

1 and,

2 **WHEREAS**, the City Council has retained Webb Municipal Finance, LLC, who has
3 prepared and filed with the City Clerk an Engineer's Report, (hereafter referred to as the
4 "Report"), in connection with such annexation proceedings and the proposed levy of
5 assessments commencing with Fiscal Year 2020/2021 (said Fiscal Year beginning July 1,
6 and said Report has been presented to the City Council.

7 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES**
8 **HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

9 **Section 1:** The territory of land to be annexed to the District incorporates all of the
10 lots and parcels of land within the Annexation Territory as described in the Assessment
11 Roll (**Exhibit A**).

12 **Section 2:** The proposed improvements and services to be provided and for which
13 properties shall be assessed, include but are not limited to, the regular maintenance,
14 operation and incidental expenses related to the local landscaping and/or street lighting
15 improvements within the public rights-of-way or easements associated with the
16 development of properties within the Annexation Territory, which may include but are not
17 limited to, landscaped parkways, medians, slopes, or other public areas, and/or street
18 lighting improvements which shall be maintained by the City for the special benefit of the
19 properties therein. The Engineer's Report prepared in connection with these proceedings
20 provides a more detailed description of the improvements and associated costs.

21 **Section 3:** The Engineer's Report as presented consists of the following:

- 22 a) A Description of the Improvements (Plans and Specifications).
23 b) The Method of Apportionment that details the method of calculating the proportional
24 special benefits and the annual assessment obligation for each affected parcel including a
25 description of an "Assessment Range Formula" that provides for an annual inflationary
26 adjustment to the maximum assessment rate.
27 c) The estimated annual costs and expenses to provide the improvements (Budget) that
28 establishes the proposed initial "Maximum Assessment Rate".

1 d) An Assessment Diagram (Boundary Map).

2 e) An Assessment Roll containing the proposed assessment to be levied for each
3 Assessor Parcel Number within the Annexation Territory based on the maximum
4 assessment rate and method of apportionment described therein.

5 **Section 4:** The Engineer's Report presented is hereby approved on a preliminary basis as
6 submitted or amended by direction of this City Council and is hereby ordered to be filed in
7 the Office of the City Clerk as a permanent record and remain open to public inspection.

8 **Section 5:** The City Council hereby declares its intention to annex the territory of land to
9 the District designated as the Annexation Territory, and to levy and collect annual
10 assessments against parcels of land within said territory to fund the ongoing cost and
11 expenses of maintaining, operating and servicing the improvements determined to be of
12 special benefit to the parcels of land therein as outlined in the Report prepared in
13 connection therewith, commencing with Fiscal Year 2020/2021; and, the City Council
14 further declares its intention to conduct a public hearing regarding the annexation of the
15 Annexation Territory to the District, and the proposed levy of assessments connected
16 therewith; and calls for a property owner protest balloting proceeding in accordance with
17 the provisions of Article XIID of the California Constitution (Proposition 218). The City
18 Council finds that the public's best interest requires such action and levy of assessments.

19 **Section 6:** The City Council hereby declares its intention to conduct a public hearing
20 concerning the levy of assessments for the Annexation Territory in accordance with
21 Government Code, Section 54954.6 and Section 4(e) of Article XIID of the California
22 Constitution; and, notice is hereby given that a public hearing on these matters will be held
23 by the City Council on Tuesday, April 28, 2020 at 6:00 P.M., or as soon thereafter as
24 feasible, in the City Council Chambers located at 150 South Palm Avenue, Rialto,
25 California. At the Public Hearing, all interested persons shall be afforded the opportunity
26 to hear and be heard.

27 **Section 7:** Pursuant to Article XIID of the California Constitution, an assessment ballot
28 proceeding is hereby called on the matter of confirming the proposed assessments for the

1 Annexation Territory. The ballots and notices so authorized shall be distributed by first
2 class mail to the property owners of record as of the last County equalized tax roll, and
3 property owner or owners of each affected parcel may return the ballot by mail or in person
4 to the City Clerk not later than the conclusion of the public hearing for these matters.

5 **Section 8:** The City Council hereby authorizes and directs the Engineer of Record, on
6 behalf of the City Clerk, to prepare and mail notice of the Public Hearing and property owner
7 protest ballots to the property owners of record regarding the proposed assessments,
8 including the assessment range formula as outlined in the Report, for return receipt prior to
9 the date and time of the public hearing set forth in this Resolution; and, the notice of the
10 hearing and ballot shall be distributed by first class mail to the property owner(s) of record
11 for each parcel within the Annexation Territory subject to an assessment. The owner of
12 100% of the property to be annexed has waived his right to receive the notice and ballot
13 not less than 45 days before the date of the public hearing pursuant to the California
14 Constitution.

15 **Section 9:** The property owner protest ballot proceeding conducted for the Annexation
16 Territory shall constitute the property owners' approval or rejection of the annual levy of
17 assessments and assessment range formula described in the Report presented and
18 previously approved by the City Council. Each property owner may return the ballot by mail
19 or in person to the City Clerk no later than the conclusion of the public hearing scheduled
20 for Tuesday, April 28, 2020. After the close of the Public Hearing, pursuant to Section 4
21 (e) of Article XIII D of the California Constitution, the City Clerk shall open and tabulate the
22 ballots returned to determine if a majority protest exists. Only those ballots issued by or on
23 behalf of the City and signed by the property owner of record or authorized representative,
24 shall be considered as valid ballots and shall be weighted according to the proportional
25 financial obligation of each affected property. A majority protest exists if, upon the
26 conclusion of the hearing, valid ballots submitted in opposition to the assessment exceed
27 the ballots submitted in favor of the assessment; and, in addition to the ballot proceedings,
28 property owners may also file a separate written protest with the City Clerk prior to the

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conclusion of the hearing, or having previously filed such protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

PASSED, APPROVED AND ADOPTED this 14th day of April 2020.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA A. McGEE, City Clerk

APPROVED AS TO FORM:

ERIC S. VAIL, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the 14th day of April, 2020.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this _____ day of _____, 2020.

BARBARA A. McGEE, CITY CLERK