

**ORDINANCE NO. 96-022**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 1 4 1996

**AN ORDINANCE AMENDING  
TITLE 55 OF THE SACRAMENTO  
CITY CODE, RELATING TO  
MAINTENANCE BENEFIT AREAS**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**Section 1.**

Title 55 of the Sacramento City Code is amended to read as follows:

**TITLE 55. MAINTENANCE BENEFIT AREAS**

- Chapter 55.01. General**
- Chapter 55.02. Procedures for Creation**
- Chapter 55.03. Notice, Protests and Hearing**
- Chapter 55.04. Manner of Fixing Service Fees**
- Chapter 55.05. Annual Operations of Maintenance Benefit Area**
- Chapter 55.06. Dissolution of Maintenance Benefit Area**
- Chapter 55.07. Public Property**
- Chapter 55.08. Validation Proceedings**

Chapter 55.01. General

- 55.01.101 Authority for enactment.**
- 55.01.102 Purpose.**
- 55.01.103 Limitation upon use of title.**
- 55.01.104 Definition of maintenance benefit area.**
- 55.01.105 Definition of additional maintenance service.**
- 55.01.106 Definition of service fee.**
- 55.01.107 to 55.01.200 Reserved.**

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**55.01.101 Authority for enactment.**

This title is enacted by the city council pursuant to its powers as a chartered city by Article XI of the California Constitution.

(Ord. No. 4293, §1)

**55.01.102 Purpose.**

The purpose of this title is to provide procedures under which the extra costs incurred by the city in providing additional maintenance service to public property may be charged as service fees to the owners of real property specially benefitted by such additional maintenance service. The council finds and determines:

- (a) That certain additional maintenance services to public property must be provided on an area-wide basis throughout defined geographical areas of the city in order to efficiently and effectively render said services; and
- (b) That fairness to all taxpayers of the city requires that geographic areas specially benefitted from additional maintenance services provided by the city should be charged on an equitable basis for the provisions of such services through fees imposed and collected as provided by this title.

(Ord. No. 4293, §1)

**55.01.103 Limitation upon use of title.**

This title shall not be used by the city council for any proceeding to provide for the construction of any public improvement, or the acquisition of any property for public use, or both, wherein said proceeding would be subject to provisions of Article XVI, Section 19 of the California Constitution.

(Ord. No. 4293, §1)

**55.01.104 Definition of maintenance benefit area.**

As used in this title, "maintenance benefit area" means an area of fixed boundaries which the city council has created pursuant to this title.

(Ord. No. 4293, §1)

**55.01.105 Definition of additional maintenance service.**

As used in this title "additional maintenance service" or "maintenance service" shall mean any service rendered by the city in maintaining public property which is in addition to the level of service generally provided for comparable public property not included in a maintenance benefit area and which the city council has found to be of special benefit to properties within a specific geographical area of the city. The terms shall also include the provision of any public service by

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the city which the city council has found to be of special benefit to properties within a specific geographical area of the city which is not made generally available to all areas of the city and which does not specially benefit all areas of the city.

(Ord. No. 4293, §1)

**55.01.106 Definition of service fee.**

As used in this title, the term "service fee" shall mean a periodic fee charged and collected by the city from each owner of real property within a maintenance benefit area for the purpose of defraying the costs incurred by the city in providing additional service to public property within the maintenance benefit area. Said costs shall include the reasonable administrative and legal expenses incurred by the city in the formation of the maintenance benefit area and the levy and collection of service fees thereunder, but shall exclude the reasonable value of any comparable service generally provided throughout the city for which the additional maintenance service is substituted.

(Ord. No. 4293, §1)

**55.01.107 Definition of change of geographical boundary area.**

As used in this title, "change of geographical boundary area" shall mean annexation of territory to an existing maintenance benefit area, or detachment of territory from an existing maintenance benefit area.

55.01.108 to 55.01.200 Reserved.

**Chapter 55.02. Procedures for Creation and for Change of Geographical Boundary Area**

**55.02.201 Resolution of intention.**

**55.02.202 Change of geographical boundary of an existing maintenance benefit area.**

**55.02.203 Contents of resolution.**

**55.02.204 to 55.02.300 Reserved.**

**55.02.201 Resolution of intention.**

The city council may, at any time, adopt a resolution of intention to order that the expenses of additional maintenance service provided by the city, including the costs of necessary repairs, replacements, power, electrical current, care, supervision, and any and all other items necessary for the proper maintenance and operation of the public property to which additional maintenance service is to be provided, shall be charged either partly or wholly, to the owners of the real property in such geographic area of the city as the city council shall determine will be specially

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benefited by the additional maintenance service. Said resolution of intention may be adopted by the city council on its own motion or upon the request of any owner of real property in such geographic area of the city who desires that the city provide additional maintenance service to that area.

(Ord. No. 4293, §1)

**55.02.202 Change of geographical boundary area.**

The city council may, in a resolution of intention adopted pursuant to Sections 55.02.201 and 55.02.203, order a change in the geographical boundary of an existing maintenance benefit area. The city council shall acquire jurisdiction to order the change in geographical boundary as described in the resolution of intention by giving notice to all property owners within the area affected by the change, and to all owners within the existing maintenance benefit area, in the manner prescribed in Chapter 55.03 of this title.

(Ord. No. 4293, §1)

**55.02.203 Contents of resolution.**

The resolution of intention shall describe the boundaries of the maintenance benefit area in which owners of real property are to be charged for such additional maintenance service. Where a change of geographical boundary is proposed, the resolution of intention shall describe the proposed revised boundary. The proposed maintenance benefit area may be designated by a name in said resolution by which it may thereafter be referred in all subsequent proceedings, including proceedings for the levy and collection of service fees. Said resolution of intention shall also generally describe the additional maintenance services to be performed by the proposed maintenance benefit area, shall order the city clerk to give notice of the adoption of said resolution in the manner provided in Chapter 55.03 of this title and shall give notice that protests against said maintenance benefit area, and its annexation to an existing maintenance benefit area, may be filed and will be heard in accordance with the provisions of said Chapter 55.03.

(Ord. No. 4293, §1)

55.02.204 to 55.02.300 Reserved.

**Chapter 55.03. Notice, Protests and Hearing**

**55.03.301 Notice of hearing.**

**55.03.302 Posting of notice.**

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- 55.03.303 Contents of notice.**
- 55.03.304 Publication of notice.**
- 55.03.305 Protests.**
- 55.03.306 Hearing of protests.**
- 55.03.307 Referral of protests to city engineer.**
- 55.03.308 Majority protest.**
- 55.03.309 Jurisdiction to form district or order annexation.**
- 55.03.310 Determination of ownership.**
- 55.03.311 to 55.03.400 Reserved.**

**55.03.301 Notice of hearing.**

The city council shall cause notice of the time, place and purpose of the hearing on the creation of the proposed maintenance benefit area, or on a proposed change of geographical boundary, to be given by the city clerk in accordance with the provisions of Government Code §54954.6. Where service fees are proposed to be increased, notice shall also be given in accordance with Government Code §54954.6

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

**55.03.302 Contents of notice.**

In addition to the requirements specified in Government Code Section 54954.6, the notice shall contain a description of the proposed maintenance benefit area, including any proposed change in geographical boundary area, its proposed services, the information required by Section 55.04.402, and a statement of the time and place of hearing. In lieu of the written description of the boundaries of the proposed maintenance benefit area, the boundary may be shown by means of a diagram or diagrams printed on the notice.

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

**55.03.303 Protests.**

At any time not later than the close of the hearing on objections to the formation of the proposed maintenance benefit area, or a change of geographical boundary area, or an increase in the service fees, any owner of property liable to be assessed may make written protest against the formation of the proposed maintenance benefit area, or the change in geographical boundary area, or the increased fees. Such protest must be in writing, must contain a description of the property in which each signer thereof is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll of the County of Sacramento as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the city clerk, and no other protests or

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objections shall be considered.

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

**55.03.304 Hearing of protests.**

At the time set for hearing protests, the city council shall proceed to hear and pass upon all protests made as required by Section 55.03.303 and its decision shall be final and conclusive. The city council may adjourn the hearing from time to time. Any such protest may be withdrawn by the owner making same, in writing, at any time prior to the conclusion of said protest hearing or any such adjournment thereof.

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

**55.03.305 Referral of protests to city manager.**

In lieu of hearing and passing upon protests as provided in Section 55.03.304, the city council may close the hearing on receipt of protests, continue consideration of protests received to a day certain, and refer the protests to the city manager for investigation, report and recommendation as to the matters included in the protests. The city manager may delegate the investigation, report and recommendation to other city staff, as appropriate. The report and recommendation shall be in writing, and a copy thereof shall be mailed not less than five days prior to the continued date for consideration of protests to each person who has made a written protest. At the time set for the continued consideration of protests, the city council shall hear and pass upon the report and recommendation, and its decision shall be final. The city council may adjourn the hearing from time to time. Protests may be withdrawn in the same manner as provided in Section 55.03.304.

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

**55.03.306 Majority protest.**

If the city council finds that a majority protest has been filed, the proceeding shall be terminated, unless the majority protest is overruled or denied by a vote of four-fifths of the members of the city council. As used herein the term "majority protest" shall mean any protest filed by the owner or owners of real property within the proposed maintenance benefit area who would pay the majority of the estimated service fee stated in the resolution of intention. In the case of a change in geographical boundary area, the term "majority protest" shall also include protests filed by owners within both the area affected by and the area unaffected by the change in geographical boundary area, and who are or will be liable for payment of the majority of the service fee.

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

**55.03.307 Jurisdiction to form district or order annexation.**

If no protests or objections in writing have been delivered to the city clerk up to the hour set for the hearing thereon or if protests have been found by the city council to be insufficient to constitute a majority protest or if a majority protest is overruled or denied by a vote of four-fifths of the members of the city council, immediately thereupon the legislative body shall acquire jurisdiction to order to formation of the proposed maintenance benefit area, or the change in geographical boundary area. Such action shall be taken by resolution adopted by the city council and said resolution shall specify the date upon which the maintenance benefit area so formed or changed shall commence to perform its function.

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

**55.03.308 Determination of ownership.**

If it shall be necessary, in order to find out whether a majority protest exists, to determine whether any or all of the signers of written protests are the "owners" of property included within a proposed or existing maintenance benefit area, the city council may make such determination from the last equalized assessment roll, any written evidence submitted with a written protest, any report made by the city manager concerning the sufficiency of the protest following examination of the last equalized assessment roll, and any other evidence received at the hearing. The city council shall be under no duty to obtain or to consider any other evidence as to ownership of property and its determination or ownership shall be final and conclusive.

(Ord. No. 4293, §1; Ord. No. 91-052, §1)

55.03.309 to 55.03.400 Reserved.

**Chapter 55.04. Manner of Fixing Service Fees**

**55.04.401 Alternate methods of fixing service fees.**

**55.04.402 Method of fixing fee to be stated in resolution of intention; cost estimate.**

**55.04.403 to 55.04.500 Reserved.**

**55.04.401 Alternate methods of fixing service fees.**

All or any portion of the annual costs of maintaining any public improvement by a maintenance benefit area formed under this title may be charged to the owners of the property specially benefited thereby by any of the following methods:

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- (a) By a flat service fee for each parcel of property lying within the maintenance benefit area;
- (b) By a service fee fixed in proportion to the front footage of each parcel of property in the maintenance benefit area to the total front footage of all property within said area;
- (c) By a service fee fixed in proportion to the total area of each parcel of property within the maintenance benefit area to the total area of all property within said area;
- (d) By a service fee combining the methods described in (b) and (c) above; or
- (e) By any other method other than the ad valorem tax or special tax, which the council finds in its resolution of intention to be an equitable manner of apportionment of said service fee among said owners.

Service fees may also be graduated under any of the above methods to reasonably reflect the different types of usage of the property to which additional maintenance service is provided, and may be adjusted to reflect a change in geographical boundary area.

(Ord. No. 4293, §1)

55.04.402 Method of fixing fee to be stated in resolution of intention; cost estimate.

The resolution of intention adopted by the city council pursuant to Section 55.02.201 of this title and all notices given pursuant to Chapter 55.03 of this title shall contain statements describing the method which the city council will follow in fixing the service fees to the owner of each parcel of the property lying within the proposed maintenance benefit area, including, where appropriate, any area covered by a change in geographical boundary area. The resolution of intention and each such notice shall also contain a statement describing: (1) the total estimated costs to be charged by the city council for operation of the maintenance benefit area during its first fiscal year; (2) the estimated service fee to be charged against each owner of the property lying in the proposed maintenance benefit area in that fiscal year. Adjustments shall be made, as appropriate, in the case of a change in geographical boundary area. Said estimates shall be prepared by the city manager, or designee, and approved by the city council.

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No proceeding undertaken pursuant to this title or any annual assessment levied hereunder shall be held invalid for any error, informality, or other defect in any estimate of cost made or approved as required in this section.

(Ord. No. 4293, §1)

55.04.403 to 55.04.500 Reserved.

Chapter 55.05. Annual Operations of Maintenance Benefit Area

- 55.05.501 Annual approval of budget and service fee.
- 55.05.502 Service fees constitute a lien.
- 55.05.503 Collection and expenditure of service fees.
- 55.05.504 Collection by the county.
- 55.05.505 Collection by the city.
- 55.05.506 Same--delinquent charges; collected as a special assessment.
- 55.05.507 Same--Report transmitted to council.
- 55.05.508 Same--Notice of hearing.
- 55.05.509 Same--Hearing.
- 55.05.510 Same--Method of collection; applicability of other liens, laws, etc.
- 55.05.511 Same--Report transmitted to auditor.
- 55.05.512 City contribution of maintenance benefit area.
- 55.05.513 Temporary transfer of funds.
- 55.05.514 Advancement of funds for operations.
- 55.05.515 Duties of the city council.
- 55.05.516 Contracts.
- 55.05.517 Title to property.
- 55.05.518 to 55.05.600 Reserved.

55.05.501 Annual approval of budget and service fee.

In each year following its formation, prior to the time for the adoption of the city budget, the city council shall estimate the cost during the ensuing fiscal year of providing the additional maintenance services for which the maintenance benefit area was formed. The city council shall decide whether or not the costs of same shall be borne wholly or partially by said maintenance benefit area and shall fix a service fee to be charged to the owners of each parcel of real property within said maintenance benefit area sufficient to raise an amount of money to cover the costs during the ensuing fiscal year of the maintenance services for which the maintenance benefit area

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was formed during the ensuing year, or such portion of said amount as the city council shall determine shall be borne by said area. The city council shall fix a service fee to be charged to the owners of each parcel each year upon the real property in such maintenance benefit area sufficient to pay such expense or the portion thereof which must be paid by said maintenance benefit area. The service fee shall be fixed in accordance with the method specified for the maintenance benefit area in the resolution of intention adopted for its formation. Where the service fee as proposed for the ensuing year exceeds the service fee fixed for the then-current year, notice of the hearing shall be given in accordance with the provisions of Chapter 55.03.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.502 Service fees constitute a lien.**

The service fee imposed upon an owner of real property within a maintenance benefit area pursuant to this title constitutes a lien upon said property until it is fully paid and discharged.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.503 Collection and expenditure of service fees.**

The city council may provide for collection of the service fees by or under the supervision of the director of finance of the city, or through the office of the county auditor on behalf of the city. The city council may control and order the expenditure of revenues generated by the collection of service fees for the purposes of the maintenance benefit area.

(Ord. No. 91-052, §2)

**55.05.504 Collection by the county.**

In the event the city council directs that the service fees be collected on behalf of the city by the county auditor, the city clerk shall file with the county auditor a certified copy of the boundary map or diagram and fee schedule, with a request that the fees be posted to the county roll for general property taxes. This filing shall occur on or before August 1 of the fiscal year in which the fees are to be collected. The fees shall be collected at the same time and in the same manner as general property taxes and all laws providing for the collection and enforcement of such property taxes shall apply to the collection and enforcement of the fees. After deduction of the collection charges of the county auditor, the net amount of the fees collected shall be remitted to the city to the credit of the fund of the maintenance benefit area and shall be used for the payment of the expenses of said area.

(Ord. No. 91-052, §2)

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**55.05.505 Collection by the city.**

In the event the city council directs that the service fees be collected by or under the supervision of the director of finance of the city, the city clerk shall file a certified copy of the boundary map or diagram and fee schedule with the director of finance, and such fees shall be collected at such times and subject to such fines and penalties for delinquencies as may be determined from time to time by resolution of the city council. The service fees when collected shall be paid into the city treasury to the credit of the fund of the maintenance benefit area and shall be used for the payment of the expenses of said area.

(Ord. No. 91-052, §2)

**55.05.506 Same--delinquent charges; collected as a special assessment.**

Not less often than once a year, the director of finance may initiate proceedings to make delinquent service fees a special assessment against the parcels of property upon which said fees constitute a lien.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.507 Same--Report transmitted to council.**

A report of delinquent fees shall be transmitted to the council by the director of finance. Upon receipt by the council of the report, it shall fix a time, date and place for hearing the report and any protests or objections thereto.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.508 Same--Notice of hearing.**

The council shall cause notice of the hearing to be mailed to the owner of the real property subject to assessment for delinquent service fees not less than ten (10) days prior to the date of the hearing. For the purpose of this section, the owner of the property shall be conclusively deemed to be the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the director of finance shall have actual knowledge of the name of a person other than such assessee claiming ownership of such parcel of real property. The notice shall be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known by the director of finance.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.509 Same--Hearing.**

At the time fixed for consideration of the report, the council shall hear it with any objections of the property owners liable to be assessed for delinquent service fees. The council may make such revisions, corrections, or modifications of the report as it may deem just; and in

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the event the council is satisfied with the correctness of the report (as submitted or as revised, corrected, or modified), it shall be confirmed or rejected by resolution. The decision of the city council on the report and on all protests or objections thereto shall be final and conclusive.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.510** Same--Method of collection; applicability of other liens, laws, etc.

Upon confirmation of the report by the council, the delinquent service fees contained therein shall constitute a special assessment against the property upon which said fees constitute a lien. Thereafter, such assessments may be collected at the same time and in the same manner as special assessments are collected by the county tax collector on behalf of the city and shall be subject to the same penalties and same procedure of sale as provided for delinquent special assessment so collected.

The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of special assessments shall be applicable to said special assessments.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.511** Same--Report transmitted to auditor.

A certified copy of the confirmed report shall be filed with the county auditor on or before August 15. The descriptions of the parcels subject to the special assessment shall be those used for the same parcels on the county assessor's map books for the current year.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.512** City contribution of maintenance benefit area.

The city council may determine that the whole or any part of the annual expense of the maintenance service performed by the maintenance benefit area may be paid by the city.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

**55.05.513** Temporary transfer of funds.

The city council may temporarily transfer moneys to the maintenance benefit area fund from other city funds in which said moneys are not immediately needed. The money so transferred shall be used as provided for in this title and shall be retransferred from the maintenance benefit area fund out of the first available receipts.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

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55.05.514 Advancement of funds for operations.

The city council may from time to time transfer funds of the city not immediately needed for city purposes to the maintenance benefit area fund of the maintenance benefit area to be used for the payment of the expenses of such maintenance benefit area until such time as service fees collected for the maintenance benefit area are available therefore, the amounts so transferred shall be retransferred to the city treasury from the maintenance benefit area fund of the maintenance benefit area as receipts from collection of the service fee are available.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

55.05.515 Duties of the city council.

The city council shall:

- (a) Make and enforce all rules, regulations and ordinances necessary for the administration, operation and government of such maintenance benefit area.
  - (b) Execute all contracts and make all necessary provisions for the maintenance and operation of the maintenance benefit area.
  - (c) Appoint and employ all necessary agents, superintendents, engineers and labor for the proper performance of the maintenance work; provided that nothing herein shall prohibit the city from performing any such work with its own officers and employees and reimbursing the city general fund from the maintenance benefit area fund for its actual cost incurred in the performance of such work.
  - (d) Perform all other acts necessary or proper to accomplish the purposes of this title.
- (Ord. No. 4293, §1; Ord. No. 91-052, §2)

55.05.516 Contracts.

All contracts of the maintenance benefit area shall let in the same manner as is prescribed by the city code and city charter for contracts of the city.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

55.05.517 Title to property.

The title to all property acquired by a maintenance benefit area shall be vested in the city. Upon dissolution of the maintenance benefit area all property used in the performance of its functions may be used, maintained or disposed of in the manner determined by the city council.

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All funds of the maintenance benefit area not required for its functions shall be held, disbursed, or expended by the city in the manner required by law.

(Ord. No. 4293, §1; Ord. No. 91-052, §2)

55.05.518 to 55.05.600 Reserved.

Chapter 55.06. Dissolution of Maintenance Benefit Area

**55.06.601 Resolution of intention to dissolve.**

**55.06.602 Time for hearing.**

**55.06.603 Hearing on resolution of intention to dissolve maintenance benefit area.**

**55.06.604 Action by city council.**

**55.06.605 Extending date for dissolution; council findings.**

**55.06.606 Determination of ownership; majority protest.**

**55.06.607 to 55.06.700 Reserved.**

55.06.601 Resolution of intention to dissolve.

Any maintenance benefit area may be dissolved by the city council. The city council upon its own motion may adopt a resolution declaring its intention to dissolve the maintenance benefit area and may fix a time for a hearing upon such dissolution. In the alternative, a petition purporting to be signed by the owner or owners of property within the maintenance benefit area sufficient to constitute a majority protest may be filed with the city clerk requesting the dissolution of the maintenance benefit area. Said petition shall be filed not later than 75 days prior to the end of the current fiscal year of the city unless the petitioner requests the maintenance benefit area be dissolved at the earliest date for date of dissolution of the maintenance benefit specified in a finding described in Section 55.06.605 in which event the petition must be filed not later than 75 days prior to that date.

(Ord. No. 4293, §1; Ord. 91-052, §3)

55.06.602 Time for hearing.

The time for such hearing shall not be less than 30 days nor more than 60 days after the date of the adoption of such resolution, or filing of the petition, and the city clerk shall, at least 15 days prior to the time so fixed, publish notice of said hearing in the official newspaper of the city.

(Ord. No. 4293, §1; Ord. No. 91-052, §3)

**55.06.603 Hearing on resolution of intention to dissolve maintenance benefit area.**

At the time fixed for the hearing on the resolution of intention to dissolve the maintenance benefit area, or at any time to which it is adjourned, the city council shall hear and pass upon the question of dissolution and all objections and protests and may grant or deny same, and its decision thereon shall be final and conclusive. When the hearing has been initiated by the filing of a petition purporting to be signed by the owner or owners of property within the maintenance benefit area sufficient to constitute a majority protest, the maintenance benefit area shall be dissolved if the city council determines that said petition constitutes a majority protest to the continuation of the maintenance benefit area, unless the city council determines to continue the maintenance benefit area by an affirmative vote of four-fifths of the members of the city council. In all other cases, the city council may, in its sole discretion, determine to continue or to dissolve the maintenance benefit area.

(Ord. No. 4293, §1; Ord. No. 91-052, §3)

**55.06.604 Action by city council.**

If the city council upon such hearing determines that the maintenance benefit area shall be dissolved, the city council shall, by resolution, order the dissolution of the maintenance benefit area and it shall thereupon be dissolved upon such date as may be specified in said resolution but in no event later than the end of the fiscal year in which the resolution is adopted, unless the resolution of intention creating the maintenance benefit area has contained a finding described in Section 55.06.605, in which event the maintenance benefit area shall dissolve upon the date specified in said finding.

(Ord. No. 4293, §1; Ord. No. 91-052, §3)

**55.06.605 Extending date for dissolution; council findings.**

The city council may, in its resolution of intention adopted pursuant to Section 55.02.201, fix the earliest date following the formation of the proposed maintenance benefit area when said maintenance benefit area may be dissolved pursuant to a majority protest of the owner or owners of property within the maintenance benefit area. No such date shall be fixed unless the city council shall find and determine that:

- (a) The additional maintenance service is likely to be provided by a contractor of the city, and
- (b) In order to obtain favorable contract terms it is reasonably necessary to enter into an agreement with the contractor that does not provide for its termination, except for cause, prior to date so fixed by the city council.

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In no event shall any such date be fixed which is later than the end of the third fiscal year following the fiscal year in which the resolution of intention is adopted. If such a date is fixed in the resolution of intention, all notices given pursuant to Chapter 55.03 shall contain a statement of the date so fixed.

(Ord. No. 4293, §1; Ord. No. 91-052, §3)

**55.06.606** Determination of ownership; majority protest.

For purposes of this chapter, ownership of property shall be determined as provided in Section 55.03.308 and the sufficiency of a majority protest as provided in Section 55.03.306 using the then existing fee imposed by the maintenance benefit area.

(Ord. No. 4293, §1; Ord. No. 91-052, §3)

**55.06.607** to **55.06.700** Reserved.

**Chapter 55.07. Public Property**

**55.07.701** Exclusion of public property from maintenance benefit area.

**55.07.702** Inclusion of public property in maintenance benefit area.

**55.07.703** Withdrawal of public property from maintenance benefit area.

**55.07.704** Majority protest.

**55.07.705** Streets or highways.

**55.07.706** to **55.07.800** Reserved.

**55.07.701** Exclusion of public property from maintenance benefit area.

No lot or parcel of land belonging to the United States, or to the State of California, or to the County of Sacramento, the City, or any other public entity shall be included within the boundaries of a proposed maintenance benefit area or within any new territory added pursuant to a change in geographical boundary area, without the prior written consent of its owner given in the manner prescribed in Section 55.07.702 of this chapter.

(Ord. No. 4293, §1)

**55.07.702** Inclusion of public property in maintenance benefit area.

A publicly owned lot or parcel of land may be included within the boundaries of a proposed maintenance benefit area or within any new territory added pursuant to a change in geographical boundary area, if prior to the adoption of the resolution of intention as provided in

Chapter 55.02 its owner has consented to the inclusion of said lot or parcel in the proposed maintenance benefit area and has agreed in writing to pay the service fee fixed in the manner provided in Chapter 55.04.

(Ord. No. 4293, §1)

**55.07.703** Withdrawal of public property from maintenance benefit area.

A publicly owned lot or parcel of land which has been included within the boundaries of a maintenance benefit area in the manner provided in Section 55.07.702 may be withdrawn from said area by the owner thereof at the end of any fiscal year of the city. Said withdrawal shall not be effective unless the owner shall have given the city council written notice of its intent to do so not later than 75 days prior to the end of said fiscal year.

(Ord. No. 4293, §1)

**55.07.704** Majority protest.

A publicly owned lot or parcel of land which has been included within the boundaries of a maintenance benefit area in the manner provided in Section 55.07.702 and for which its owner has not given a notice of withdrawal as provided in Section 55.07.703 shall be included in any determination of the filing of a majority protest under Section 55.03.306 or Section 55.06.603.

(Ord. No. 4293, §1)

**55.07.705** Streets or highways.

A public street or highway shall not be deemed to be a publicly owned lot or parcel of land for purposes of this chapter.

(Ord. No. 4293, §1)

**55.07.706** to **55.07.800** Reserved.

**Chapter 55.08. Validation Proceedings**

**55.08.801 Validation proceedings.**

**55.08.801** Validation proceedings.

An action to determine the validity of proceedings relating to the formation or existence of any maintenance benefit area created pursuant to this title included the validity of any service fee may be brought by the city council or any interested person in accordance with the provisions of Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

The validity of such proceedings or service fee may only be contested, except by the city, within the time and in the manner therein specified. For such purpose proceedings shall be deemed to be in existence upon the adoption of the resolution by the city council ordering the formation of the proposed maintenance benefit area, or the change in geographical boundary area.

(Ord. No. 4293, §1; Ord. No. 91-052, §3)

DATE PASSED FOR PUBLICATION: May 7, 1996

DATE ENACTED: May 14, 1996

DATE EFFECTIVE: June 13, 1996

ATTEST:

  
CITY CLERK

  
MAYOR

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FOR CITY CLERK USE ONLY

96-022

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: MAY 14 1996