

CITY OF SAN ANSELMO

RESOLUTION NO. 985

RESOLUTION ESTABLISHING POLICY IN RE SPECIAL  
ASSESSMENT DISTRICT PROCEEDINGS

THE CITY COUNCIL OF THE CITY OF SAN ANSELMO does hereby *resolve to* establish as its policy for special assessment district proceedings the following:

1. The attorney for the assessment district should submit at one time the entire package of all the resolutions, joint powers agreements, and, where necessary, supplemental reports, as well as the agreement appointing the district counsel and engineer. Included with this package should be a letter of transmittal describing completely the material contained therein, with an outline of the manner in which it is to be acted upon and processed.
2. The entire package should be submitted to the Chief Administrative Officer with copies to the office of the City Attorney at least ten days prior to the date that the proceedings are to be presented to the City Council in order that there will be a reasonable time for review of said documents.
3. All documents submitted shall be approved as to form by each and all attorneys or firms of attorneys who may be acting as bond counsel and/or counsel for the assessment district.
4. The attorneys and engineers for the District shall have no interest (whether direct or indirect) therein other than for their fees and shall file an affidavit or letter to such effect with the City Council at the time of commencement of the proceedings.
5. No assessment district funds shall be used to provide or acquire land or right-of-way which under the provisions of the City Subdivision Ordinance the subdivider is required to dedicate.

6. Incidental expenses to be allowed in such proceedings shall be those expressly provided for by statute and those which are reasonably incidental to work to be performed.

7. The assessment district attorney or his representative should be present at all meetings of the City Council at which matters will be presented to them to act on in order that they may properly explain all proceedings connected therewith and answer all questions relative thereto. Matters involving continuance of hearings, payment of progress payments and similar matters shall not require appearances by the attorney or his representative unless specifically requested by the Chief Administrative Officer or the City Attorney.

8. When improvements are being undertaken pursuant to the Municipal Improvement Act of 1913 and the same are to be acquired by the City rather than constructed or installed under contract with the City, bonds shall not be issued nor payments made until completion of said improvements, except:

(a) Notwithstanding the provisions of Section 10500 Streets and Highways Code, no contract for the construction of improvements under the Municipal Improvement Act of 1913 shall be entered into by the City until the hearings on the engineer's report have been completed and the assessment levied.

9. When proceedings are connected with the subdivision of land under the City Subdivision Ordinance (assuming subdivision improvements required have not been completed at the time for presentation and confirmation of the engineer's report), there shall be presented to the City Council at the time set for confirmation of the engineer's report a duly executed standard subdivision agreement and subdivision bond. After confirmation of the engineer's report and approval by the City Council of the bond and execution by it of the subdivision agreement, the final

subdivision map shall be recorded and thereafter the engineer's report as confirmed shall be recorded.

10. All contracts entered into by the City of San Anselmo in connection with assessment district proceedings shall provide substantially as follows: "It is agreed that the signatures of the duly authorized officers of each of the parties to this agreement are based and predicated upon consummation of special assessment district proceedings providing for a sufficient assessment to pay the money herein agreed to be paid through district, and also to pay all costs and expenses of said proceedings and any rights of way or other property referred to in the agreement. It is agreed that the City of San Anselmo is signing this agreement solely as agent and trustee for the property owners within the area described in the agreement; that it is assuming no direct liability for payment of said money or the expenses of the acquisition and construction of said system, and that its only liability and responsibility is that of conducting the special assessment district proceedings referred to in the form provided by law. It is also understood by all parties that the City of San Anselmo cannot pledge itself in advance that said special assessment district proceedings will give the City jurisdiction to confirm the assessment, and that all terms and provisions of this agreement are subject to said special assessment proceedings being consummated. City is to pay the sums to be paid pursuant to this agreement only out of monies in said special assessment district proceedings and out of no other funds."

11. The contract providing for employment of special legal counsel for assessment district proceedings may, at the option and discretion of City, provide that said counsel shall defend any and all claims or litigation against the City, its officers and employees arising out of said assessment district

proceedings or the work being done thereunder except where defense of said action has been assumed by third parties under policies of insurance provided in connection with said proceedings and work. Cost for said legal litigation services shall be specially provided for in the assessment district proceedings and shall be in the amount of \$1,000.00 or One Per Cent (1%) of the estimated project cost (whichever is the greater) but not to exceed \$2500.00.

12. In case of subsequent division of land subject to assessment, proceedings for division of the land and assessment shall be undertaken by the attorney and engineer for the district, with the cost of the same to be the obligation of the persons seeking said division.

13. Stabilization of soil work shall be included in the assessment district proceedings only if necessary for the protection of the public improvements. Stabilization of soil work necessary only for protection of lots or parcels may not be included in the assessment district proceedings but must be provided for prior to or at the time of recordation of the subdivision map.

14. All performance and material and labor bonds filed in connection with assessment district proceedings shall provide substantially as follows: "Surety does hereby consent to any and all additions, alterations or modifications to said agreement, and to the plans, specifications referred to therein, including any extension of time within which the work thereunder is to be completed, and said additions, alterations or modifications shall not release or exonerate surety from its obligations hereunder."

15. Assessment district proceedings providing for issuance of bonds under the Improvement Bond Act of 1915 will not be approved.

16. The City Clerk is authorized and directed to provide copies of this resolution to attorneys handling such proceedings


and the Chief Administrative Officer is authorized and directed to provide copies of this resolution to engineers handling such assessment district proceedings.

PASSED AND ADOPTED at a regular meeting of the City Council of San Anselmo held on the 10th day of December, 1963, by the following vote:

AYES: Councilmen Clute, Capurro, Reichmuth, Franchini, Smith

NOES: Councilmen None

ABSENT: Councilmen None

  
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ARTHUR W. SMITH, MAYOR

ATTEST:

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ANITA GANNON, CITY CLERK