



California Fair Political Practices Commission

January 30, 1989

Honorable Robert G. Low
Mayor, City of Covina
786 West Griswold Road
Covina, CA 91722

Re: Your Request for Advice
Our File No. I-88-467

Dear Mr. Low:

You had requested advice regarding your responsibilities under the conflict-of-interest provisions of the Political Reform Act (the "Act").^{1/} Subsequently, you sent a letter which stated that the pending decision had been acted upon by the city council and on the advice of the city attorney you had disqualified yourself from participating in the decision. However, you wanted to know if the city attorney's advice to you was correct, especially his advice to you to refrain from speaking to the city council even as a member of the public.

We encourage public officials who have questions about a pending decision to write to us so that we may analyze the legal issues and advise the public official about his or her responsibilities under the Act. However, once the decision has been voted upon, we do not analyze the legal issues since we believe the resources of the Commission can be best utilized by responding to pending decisions rather than issues that are moot. Under these circumstances, we defer to the analysis provided by the city attorney (or other agency attorney). Of course, you acted in an exemplary manner when, despite your doubts about the validity of the city attorney's advice, you disqualified yourself from the decision.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Honorable Robert G. Low
January 30, 1989
Page 2

Regulation 18700.1(b) (copy enclosed) describes the very limited circumstances in which a public official may participate as a member of the public after having disqualified himself or herself. I have enclosed some advice letters on that subject for your information. I have also enclosed a pamphlet entitled "A Guide to the Political Reform Act of 1974 - California's Conflict of Interest Law for Public Officials." If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Jeevan Ahuja
Counsel, Legal Division

DMG:JA:ld

Enclosure



FPPC
DEC 13 4 45 PM '88
CITY OF COVINA

125 East College Street • Covina, California 91723-2199 • (818) 331-0111

Robert G. Low,
Councilman

December 8, 1988

Fair Political Practices Commission
Legal Division
428 J Street, Suite 800
Sacramento, Ca. 95814

Attn: Kathryn Donovan:

Dear Ms Donovan:

Currently I serve as Mayor of the City of Covina, a general law city. My duties include membership on a five member City Council.

Under discussion is the annexation of the neighborhood in which I live to the city landscape and lighting districts.

There are about 17,000 parcels of land in the city. One third of the city is now in the lighting district.

Two hundred parcels are being considered for annexation. Eighty-five percent of the property owners in my neighborhood have filed a written protest against the annexation.

The cost of being included in the two districts would be about \$40 per year. In my case the real after tax liability would be about \$16 per year.

Like my neighbors I see no need for the annexation. There is no reason to believe there will be any changes in the lighting and landscaping we now have. The project is essentially a money raising activity.

However, the City Attorney's opinion has effectively excluded me from participating in the hearings that are currently taking place.

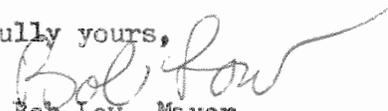
I have several questions:

1. Does the potential \$16 per year after tax liability exclude me from taking part in the hearings?
2. Does the potential \$16 per year after tax liability allow me to take part in the discussion of a citywide lighting district that might include my home if the current proposal fails?

3. If my home is annexed into the district, will councilmen not living in the district be excluded from developing plans to include their neighborhoods in a citywide lighting district as I have been excluded from discussing the neighborhood annexation?

I would appreciate your response as the present situation does not seem fair to my neighbors who count on me to represent them, or to the population of the city in general.

Respectfully yours,


Bob Low, Mayor
786 West Griswold Road
Covina, Ca. 91722

Potential Conflict of Interest -
Annexation No. 56 to Covina
Lighting District

LAW OFFICES

OLIVER, STOEVER, BARR & EINBODEN

THOMAS W. STOEVER
WILLIAM B. BARR
CHARLES S. VOSE
ROGER W. SPRINGER
CONNIE COOKE SANDIFER
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HERIBERTO DIAZ
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CONFIDENTIAL

MEMORANDUM

To : Robert Low
Mayor, City of Covina

From : *CV* Charles S. Vose, City Attorney

Date : November 30, 1988

Subject : Potential Conflict of Interest -
Annexation No. 56 to Covina
Lighting District

In reviewing the November, 1988 FPPC Bulletin concerning new regulations which have been approved by the Commission, I noted a regulation which seems to apply to your situation with respect to the consideration of the proposed Annexation No. 56 to the Covina Lighting District No. 1978-79.

It is my understanding that your residence lies within the area to be annexed as part of this proposal. While the assessment cost for each property would not, under prior regulations, represent a direct conflict, it appears that a decision on this annexation would indirectly involve your real property interest and, therefore, constitute grounds for disqualification from participation.

On November 16, 1988, the Fair Political Practices Commission adopted Regulation 18702.3. The recent FPPC Bulletin describes this regulation in the following manner

"Regulation 18702.3 would require disqualification if the decision indirectly involves the public official's real property interest. A decision would be material if the official owns property within 300 feet of the subject property unless there

Memo to Robert Low
November 30, 1988
Re: Potential Conflict of Interest

will be no financial effect on the official's property. An official also must disqualify from decisions which are likely to provide new or substantially improved streets, sewer or similar services."

In advising public officials concerning the application of FPPC regulations, I have taken a conservative view and recommended that a public official disqualify himself from voting or participating in the consideration of a matter if there is an appearance of a conflict. This new regulation by the FPPC which is effective as of November 16, 1988, would appear to present the appearance of such a conflict in your situation. Therefore, my conservative approach is to recommend that you disqualify yourself from further participation in the decision making process relating to the proposed Annexation No. 56 to the Covina Lighting District No. 1978-79 unless you receive specific advice from the FPPC.

Should you desire to participate further with respect to this proposal, I suggest that we prepare a factual statement and submit the matter, in writing, to the FPPC for their consideration. This course of action would provide you with an advice letter from the FPPC which can be relied upon should any future proceedings occur.

Should you have further questions or require additional information, please do not hesitate to contact me.

CSV:ilf
cc: John Thomson, City Manager
Chris Richardson, City Clerk



CITY OF COVINA

125 East College Street • Covina, California 91723-2199 • (818) 331-0111

Robert G. Low,
Mayor

December 21, 1988

Jeevan Ahuja
California Fair Political
Practices Commission
Legal Division
P.O. Box 807
Sacramento, California

Dear Jeevan Ahuja:

Re: 88 -467

With respect to my earlier letter, I would like to add some additional information.

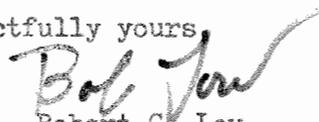
1. On December 19, 1988 on a 3-1 vote the Covina City Council voted to annex my property into the Covina Landscaping District, and the Covina Lighting District.
2. On the suggestion of the City Attorney I did not vote on the issues, nor did I participate in the discussions.
3. There will be no change in the lighting that serves my home. It will simply be funded through a specific fee charged against the property rather than from the general fund.
4. There will be no change in the level of landscaping that serves the neighborhood in which I live. The landscape fee charged against my property will be used to maintain a median on a state highway more than 300 feet from my home.
5. Over 85 per cent of the property owners living in my neighborhood protested the action of the City Council. The only reason the protest was not higher is because renters live in some of the homes, and the owners could not be contacted.
6. A hearing to discuss a citywide lighting and landscaping district is scheduled for January 3, 1989.

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7. The homeowners in my neighborhood will be charged \$50 per year (\$29 for lighting and \$21 for landscaping) not the \$29 as reported in the press.
8. I think my neighbors have been unfairly treated in this matter, and I think my inability to question the actions of staff or discuss the issue with the other members of the City Council far outweighed any impact the action might have on my property. As I mentioned earlier, due to my tax rate, the actual cost to me will be very small.

If possible, I would appreciate it if you would send any response you might write to my home rather than to City Hall. I realize that your answer is part of the public record.

Respectfully yours,



Robert G. Low
786 West Griswold Road
Covina, Ca. 91722

Covina assesses neighborhood for lights, landscaping

By LEE GARBER
Staff writer

Over the heated objections of local property owners, a split Covina City Council has decided to bill them for operation and maintenance of street lights and landscaping in their part of town.

The council voted 3-1 Monday to assess west-central Covina business and residential property owners for lighting and landscaping costs.

Under the plan, homeowners would pay \$29 next year, while business property owners would pay \$4.80 per 1,000 square feet.

Councilmembers Chris Lancaster, Tom O'Leary and Henry Morgan opposed efforts by Gary Coffey to put the assessments to a public vote.

Mayor Robert Low abstained because he lives in the neighborhood and is affected by the issue.

Resident Theresa Aulicino argued that no charge should be levied against the 84 percent of area homeowners who signed petitions opposing the assessment.

Fred Mordane said he and other residents of the Starlite Mobile Estates mobile home park already pay for the privately owned and operated lights in their complex and shouldn't have to pay for public street lights, especially because many of the residents survive on low incomes.

Covina officials have said the city doesn't have enough money

to pay for maintenance of public improvements and should charge the property owners who benefit most from the improvements.

To which Covina resident Virginia Vignol responded, "If the city can't afford it, what makes you think the taxpayers can?"

Some homeowners have said no one neighborhood should bear the brunt of such assessments. They contend all Covina property owners should pay, because the entire city benefits from lighting and landscaping.

To that end, the City Council voted on Dec. 8, by the same 3-1 vote, to assess the entire city for lighting and landscaping costs by July 1, 1990.

However, city officials want to begin work immediately on \$603,000 in lighting and roadway median landscaping along the Azusa Avenue commercial corridor. The assessments voted this week would pay for those improvements.

Assistant City Manager Francis Delach said the project is designed to attract more shoppers to Covina.

If the council did not approve the assessments, the Azusa Avenue project could not begin because there would be no guaranteed way to pay for operation and maintenance costs, explained City Manager John Thomson.

CITY OF COVINA
INTER-OFFICE MEMORANDUM

TO: CITY COUNCIL
VIA CITY MANAGER 

FROM: PUBLIC WORKS DIRECTOR

DATE: DECEMBER 19, 1988

SUBJECT: ANNEXATIONS TO LIGHTING AND LANDSCAPING DISTRICTS

At the December 8th adjourned council meeting, the question was raised concerning the process involved in annexing the balance of the city to the existing lighting and landscaping districts. My response was that I did not feel that there was sufficient time to prepare the necessary documentation and reports, conduct a public hearing and file the assessments with the County Auditor before July 1, 1989.

In reviewing the matter, it is noted that the deadline for filing of assessments is July 31st, not July 1st. In addition, because of the information already existing relative to parcel identification, I feel that it is feasible to perform the work in-house and complete the process within the time available. Therefore, at the January 3, 1989 regular meeting, I will submit a request to order an Engineer's Report with an anticipated schedule substantially as follows:

<u>Date</u>	<u>Action</u>
Jan. 3, 1989	Resolution ordering City Engineer to file a report for: 1. Annexation to Covina Lighting District No. 1978-1979 2. Annexation to Covina Landscaping District No. 1
Jan. 4 to April 16	Prepare reports and file with City Clerk.
April 17, 1989	Council consideration of report Resolution approving report and setting date for public hearing
April 18 to May 14	Publish Notice of Hearing Mail Notices to affected property owners.
May 15, 1989	Conduct public hearing. Resolution confirming report Resolution ordering annexation
May 16 to June 15	Prepare final assessments.
June 15 to July 31	Prepare assessment tapes, make test submittal and submit to County Auditor.

In the past we have regularly utilized the services of a consultant to prepare the assessment tapes to the County's specifications. That function would be unchanged in this proposal.

Wayne B. Dowdey
Wayne B. Dowdey
Public Works Director

WBD:pf

cc: Fran Delach, Assistant City Manager
Ken Klingelberg, Engineering Supervisor



CITY OF COVINA

125 East College Street • Covina, California 91723-2199 • (818) 331-0111

Robert G. Low,
Mayor

December 28, 1988

Jeevan Ahuya
California Fair Political
Practices Commission
Legal Division
P.O. Box 807
Sacramento, California

JAN 2 9 02 AM '89
FPPC

Dear Jeevan Ahuja:

Re: 88 - 467

Attached is the Engineer's Report on the Landscaping District No. 1, and the Lighting District No. 56.

You will note on pages 11 and 12 there is a description of how the landscaping assessments are to be used.

On page 14 there is a map of the landscaping assessment district. You will note the location of my home, and the fact that it is more than 300 feet from the area that is to be landscaped, namely Azusa Avenue.

In addition, I am including a page from the Covina Redevelopment Agency Budget that illustrates the actual area that is to be beautified. Again, it is more than 300 feet from my home.

Respectfully yours,

Bob Low
Bob Low
786 West Griswold Rd.
Covina, Ca. 91722

ITEM CODE C-1

MEETING DATE 12/19/88

CITY OF COVINA

AGENDA ITEM COMMENTARY

ITEM TITLE: Continued public hearings for Annexation No. 56 to Covina Lighting District No. 1978-1979 and Annexation No. 18 to Covina Landscaping District No. 1

INITIATOR: Public Works Director

STAFF INFORMATION SOURCE: Public Works Director

BACKGROUND: Public hearings for annexation to the lighting and landscaping districts were continued to permit additional discussion of the subject. At the December 5th meeting, protests were received from several residential property owners. Since the annexation process depends upon the degree of protests, if any, the protests are summarized below.

*3,440,000 SF -
SCHOOL*

Protests to the proposed annexation are evaluated on the basis of area of the property in accordance with the Landscape and Lighting Act. For the lighting annexation, protests were received representing 764,800 S.F. compared to the total annexation of 5,516,000 S.F., or 13.9%. For the landscape annexation, the protests represented 800,950 S.F. of 8,318,100, or 9.6%.

Since the protests do not represent a majority, the action may be taken by a majority vote of the City Council.

EXHIBITS: Agenda Item Commentary dated 12/5/88
Resolutions (2)

KEY ISSUE: Annexation to cover maintenance expenses of improvements to be constructed within the redevelopment areas.

COUNCIL ACTION: Conduct the public hearings and consider the annexations.

RECOMMENDATION: That the City Council adopt resolutions ordering Annexation No. 56 to the Lighting District and Annexation No. 18 to the Lighting District.

ITEM CODE C-1 a & b

MEETING DATE 12/5/88

CITY OF COVINA

AGENDA ITEM COMMENTARY

ITEM TITLE: Continuation of scheduled Public Hearings for Annexation No. 56 to Covina Lighting District No. 1978-1979 and Annexation No. 18 to Covina Landscaping District No. 1

INITIATOR: Public Works Director

STAFF INFORMATION SOURCE: Public Works Director

BACKGROUND: On October 24, 1988, the City Council adopted Resolutions 88-4977 and 88-4979 designating December 5, 1988, as the public hearing date for Annexation No. 56 to Covina Lighting District No. 1978-1979 and Annexation No. 18 to Covina Landscaping District No. 1, respectively. The public hearings are for the annexations of properties east and west of Azusa Avenue for the expansion of the lighting district and to cover future maintenance costs of the proposed landscaping of Azusa Avenue.

On November 21, 1988, the City Council elected to include consideration of existing lighting and landscaping district policies with the scheduled general policy study session commencing on December 7, 1988. In view of this, the scheduled December 5, 1988 public hearings should be continued until December 19, 1988.

EXHIBITS: 1. Reports (2)
2. Letter to property owners dated November 23, 1988

KEY ISSUE: Are current policies for annexations to the lighting and landscaping districts appropriate?

COUNCIL ACTION: 1. Conduct the scheduled December 5, 1988 public hearings.
2. Consider continuance of the public hearings until December 19, 1988.

RECOMMENDATION: That the City Council conduct the scheduled public hearings and continue same until December 19, 1988.

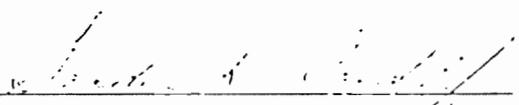
CITY MANAGER COMMENT

The City Council intends to consider the whole question of formation and distribution of costs regarding special lighting and landscaping districts. The Public Works

Director has proceeded with this particular district without having any Council policy guidance available. If he is on the correct path, a rescheduled hearing for Council action on December 19, is on track. If Council gives policy guidance otherwise, the Public Works Director will make the adjustments and have them ready also for the December 19 rescheduled public hearing, Council action, on this project.

The City Council has scheduled Adjourned Council meetings (Planning Policy/Study Session) for Wednesday, December 7 and Thursday, December 8. At one of these this question is to be addressed. Inasmuch as the City financial/budget programming subject is scheduled for December 7, it is recommended that this matter regarding special districts be covered by Council at its Thursday, December 8 meeting.

. This is to verify that on October 6, 1988,
Engineer's Report on Annexation No. 56 to the Covina
Lighting District No. 1978-1979 was received in the
office of the City Clerk in accordance with Article
2, Chapter 2, Part 2, "Landscaping and Lighting Act
of 1972".



Assistant City Clerk

ENGINEER'S REPORT

ANNEXATION NO. 56 TO THE COVINA LIGHTING DISTRICT NO. 1978-1979

1. BACKGROUND

This report is submitted pursuant to the order of the City Council as per Resolution No. 88-4967 and in conformity with the requirements of the Landscaping and Lighting Act of 1972.

For the 1988-89 fiscal year, the energy and maintenance of the street lights that are not in the existing lighting district will be funded through the general fund. It is suggested that the area east and west of Azusa Avenue from Arrow Highway to approximately 600 feet south of Badillo Street be included in the lighting district. Approximately 50% of this area is within the current lighting district boundary. The total area is the same as is being proposed for annexation to the landscape maintenance district. This action is proposed to provide for improvements and beautification projects to be undertaken on Azusa Avenue.

2. ASSESSMENT

Currently, there are 2 zones in the lighting district: Zone A for single family residential units and condominium units and Zone B for other properties. The 1988-89 fiscal year assessment rates are \$29.00 per unit for Zone A and \$4.80 per thousand square feet of land area for Zone B. The assessment rates are based on the energy and maintenance costs of the street lights within each zone, the processing cost of the Tax Assessor for the collection of the assessment through the tax roll, engineering and administrative overhead costs. Tabulated below are the current number of street lights and the number of units for each zone in the existing district:

Table No. 1 TOTAL DISTRICT

	Zone A	Zone B
No. of Units	1,591 units	17,507,000 s.f.
Rate	\$29.00/unit	\$4.80/1,000 s.f.
Revenue/ <u>Expense</u>	\$46,139.00	\$84,033.60
No. of Street Lights		
5,800 lumens	255	128
9,500 lumens	11	85
16,000 lumens	68	234
22,000 lumens	13	71
25,500 lumens	8	29
47,000 lumens	1	15
Total	<u>356</u>	<u>542</u>

Shown on the attached map of the proposed Annexation No. 56 are the areas adjacent to Azusa Avenue that are now in the district and are excluded from the proposed annexation. These areas to be excluded are comprised of the following:

Table No. 2 (PORTION WITHIN DISTRICT)

	Zone A	Zone B
No. of Units	119 (7.5% of total)	4,460,000 s.f. (25.5% of total)
Rate	\$29/unit	\$4.80/1,000 s.f.
Revenue	\$3,451.00	\$21,408.00
Estimated expenses	\$2,378.00	\$11,003.00
No. of Street Lights		
5,800 lumens	8	0
9,500 lumens	4	1
16,000 lumens	2	63
22,000 lumens	0	2
25,500 lumens	3	3
47,000 lumens	0	0
Total	17	69

The proposed Annexation No. 56 will consist of the following:

Table No. 3 (TO BE ANNEXED)

	Zone A	Zone B
No. of units	99	4,224,000 s.f.
Rate (current)	\$29.00/unit	\$4.80/1,000 s.f.
Revenue (using current rate)	\$2,871.00	\$20,075.20
Estimated expenses	\$3,076.00	\$ 5,403.00
No. of street lights		
5,800 lumens	12	10
9,500 lumens	0	3
16,000 lumens	8	29
22,000 lumens	0	0
25,500 lumens	4	0
47,000 lumens	0	0
Total	24	42

The number of units in Zone A in the above Table No. 3 does not include 22 properties along Chester Road (from 732-868 West Chester Road) and also 9 properties along Grovecenter Street (from 902-939 West Grovecenter Street). These 31 properties do not have adjoining street lights, so it is proposed that they be included in the lighting district, but carry a zero assessment. The effective date of assessment will be the date of annexation to the district. The assessments will be based on rates currently in effect for the total district. Assessments for fiscal year 1989-90 will be determined as described below:

Table No. 4

No. of Units,	Existing District	Annex. No. 56	Total
Zone A	1,591	99	1,690 units
Zone B	17,507,000	4,224,000	21,731,000 s.f.
No. of street lights			
Zone A			
5,800 lumens	255	12	267
9,500 lumens	11	0	11
16,000 lumens	68	8	76
22,000 lumens	13	0	13
25,500 lumens	8	4	12
47,000 lumens	1	0	1
	<u>356</u>	<u>24</u>	<u>380</u>
Zone B			
5,800 lumens	108	10	118
9,500 lumens	85	3	88
16,000 lumens	234	29	263
22,000 lumens	71	0	71
25,500 lumens	29	0	29
47,000 lumens	15	0	15
	<u>542</u>	<u>42</u>	<u>584</u>
Expenses:			
Zone A	\$ 46,139.00	\$3,076.00	\$ 49,215.00
Zone B	84,033.60	5,403.00	89,436.60
	<u>\$130,172.60</u>	<u>\$8,479.00</u>	<u>\$138,651.60</u>

Dividing the expenses by the number of units, the projected rates will be:

$$\text{Zone A } \frac{\$49,215}{1,690} = \$29.12/\text{unit}$$

$$\text{Zone B } \frac{\$89,436.60}{21,731} = \$ 4.12/1,000 \text{ s.f.}$$

Annexation No. 56, if approved, will increase the current rate for Zone A by .4% and decrease the current rate for Zone B by 14.2%. The increase in Zone A rate is due to a 6.7% increase in expenses with a 6.2% increase in zone units. The decrease in Zone B rate is due to a 6.4% increase in expenses with a 24.1% increase in zone units.

3. PLANS AND SPECIFICATIONS

The map of proposed Annexation No. 56 (Exhibit 56-A) defining the areas to be annexed is attached to this report. The map also shows the areas adjacent to Azusa Avenue that are now in the existing lighting district. There are no new lights to be installed in connection with this annexation.

The Los Angeles County Assessment Roll is incorporated herein by reference and is made a part of this report hereof.

4. Should the City Council approve this report, the following resolutions need to be adopted by the Council:
- (a) Resolution approving the report of the City Engineer; and
 - (b) Resolution declaring the intention to order Annexation No. 56 to the existing Covina Lighting District and setting a date for public hearing.

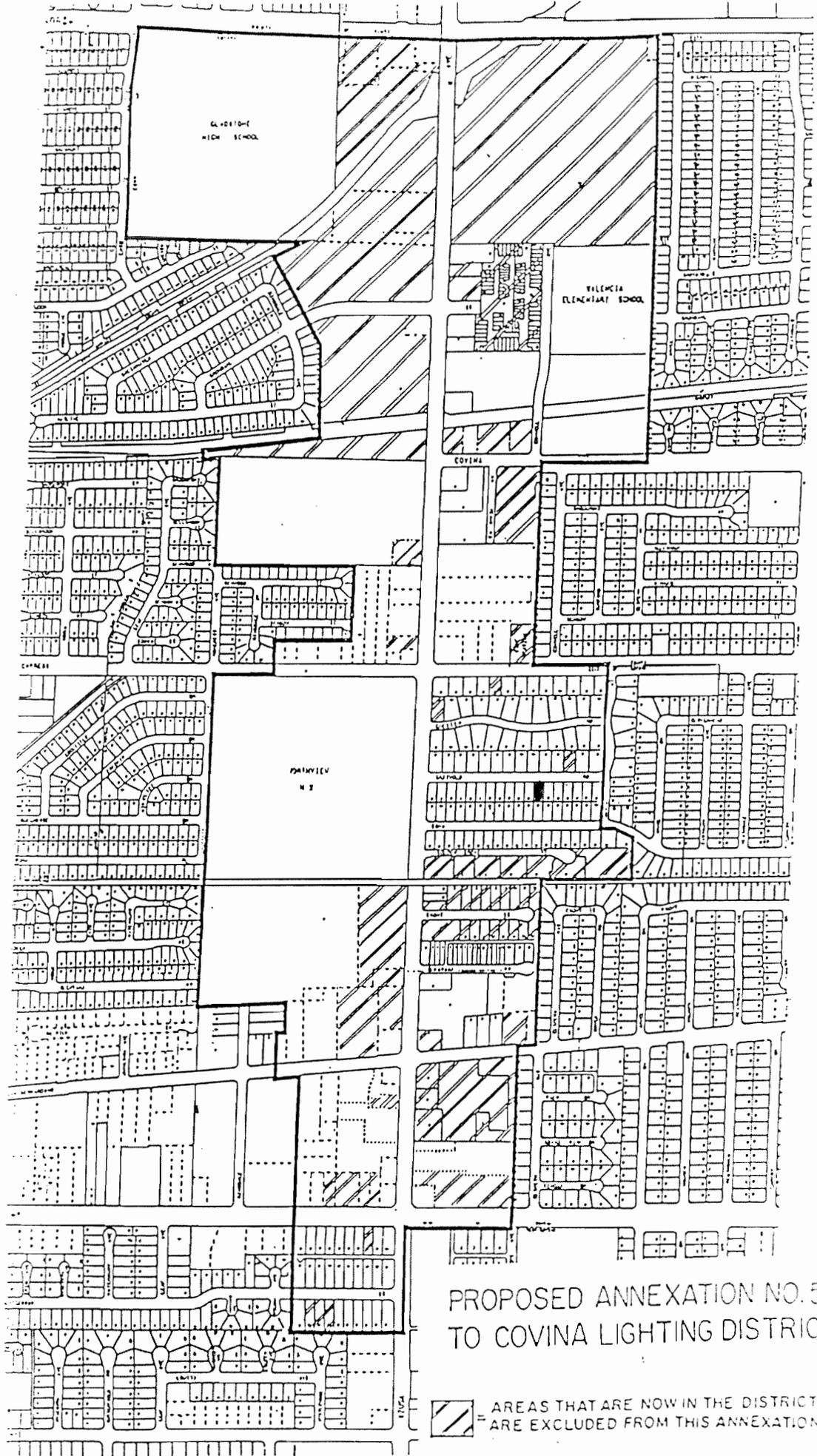
Wayne B. Dowdey

Wayne B. Dowdey
City Engineer

Oct 6

, 1988

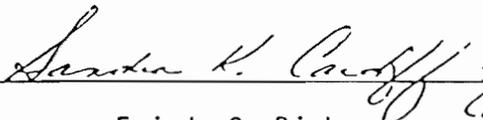
Attachment: Exhibit 56-A



PROPOSED ANNEXATION NO. 56
TO COVINA LIGHTING DISTRICT

 AREAS THAT ARE NOW IN THE DISTRICT AND ARE EXCLUDED FROM THIS ANNEXATION

This is to verify that on October 17, 1988,
Engineer's Report on Annexation No. 18 to the
Covina Landscaping District No. 1 was received in
the office of the City Clerk in accordance with
Article 2, Chapter 2, Part 2, "Landscaping and
Lighting Act of 1972."



Frieda C. Richardson (Assistant)

City Clerk

11

ENGINEER'S REPORT

ANNEXATION NO. 18 TO THE COVINA LANDSCAPING DISTRICT NO. 1

1. BACKGROUND

This report is submitted pursuant to the order of the City Council as per Resolution No. 88-4968 and in conformity with the requirements of the Landscaping and Lighting Act of 1972.

The Covina Redevelopment Agency proposes a beautification project of Azusa Avenue with an estimated construction cost of \$460,000. The plans and specifications for this project were approved by the City Council on September 19, 1988, contingent upon annexation of adjoining properties to the Landscape Maintenance District for on-going maintenance. The authorization to advertise for bids was given on the same date.

The project provides for landscaping the median and installing decorative pavers and street trees on the east and west side of Azusa Avenue.

To provide for the cost of maintenance after the completion of the project, the properties along Azusa Avenue are to be annexed to the existing Covina Landscaping District No. 1. The immediate areas are also proposed to be included in the annexation because of the benefits they derive from this beautification project.

2. ASSESSMENT

The existing landscaping district currently consists of the following zones:

- A. Zone No. 1 is assessed for the maintenance of landscaping at Parque Xalapa, Forest Hills Drive and Covina Hills Road Slope and Oak Tree Park. Maintenance for this zone is being provided by the City's Community Resources Department.
- B. Zone No. 2 is assessed for the maintenance of landscaping at the north side of Cienega Street and the entrances to Arrow Grand Circle. A private firm is maintaining this area.
- C. Zone No. 3 is assessed for the maintenance of landscaping at the north side of Golden Grove Way east of Azusa Avenue. Maintenance is being provided by the association of the owners of properties along Golden Grove Way.
- D. Zone No. 4 is assessed for the maintenance of landscaping at the single family homes and condominium units. Maintenance is being provided by the City's street division.
- E. Zone No. 5 is assessed for the maintenance of landscaping at those areas which are not within Zones Nos. 1, 2, 3 or 4. Maintenance is being provided by the City's street division.

For the fiscal year 1988-89, the assessment for each zone is:

- Zone No. 1 = \$26.60 per 1,000 square feet of land area
- Zone No. 2 = \$ 7.00 per 1,000 square feet of land area
- Zone No. 3 = 0
- Zone No. 4 = \$10.00 per residence or condominium unit
- Zone No. 5 = \$ 4.40 per 1,000 square feet of land area

The maintenance cost of this Azusa Avenue beautification project is estimated to be \$35,000 per year.

It is proposed that all single family residence/condominium units within this annexation be included in Zone No. 4 and the other areas be included in Zone No. 5. The maintenance cost of the landscaping along Azusa Avenue will be included in Zone No. 4 or Zone No. 5 according to the use of adjoining property.

The total number of units after this annexation will be as follows:

	Existing	Annex. No. 18	Total
Zone No. 4	64	249	313 units
Zone No. 5	4,322,000	6,569,000	10,891,000 square feet

Maintenance cost of the landscaping along Azusa Avenue will be distributed as follows:

- Zone No. 4 = \$35,000 x 15% = \$ 5,250
- Zone No. 5 = \$35,000 x 85% = \$29,750

The above percentages were based on the corresponding frontages of each zone along Azusa Avenue. The estimated assessment rates for this annexation would then be:

- Zone No. 4 = \$ 5,250 : 249 = \$21.08, say \$21.00/unit
- Zone No. 5 = \$29,750 : 6,569 = \$ 4.53, say \$ 4.55/1,000 square feet

Yearly assessment for the landscaping district will be determined prior to the beginning of each fiscal year. The maintenance cost of all landscaping within each zone will be spread among the properties in each zone. The assessment for all the properties within this Annexation No. 18 would begin in the fiscal year 1989-90.

3. PLANS AND SPECIFICATIONS

The map of proposed Annexation No. 18 (Exhibit 18-A) defining the area to be annexed is attached to this report. The map also shows the areas adjacent to Azusa Avenue that are now in the existing landscaping district.

The Los Angeles County Assessment Roll is incorporated herein by reference and is made a part of this report hereof.

4. Should the City Council approve this report, the following resolutions need to be adopted by the Council:
 - (a) Resolution approving the report of the City Engineer, and
 - (b) Resolution declaring the intention to order Annexation No. 18 to the Covina Landscaping District No. 1 and setting a date for public hearing.

Wayne B. Dowdey

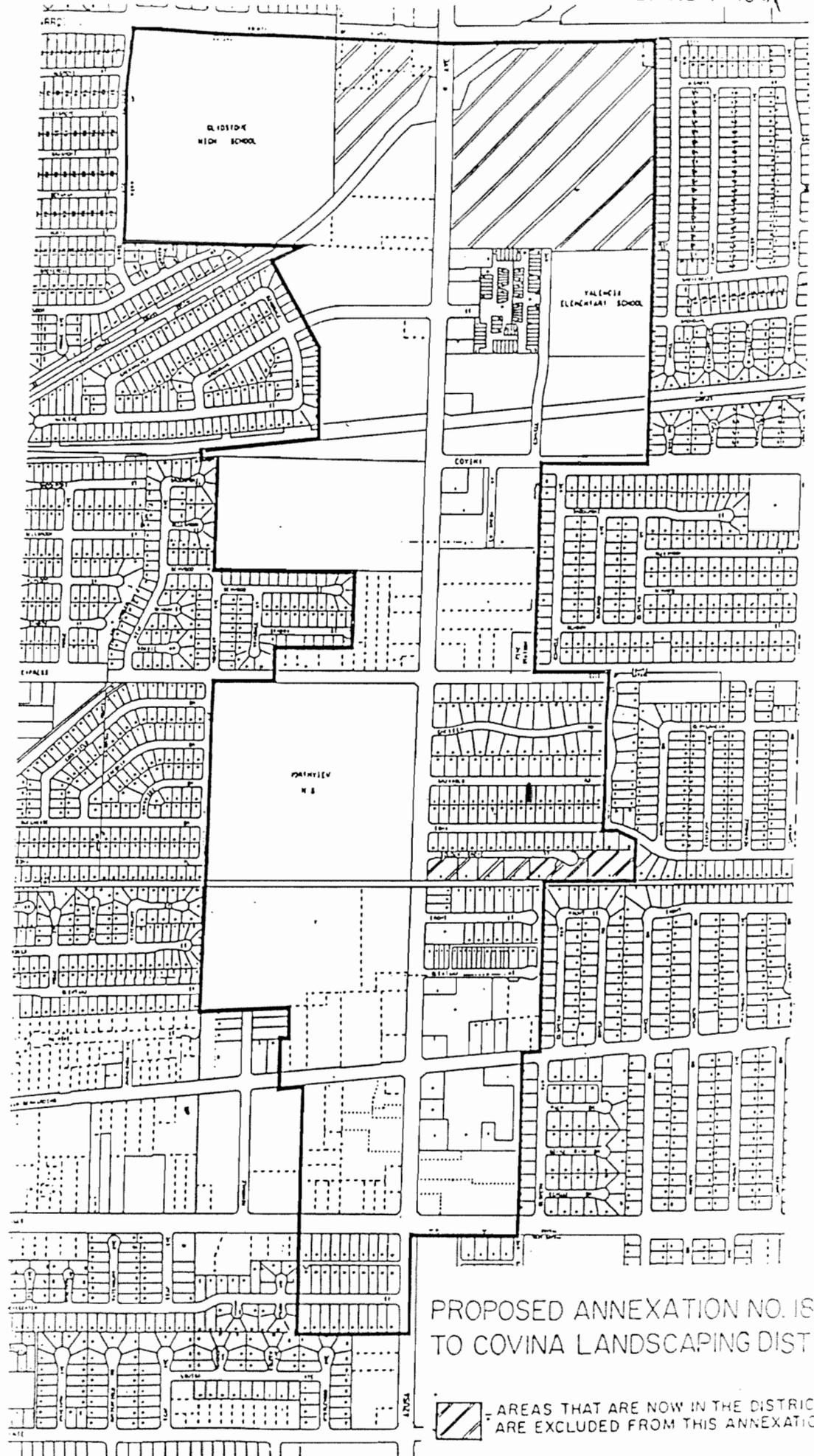
Wayne B. Dowdey
City Engineer

10 - 17

Date

, 1988

- Attachment: Exhibit "18-A"



My home is as marked. It is about 600 feet from the Azusa project

PROPOSED ANNEXATION NO. 18 TO COVINA LANDSCAPING DISTRICT

 AREAS THAT ARE NOW IN THE DISTRICT AND ARE EXCLUDED FROM THIS ANNEXATION.



CITY OF COVINA

125 East College Street • Covina, California 91723-2199 • (818) 331-0111

November 23, 1988

Dear Property Owner:

You have previously been notified of a public hearing on December 5, 1988, at 7:30 p.m., in the Joslyn Senior Citizens Center, 815 North Barranca Avenue, Covina, California, relating to:

1. Proposed "Annexation No. 56 to Covina Lighting District No. 1978-1979."
2. Proposed "Annexation No. 18 to Covina Landscaping District No. 1."

Due to a recent decision by the City Council to include lighting and landscaping district philosophies in conjunction with the scheduled general policy study session, on December 7 and/or December 8, 1988, at 6:00 p.m., in the City Hall Council Chambers, staff will be recommending Council continuation of the December 5, 1988 public hearings until the regular meeting of December 19, 1988. The continued public hearings will be held at the Joslyn Senior Citizens Center, 815 North Barranca Avenue, 7:30 p.m., at which time public testimony would be received.

Council desires the opportunity to analyze lighting and landscaping district policies prior to the public hearings and decision on the proposed annexations. However, if you would be unable to attend the tentatively scheduled hearings on December 19, 1988, staff will be accepting written comments throughout the public hearing process until the public hearings are closed. Please mail written comments relating to the public hearings to the Office of the City Clerk, 125 East College Street, Covina, California, 91723.

Should you have any questions regarding the hearings or the annexations, please call the City of Covina Engineer Division, (818) 331-0111, Extension 251.

Sincerely,

Frieda C. Richardson
City Clerk

FCR:FMD:mec

RESOLUTION - _____

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF COVINA, CALIFORNIA, CONFIRMING THE REPORT OF THE CITY ENGINEER, DATED OCTOBER 6, 1988, AND ORDERING ANNEXATION NO. 56 TO THE EXISTING COVINA LIGHTING DISTRICT NO. 1978-1979.

WHEREAS, the City Council of the City of Covina, California, did in Resolution 88-4967, pursuant to the provisions of the "Landscaping and Lighting Act of 1972" (Part 2 of Division 15, Section 22500 et seq., of the Streets and Highways Code of the State of California), require the City Engineer of said City to make and file with the Clerk of said City Council a report in writing presenting certain matters relating to the Annexation No. 56 to the "Covina Lighting District No. 1978-1979" for furnishing electrical energy and maintaining street lighting fixtures, appurtenances and appurtenant work thereof, as contemplated under the provisions of said Act; and

WHEREAS, the City Engineer, pursuant to the requirements of said City Council, expressed in said Resolution 88-4967, did make and on October 6, 1988, file in the office of the City Clerk (who is ex officio Clerk of the City Council) of said City his report in writing responsive to the requirements of said Resolution 88-4967 and as contemplated under the provisions of said Act; and

WHEREAS, the said City Council did in Resolution 88-4976 approve said report on the 24th day of October, 1988, in conformity with the provisions of said Act; and

WHEREAS, said City Council did thereafter and on said 24th day of October, 1988, pass its Resolution of Intention No. 88-4977 declaring its intention to establish the Annexation No. 56 to the existing Covina Lighting District No. 1978-1979 for furnishing electrical energy and maintaining street lighting fixtures, appurtenances and appurtenant work thereof; and

WHEREAS, said City Council did in its Resolution 88-4977 fix and designate Monday, the 5th day of December, 1988, at the hour of 7:30 o'clock P.M. of said day, as the time for hearing protests in reference to the proposed Annexation No. 56 to the Covina Lighting District No. 1978-1979, at the Joslyn Senior Center, 815 North Barranca Avenue, in the City of Covina, California; and

WHEREAS, at the time and place above stated for hearing protests in reference to the proposed improvement and assessment, written and oral protests and objections were filed and presented; and

WHEREAS, said hearing was continued to the 19th day of December, 1988, at the hour of 7:30 o'clock P.M., at the Joslyn Senior Center, 815 North Barranca Avenue, in the City of Covina, California, and additional written and oral protests and objections were filed and presented; and

WHEREAS, said City Council being fully advised in the premises does hereby proceed as follows:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES RESOLVE, DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That said Council does hereby approve, confirm and adopt the said report of said City Engineer dated October 6, 1988, and does hereby approve and confirm the assessment proposed for said proposed improvement set forth and referred to in said report, which said report is now on file in the office of the City Clerk of said City, open to inspection, hereby referred to and made a part hereof; and said City Council does hereby also confirm and adopt the respective instruments therein contained and designated therein as Specifications, Exhibits (Diagram), Estimate of Costs and Assessment, all of which on file as aforesaid, are hereby incorporated herein and made a part hereof.

SECTION 2. That said Council does hereby order said Annexation No. 56 to the Covina Lighting District No. 1978-1979, and order the improvement to be made in accordance with said plans and specifications therefor, so adopted and approved.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution, shall cause the same to be entered in the book of original resolutions of said City, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

SECTION 4. That this resolution shall take effect immediately.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 1988.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF COVINA, CALIFORNIA, CONFIRMING THE REPORT OF THE CITY ENGINEER, DATED OCTOBER 17, 1988, AND ORDERING ANNEXATION NO. 18 TO THE EXISTING COVINA LANDSCAPING DISTRICT NO. 1.

WHEREAS, the City Council of the City of Covina, California, did in Resolution 88-4968, pursuant to the provisions of the "Landscaping and Lighting Act of 1972" (Part 2 of Division 15, Section 22500 et seq., of the Streets and Highways Code of the State of California), require the City Engineer of said City to make and file with the Clerk of said City Council a report in writing presenting certain matters relating to the Annexation No. 18 to the "Covina Landscaping District No. 1" for the installation and maintenance of landscaping and appurtenances, as contemplated under the provisions of said Act; and

WHEREAS, the City Engineer, pursuant to the requirements of said City Council, expressed in said Resolution 88-4968, did make and on October 17, 1988, file in the office of the City Clerk (who is ex officio Clerk of the City Council) of said City his report in writing responsive to the requirements of said Resolution 88-4968 and as contemplated under the provisions of said Act; and

WHEREAS, the said City Council did in Resolution 88-4978 approve said report on the 24th day of October, 1988, in conformity with the provisions of said Act; and

WHEREAS, said City Council did thereafter and on said 24th day of October, 1988, pass its Resolution of Intention No. 88-4979 declaring its intention to establish the Annexation No. 18 to the existing Covina Landscaping District No. 1 for the installation and maintenance of landscaping and appurtenances; and

WHEREAS, said City Council did in its Resolution 88-4979 fix and designate Monday, the 5th day of December, 1988, at the hour of 7:30 o'clock P.M. of said day, as the time for hearing protests in reference to the proposed Annexation No. 18 to the Covina Landscaping District No. 1 at the Joslyn Senior Center, 815 North Barranca Avenue, in the City of Covina, California; and

WHEREAS, at the time and place above stated for hearing protests in reference to the proposed improvement and assessment, written and oral protests and objections were filed and presented; and

WHEREAS, said hearing was continued to the 19th day of December, 1988, at the hour of 7:30 o'clock P.M., at the Joslyn Senior Center, 815 North Barranca Avenue, in the City of Covina, California, and additional written and oral protests and objections were filed and presented; and

WHEREAS, said City Council being fully advised in the premises does hereby proceed as follows:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES RESOLVE, DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That said Council does hereby approve, confirm and adopt the said report of said City Engineer dated October 17, 1988, and does hereby approve and confirm the assessment proposed for said proposed improvement set forth and referred to in said report, which said report is now on file in the office of the City Clerk of said City, open to inspection, hereby referred to and made a part hereof; and said City Council does hereby also confirm and adopt the respective instruments therein contained and designated therein as Specifications, Exhibits (Diagram), Estimate of Costs and Assessment, all of which on file as aforesaid, are hereby incorporated herein and made a part hereof.

SECTION 2. That said Council does hereby order said Annexation No. 18 to the Covina Landscaping District No. 1 and order the improvement to be made in accordance with said plans and specifications therefor, so adopted and approved.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution, shall cause the same to be entered in the book of original resolutions of said City, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

SECTION 4. That this resolution shall take effect immediately.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 1988.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ANTICIPATED WORK PROGRAM

Project Code: CRA-09

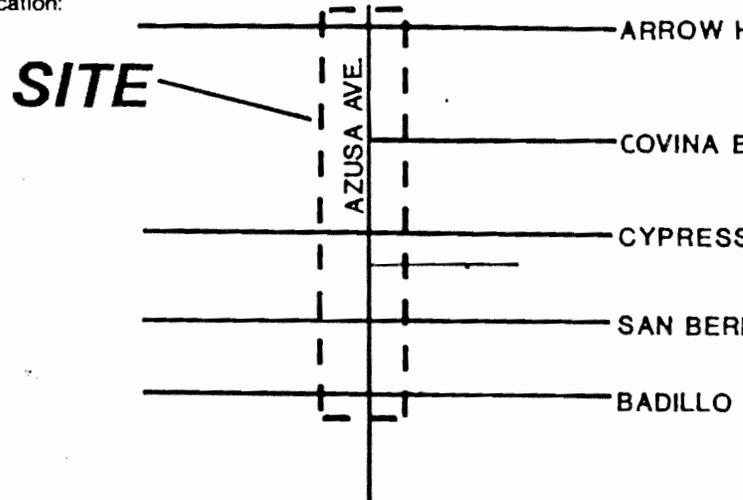
Project Title: Azusa Avenue
Beautification Project

Fiscal Year: 1987-88

Project Description:

Landscape and irrigate the median and parkway. Add paving treatment to sidewalks and crosswalks.

Project Location:



Project Purpose:

Improve appearance of major thoroughfare.

Project Justification:

Improved appearance should attract public to shopping centers within Project Area One, and establish more positive image.

Relationship to Other Capital Projects:

CRA-01 and CRA-10 from this project.

Project Financing:

Project Expenses	1987-88	1988-89	1989-90	1990-91	1991-92
Land Acquisition Price					
Acquisition Expenses					
Demolition	30,000				
Relocation					
Public Improvements	420,000				
Other (Design)	20,000				
Total	470,000				