

**RESOLUTION NO. 2023-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LINNE COMMUNITY SERVICES DISTRICT ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE LINNE COMMUNITY SERVICES ROAD MAINTENANCE DISTRICT FOR FISCAL YEAR 2023-2024**

**WHEREAS**, the Board of Directors of the Linne Community Services District ("LCSD") has by previous Resolutions formed the LCSD Road Maintenance District pursuant to the provisions of the *Benefit Assessment Act of 1982* (Government Code Section 54703, Et. Seq.), and Proposition 218 to pay the costs and expenses of operating, maintaining, and servicing the LCSD maintained roads within the Assessment District; and

**WHEREAS**, the Linne Community Services District Board of Directors desires to levy and collect assessments against benefiting parcels of land within the LCSD Road Maintenance District for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024 to pay the costs and expenses of operating, maintaining, and servicing the District maintained roads as provided in the Engineer's Report previously approved on July 15, 2008, (Engineer's Report); and

**WHEREAS**, this Board and its legal counsel have reviewed Proposition 218 and found that these assessments comply with applicable provisions of the California State Constitution; and

**WHEREAS**, as authorized by Government Code Section 54715 et seq., benefit assessment charges for approved services within said county service area may be collected in the same manner as other charges and taxes; and

**WHEREAS**, based upon the review, and amendments as applicable, to the Engineer's Report and the Staff Report and all oral and written statements, protests and communications made and filed by interested persons regarding these matters, the LCSD Board of Directors finds and determines that:

- A. The lands within the LCSD Road Maintenance District will receive special benefit by the operation, maintenance, and servicing of the LCSD maintained roads located within the boundaries of Road Maintenance District; and
- B. The LCSD Road Maintenance District includes all of the lands so benefited; and
- C. Engineers Report: The Report of R. Thompson Consulting Inc. is on file with the LCSD. Said report contains a full and detailed description of the operation and maintenance program, the cost of operation and maintenance, the boundaries of Linne Road Maintenance District and the proposed assessments upon assessable lots and parcels of land within the Linne Road Maintenance District; and
- D. The net amount to be assessed upon the lands within the Road Maintenance District in accordance with the Engineer's Report for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024 is apportioned by a formula and method established by the Engineer's Report, which fairly distributes the net amount among all eligible parcels in proportion to the estimated benefits to be received by each benefitting parcel from the maintenance and operation of the roads; and
- E. Increasing prices for labor and materials have not allowed the Board to complete all the proposed road repairs and improvement in recent years; and
- F. The LCSD Board of Directors is authorized to increase the Road Maintenance Assessment to reflect the increase in the cost of road maintenance and improvements. The determination of whether there has been an increase in costs and the amount of the increase in costs has been determined by the percentage increase in the 20-Cities Construction Cost Index published by the Engineering News Record using the July, 2007, value of seven thousand nine hundred fifty-nine (7,959) as the basis and the index value for May of each year to calculate the increase; and
- G. Using the formula approved in the Engineer's Report, the cost of living calculation in 2022 had shown an increase of sixty-three percent (63%) since 2007.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE LCSD AS FOLLOWS:**

Section 1. Amount of Assessment: In 2015, the assessment increased from four hundred forty-eight dollars (\$448.00) to five hundred sixteen dollars (\$516.00). For the FY2018-2019, the assessment increased from five hundred sixteen dollars (\$516.00) to five hundred eighty-two dollars (\$582.00). For the FY2023-2024, the assessment shall increase from five hundred eighty-two dollars (\$582.00) to **six hundred forty dollars (\$640.00)**. The cumulative change in assessments from 2007 to 2023 totals approximately forty-three percent (43%), which is less than the maximum cumulative change in cost of living otherwise allowed using the formula approved in the Engineer's Report.

Section 2 Attached hereto as Exhibit "A" and incorporated herein by this reference is the levy of assessments for the Linne Community Services District Road Maintenance District FY2023-2024.

Section 3. The County Auditor of the County of San Luis Obispo shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Engineer's Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the LCSD.

Section 4. The adoption of this Resolution constitutes the Road Maintenance District levy for the fiscal year commencing July 1, 2023, and ending June 30, 2024.

Section 5. The LCSD President or his/her designee is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.

Section 6. The above Recitals are true and correct and incorporated herein by reference.

Section 7. The President of the LCSD Board of Directors and such employees of the LCSD as are appropriate are authorized to execute such other documents and take such further actions as shall be consistent with the adoption consistent with this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the LCSD this 13th day of April 2023.

AYES: 4

NOES: 0

ABSENT: 1

\_\_\_\_\_  
Gary Hubbard, President  
LCSD Board of Directors

ATTEST:

\_\_\_\_\_  
Kelly Spence, Director