

RESOLUTION R2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, DECLARING ITS INTENT TO ESTABLISH A PROPERTY AND BUSINESS IMPROVEMENT DISTRICT KNOWN AS THE “DOWNTOWN MANTECA COMMUNITY BENEFIT DISTRICT” AND AUTHORIZING THE CITY MANAGER TO SIGN THE BALLOT FOR CITY-OWNED PROPERTY IN FAVOR OF FORMING THE DISTRICT

WHEREAS, the Property and Business Improvement District Law of 1994 (California Streets and Highways Code Sections 26600, *et seq.*) authorizes cities to establish property and business improvement districts for the purpose of levying assessments on real property for certain purposes; and

WHEREAS, the petition has been filed by property owners in Downtown Manteca’s business community who will pay more than 50% of the total amount of the assessments to be levied requesting the City Council to establish such a district to be named the Downtown Manteca Community Benefit District (the “District”); and

WHEREAS, the City Council intends to make a finding which identifies all parcels in the proposed District that will have a special benefit conferred upon them and upon which an assessment will be imposed; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council’s adoption of this Resolution.
2. **DECLARATION.** Pursuant to the provision of Section 36600 *et seq.* of the California Streets and Highways Code (the “Act”), the City Council declares its intent to consider the establishment of a Property and Business Improvement District to be named the Downtown Manteca Community Benefit District (the “District”).
3. **DISTRICT BOUNDARIES.** The boundaries of the proposed District are described and illustrated in the Management District Plan, which is on file with the City Clerk and which is incorporated by reference as though fully set forth herein.

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4. MANAGEMENT DISTRICT PLAN. The Management District Plan including the Assessment Engineer's Report, attached hereto as Exhibit A and fully incorporated by reference herein, contains the following information as required by Section 36622 of the California Streets and Highways Code:
 - A. A map of the District in sufficient detail to locate each parcel of property within the District.
 - B. The name of the proposed District.
 - C. A description of the boundaries of the District, including the boundaries of any benefit Zones, proposed for establishment or extension in a manner sufficient to identify the lands included.
 - D. The improvements and activities proposed for each year of operation of the District and the maximum cost thereof.
 - E. The total annual amount proposed to be expended for improvements, maintenance and operations in each year of operation of the District.
 - F. The proposed source(s) of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property owner to calculate the amount of the assessment to be levied against their property.
 - G. The time and manner of collecting the assessments.
 - H. The specific number of years, up to a maximum of five, in which assessments will be levied. The Management District Plan may set forth specific increase in assessments for each year of operation of the District.
 - I. The proposed time for implementation and completion of the Management District Plan.
 - J. Any proposed rules and regulations to be applicable to the District.
 - K. A list of the properties to be assessed, including the assessor's parcel numbers, and a statement of the method(s) by which the expenses of the District will be imposed upon benefited real property, in proportion to the benefit received by the property, to defray the cost thereof, including operation and maintenance.
 - L. Any other item or matter required to be incorporated therein by the City Council.
5. BASELINE SERVICE LEVEL. It is the intent of the Council that the level of services presently being provided by the City in the area within the proposed District will not be affected by the creation of the District or the levying of the proposed assessments.
6. PUBLIC MEETING, PUBLIC HEARING ANNOUNCEMENT OF THE TABULATION OF THE BALLOTS. One public meeting and one public hearing shall be conducted before the City Council. The public meeting, the public hearing and the public announcement of the tabulation of the ballots shall be held on June 4, 2024 at 6:00 p.m., or as soon thereafter as the

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matter may be heard, in the Council Chambers at City Hall, 1001 W. Center Street, Manteca, California 95337.

At the public meeting, the City Council will hear testimony regarding the proposed assessment. At the public hearing, the City Council will hear all interested persons for or against the establishment of the District, the extent of the District, and the furnishings of specified types of improvements or activities. The City Council may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. At the public announcement of the results of the tabulation of the ballots, the Council will accept the balloting results from the City Clerk and make them a part of the public record.

7. PROTESTS. Protests against formation of the District may be made verbally or in writing. Written protests can be submitted to the City Clerk. The City Clerk is located at City Hall, 1001 W. Center Street, Manteca, California 95337. Protests should identify the reason the protestor is against the formation of the District. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.

Written protests must contain the following certification: "I certify that I am the owner of the property described herein and that the property is located within the boundaries of the proposed Downtown Manteca Community Benefit District." All written protests must contain the following information: property address, assessor's parcel number, name of the property owner (printed), signature of the property owner, and the date of the protest. If a person subscribing a protest is not shown on City records or San Joaquin County Assessor property ownership records as the owner of the property within the proposed District, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the property. Protests shall be filed with the City Clerk located at City Hall, at or before the time fixed for the public hearing. Written protests which do not comply with these requirements shall not be counted in determining whether or not a majority protest is found to exist.

A protest may be withdrawn in writing at any time before the conclusion of the public hearing. If written protests are received from the owners of real property in the proposed District who will pay more than 50% of the assessment proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50%, no further proceedings to establish the District shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. In addition, a majority protest will be found to exist if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected

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property. If the majority protest is only against furnishing of a specified type(s) of improvements or activities within the District, only those types of improvements or activities shall be eliminated.

8. **QUESTIONS OR COMMENTS.** Any person having questions or comments regarding the meeting or hearing proceedings, or regarding the establishment of the proposed District may call the City of Manteca's Economic Development Division at (209) 456-8020 or email EconDev@manteca.gov and state such question or comment.
9. **NOTICE REQUIREMENT.** The City Clerk is directed to give notice of the time and place of the public hearing in accordance with Streets and Highways Code Section 36623. The City Clerk is to do this by mailing (or causing to be mailed) written notices and assessment ballots in the time, form, and manner provided by Government Code Section 53753 to all persons who own real property within the proposed District and will be subject to the proposed assessment. The City Clerk is further directed to file an affidavit with the City Council when all notices and ballots have been mailed, setting forth the time and manner of compliance with the requirements of law for mailing the notices and ballots. The notice shall be mailed not less than forty-five (45) days before the date of the public hearing.
10. The City Council hereby authorizes the City Manager to sign the ballot for City-owned property in favor of forming the District.
11. This Resolution shall take effect immediately upon adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the 2nd day of April, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: _____
GARY SINGH
Mayor

ATTEST: _____

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CASSANDRA CANDINI-TILTON
City Clerk