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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, DECLARING ITS INTENTION FOR THE ANNEXATION OF TERRITORY TO THE RIALTO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 2; AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER PROTEST BALLOT PROCEEDING ON THE MATTER OF THE NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2024/2025

WHEREAS, the City Council of the City of Rialto (hereinafter the “City Council”), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California, beginning with §22500 (hereafter referred to as the “Act”), did by previous Resolution initiate proceedings for the annexation of territory to the Rialto Landscaping and Lighting Maintenance District No. 2 (hereafter referred to as the “District”), consisting of PPD 2020-0005 (MV AMCV, LLC), PPD 2021-0036 (AIREF RIALTO COMMERCE CENTER, LP), (hereinafter referred to as the “Annexation Territory”), and the proposed levy and collection of annual special benefit assessments related thereto commencing in Fiscal Year 2024/2025; and

WHEREAS, the City Council desires to annex to the District the Annexation Territory, and to levy and collect annual assessments against lots and parcels of land within the Annexation Territory to pay the cost and expenses related to the maintenance, servicing and operation of local landscaping and/or street lighting improvements that provide special benefits to the parcels of land therein as authorized by the Act and the provisions of the California Constitution Article XIID (hereafter referred to as the “California Constitution”); and,

WHEREAS, the City Council has retained Webb Municipal Finance, LLC, who has prepared and filed with the City Clerk an Engineer’s Report, (hereafter referred to as the “Report”), in connection with such annexation proceedings commencing in Fiscal Year 2024/2025 and the proposed levy and collection of assessments commencing with Fiscal

1 Year 2024/2025, in accordance with the Act and the California Constitution, and said Report
2 has been presented to the City Council.

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

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

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

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

- 18 a) A Description of the Improvements (Plans and Specifications).
19 b) The Method of Apportionment that details the method of calculating the proportional
20 special benefits and the annual assessment obligation for each affected parcel including a
21 description of an "Assessment Range Formula" that provides for an annual inflationary
22 adjustment to the maximum assessment rate.
23 c) The estimated annual costs and expenses to provide the improvements (Budget) that
24 establishes the proposed initial "Maximum Assessment Rate".
25 d) An Assessment Diagram (Boundary Map).
26 e) An Assessment Roll containing the proposed assessment to be levied for each
27 Assessor Parcel Number within the Annexation Territory based on the maximum
28 assessment rate and method of apportionment described therein.

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

4 **Section 5:** The City Council hereby declares its intention to annex the territory of land to
5 the District designated as the Annexation Territory commencing in Fiscal Year 2024/2025,
6 and to levy and collect annual assessments against parcels of land within said territory to
7 fund the ongoing cost and expenses of maintaining, operating and servicing the
8 improvements determined to be of special benefit to the parcels of land therein as outlined
9 in the Report prepared in connection therewith, commencing with Fiscal Year 2024/2025;
10 and, the City Council further declares its intention to conduct a public hearing regarding the
11 annexation of the Annexation Territory to the District, and the proposed levy of
12 assessments connected therewith; and calls for a property owner protest balloting
13 proceeding in accordance with the provisions of Article XIID of the California Constitution
14 (Proposition 218). The City Council finds that the public's best interest requires such action
15 and levy of assessments.

16 **Section 6:** The City Council hereby declares its intention to conduct a public hearing
17 concerning the levy of assessments for the Annexation Territory in accordance with
18 Government Code, Section 54954.6 and Section 4(e) of Article XIID of the California
19 Constitution; and, notice is hereby given that a public hearing on these matters will be held
20 by the City Council on Tuesday, May 14, 2024, at 6:00 P.M., or as soon thereafter as
21 feasible, in the City Council Chambers located at 150 South Palm Avenue, Rialto,
22 California. At the Public Hearing, all interested persons shall be afforded the opportunity
23 to hear and be heard.

24 **Section 7:** Pursuant to Article XIID of the California Constitution, an assessment ballot
25 proceeding is hereby called on the matter of confirming the proposed assessments for the
26 Annexation Territory. The ballots and notices so authorized shall be distributed by first
27 class mail to the property owners of record as of the last County equalized tax roll, and
28 property owner or owners of each affected parcel may return the ballot by mail or in person

1 to the City Clerk not later than the conclusion of the public hearing for these matters.

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

12 **Section 9:** The property owner protest ballot proceeding conducted for the Annexation
13 Territory shall constitute the property owners' approval or rejection of the annual levy of
14 assessments and assessment range formula described in the Report presented and
15 previously approved by the City Council. Each property owner may return the ballot by mail
16 or in person to the City Clerk no later than the conclusion of the public hearing scheduled
17 for Tuesday, May 14, 2024. After the close of the Public Hearing, pursuant to Section 4 (e)
18 of Article XIID of the California Constitution, the City Clerk shall open and tabulate the
19 ballots returned to determine if a majority protest exists. Only those ballots issued by or on
20 behalf of the City and signed by the property owner of record or authorized representative,
21 shall be considered as valid ballots and shall be weighted according to the proportional
22 financial obligation of each affected property. A majority protest exists if, upon the
23 conclusion of the hearing, valid ballots submitted in opposition to the assessment exceed
24 the ballots submitted in favor of the assessment; and, in addition to the ballot proceedings,
25 property owners may also file a separate written protest with the City Clerk prior to the
26 conclusion of the hearing, or having previously filed such protest, may file a written
27 withdrawal of that protest. A written protest shall state all grounds of objection and shall
28 contain a description sufficient to identify the property owned by such property owner. At

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the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

PASSED, APPROVED AND ADOPTED this 23rd day of April, 2024.

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 23rd day of April, 2024.

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 _____, 2024.

BARBARA A. McGEE, CITY CLERK

Exhibit A

APN	PROJECT ID	OWNER	LANDSCAPE ZONE	LIGHTING ZONE
0250391010000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391020000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391030000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391040000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391050000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391060000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391070000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391080000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391090000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391100000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391110000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391120000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391130000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391140000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391150000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391160000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391170000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391180000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391190000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391200000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391210000	PPD 2020-0005	MV AMCV, LLC	38	L
0250391220000	PPD 2020-0005	MV AMCV, LLC	38	L
0128062320000	PPD 2021-0036	AIREF RIALTO COMMERCE CENTER, LP	39	L