FIELDMAN | ROLAPP & ASSOCIATES

There is no substitute for experience.

Usual Sequence of Events for 1913 Act Special Assessment District After Proposition 218

(Municipal improvement Act of 1913 Commencing with Section 10000 of the Streets and Highways Code)

BEGIN HERE

Property Owner Petition Initiated District

Landowners of 60% of land area waive 1931 Act requirements

File petitions with Clerk/ Secretary

Actions by Legislative Body

Adopt Resolutions:
1. Approving Boundary Map*
2. Declaring Intention* and directing preparation of 1913 Act Report

File 1913 Act Report

Legislative Body Commences Assessment Proceedings

Adopt Resolutions:
1. Preliminary approving Engineer's Report
2. Setting Public Hearing date
3. Calling for construction bids
4. Making appointments

Local Agency Initiated District

Adopt resolutions:
1. Approving Boundary Map*
2. Declaring Intention* and directing preparation of either:
   a. 1931 Act Report
   b. Combined 1931/1913 Act Report

by simple majority of legislative body

File combined 1931/1913 Act Report

File 1913 Act Report

*Timing of adoption of Boundary Map and Resolution of Intention varies

Actions by Legislative Body

1. Conduct 1931 Act Hearing
2. Proceed and direct preparation of 1913 Act Report if:
   a. No Majority protest AND
   b. Either adequate values or 4/5 vote
3. If not, then abandon

File 1913 Act Report

Within 15 days Boundary Map is filed in the Office of County Recorder

not sooner than 45 days from mailed notice and assessment ballots

Public Hearing

1. Present Engineer's Report
2. Receive testimony
3. If no majority protest, legislative body may adopt resolution confirming assessments**

If ballots submitted in opposition to the assessment exceeded ballots submitted in favor, then majority protest. Ballots weighted according to proportional financial obligation of the affected property

**Environmental review should be completed before formation of District

1. Assessment Roll and Diagram recorded with Superintendent of Streets
2. Diagram and Notice of Assessment recorded with a County Recorder
3. Statement of Assessment mailed to property owners and published (once a week for two successive weeks at at least 5 days apart)

Not less than 30 days after recordation of Diagram and Assessments with the Superintendent of Streets

Receive construction bids

***1915 Act Bonds = Section 8500 et. seq.
1911 Act Bonds = Section 6400 et. seq.

Legislative body:
1. Certifies paid and unpaid assessments
2. Authorizes issuance of bonds***
3. Approves Preliminary Official Statement and Continuing Disclosure Agreement
4. Adopts resolution awarding the construction contract

End of Cash Collections/ Statute of Limitations

1. Sell & deliver bonds & receive bond proceeds
2. Initiate construction or acquisition
3. Commence activities to administer debt, levy and collect assessments and comply with continuing disclosure requirements

Specific requirements of Proposition #218 and S.B. 919

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