed such assessment ballot proceeding, the City Council may now levy this annual assessment for Fiscal Year 2014-15 through and including Fiscal Year 2023-24, without conducting further proceedings pursuant to Article XIII D, Section 4 of the California Constitution.

Section 3. The City Council overrules all protests against the Assessment and imposes and levies the Assessment as described in the Report.

Section 4. The Assessment will be collected in the same manner, and subject to the same penalties, as other fees, charges and taxes fixed by the City and collected by the County of San Mateo on behalf of the City. The Assessment is levied for Fiscal Year 2014-15 at the rates set forth in the Report, which rates are hereby confirmed. The City Council instructs staff to take all actions necessary to cause the Assessment for Fiscal Year 2014-15 to be collected by the County along with the ad valorem property taxes for Fiscal Year 2014-15.

Section 5. By this Resolution, the City Council has approved and established the Assessment, and the methodology for the Assessment, for each and every Fiscal Year from Fiscal Year 2014-15 through Fiscal Year 2023-24. No further action is required of this Council with respect to any Fiscal Year during the above-referenced ten-year period with respect to the establishment, imposition and collection of the Assessment in accordance with the rates established in the Report.

Section 6. This Resolution shall take effect immediately upon adoption.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Millbrae, California, held on the 13th day of May 2014.


MAYOR

ATTEST:

CITY CLERK

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 13th day of May 2014, by the following vote:

AYES:	COUNCILMEMBERS:	Lee, Gottschalk, Colapietro, and Holober
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	Oliva



CITY CLERK