

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-08-0158

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH OVERRULING PROTESTS AND
DETERMINING RESULTS OF ELECTION – ASSESSMENT
DISTRICT NO. 08-01 (THE TOLEDO UTILITY
UNDERGROUNDING)

WHEREAS, on September 23, 2008 the City Council (the “Council”) of the
City of Long Beach (the “City”) adopted Resolution No. RES-08-0116 expressing its
intention to order improvements and to form the City of Long Beach Assessment District
No. 08-01 (The Toledo Utility Undergrounding) (the “Assessment District”); and

WHEREAS, on September 23, 2008, the Council also adopted Resolution
No. RES-08-0117 preliminarily approving an Engineer’s Report for the proposed
Assessment District, and calling for a public hearing and an election with respect to the
Assessment District; and

WHEREAS, a notice of the public hearing, accompanied by ballot materials,
was mailed to each of the owners of property within the boundaries of the proposed
Assessment District in accordance with applicable law; and

WHEREAS, on November 11, 2008 the Council held the public hearing
regarding the Assessment District; and

WHEREAS, a copy of the only written communication received from
property owners with respect to the Assessment District prior to the close of the public
hearing was provided to the Council prior to the close of the public hearing, and all
persons desiring to be heard at the public hearing were given the opportunity to be heard;
and

WHEREAS, at the conclusion of the public hearing, the ballots cast in the
election with respect to the Assessment District were tabulated, and the City Clerk has

1 completed and filed with the Council a Certificate regarding the results of the election in
2 the form attached hereto as Exhibit A; and

3 WHEREAS, a revised draft of the Engineer's Report for the proposed
4 Assessment District, dated November 24, 2008, has been placed on file with the City
5 Attorney, and the Council has been advised of the Engineer's Report; and

6 WHEREAS, this Council now desires to overrule any protests against the
7 Assessment District and to declare the results of the election.

8 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
9 follows:

10 Section 1. That protests, if any, against the Assessment District
11 presented prior to the close of the public hearing regarding the Assessment District were
12 not signed by the owners of a majority or more of the area of the lands within the
13 Assessment District to be assessed for the purposes of the Assessment District.

14 Section 2. That said protests, if any, and each of them, are hereby
15 overruled.

16 Section 3. That the results of the election held within the Assessment
17 District, as reported by the City Clerk, were that more than a majority of votes cast
18 (weighted according to the proportional financial obligation of each property voting) were
19 in favor of the establishment of the Assessment District and the levy of assessments
20 therein, so it is therefore determined that a majority protest against the Assessment
21 District does not exist.

22 Section 4. This Resolution shall take effect immediately upon its
23 adoption by the City Council, and the City Clerk shall certify the vote adopting this
24 Resolution.

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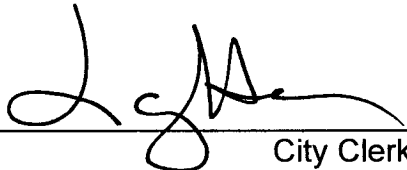
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I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Long Beach at its meeting of December 16, 2008 by the following vote:

Ayes: Councilmembers: DeLong, O'Donnell, Schipske,
Andrews, Reyes Uranga,
Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: S. Lowenthal.



City Clerk

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EXHIBIT A

CERTIFICATE REGARDING
RESULT OF ASSESSMENT BALLOTS CAST – CITY OF LONG BEACH
ASSESSMENT DISTRICT NO. 08-01 (THE TOLEDO UTILITY UNDERGROUNDING)

I, the undersigned, on behalf of the City Clerk of the City of Long Beach, hereby certify that I have caused to be tabulated all Assessment Ballots cast in the proceedings for the establishment of the above-captioned assessment district, and the levy of special assessments therein, and in accordance with instructions contained in the Assessment Ballot. I hereby certify the result of that count to be as follows:

TOTAL VOTES THAT COULD BE CAST: 37, representing assessments of
\$ 1,335,000.


TOTAL VOTES CAST "YES" 21, representing assessments of \$ 723,795.13.

TOTAL VOTES CAST "NO" 7, representing assessments of \$ 224,768.29


THE VOTES CAST "YES" EQUAL 76% OF THE TOTAL VOTES CAST, weighted by the respective amounts of assessments.

I hereby make the foregoing certification on November 11, 2008.

Harris & Associates

By: 
Joan E. Cox, P.E.
Associate, Project Manager

The foregoing is hereby acknowledged and confirmed on November 11, 2008.

By: 
Larry Herrera,
City Clerk