

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 2025/2026

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 2023-0025 (OLAM S RIVERSIDE AVE LLC) (hereinafter referred to as the “Annexation Territory”), and the proposed levy and collection of annual special benefit assessments related thereto commencing in Fiscal Year 2025/2026; 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 2025/2026 and the proposed levy and collection of assessments commencing with Fiscal

1 Year 2025/2026, 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
20 proportional special benefits and the annual assessment obligation for each affected parcel
21 including a description of an "Assessment Range Formula" that provides for an annual
22 inflationary adjustment to the maximum assessment rate.
23 c) The estimated annual costs and expenses to provide the improvements
24 (Budget) that 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
2 basis as submitted or amended by direction of this City Council and is hereby ordered to
3 be filed in the Office of the City Clerk as a permanent record and remain open to public
4 inspection.

5 **Section 5:** The City Council hereby declares its intention to annex the territory of land
6 to the District designated as the Annexation Territory commencing in Fiscal Year
7 2025/2026, and to levy and collect annual assessments against parcels of land within said
8 territory to fund the ongoing cost and expenses of maintaining, operating and servicing the
9 improvements determined to be of special benefit to the parcels of land therein as outlined
10 in the Report prepared in connection therewith, commencing with Fiscal Year 2025/2026;
11 and, the City Council further declares its intention to conduct a public hearing regarding the
12 annexation of the Annexation Territory to the District, and the proposed levy of
13 assessments connected therewith; and calls for a property owner protest balloting
14 proceeding in accordance with the provisions of Article XIIID of the California Constitution
15 (Proposition 218). The City Council finds that the public's best interest requires such action
16 and levy of assessments.

17 **Section 6:** The City Council hereby declares its intention to conduct a public hearing
18 concerning the levy of assessments for the Annexation Territory in accordance with
19 Government Code, Section 54954.6 and Section 4(e) of Article XIIID of the California
20 Constitution; and, notice is hereby given that a public hearing on these matters will be held
21 by the City Council on Tuesday, February 10, 2026, at 6:30 P.M., or as soon thereafter as
22 feasible, in the City Council Chambers located at 150 South Palm Avenue, Rialto,
23 California. At the Public Hearing, all interested persons shall be afforded the opportunity
24 to hear and be heard.

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

1 property owner or owners of each affected parcel may return the ballot by mail or in person
2 to the City Clerk not later than the conclusion of the public hearing for these matters.

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

13 **Section 9:** The property owner protest ballot proceeding conducted for the
14 Annexation Territory shall constitute the property owners' approval or rejection of the
15 annual levy of assessments and assessment range formula described in the Report
16 presented and previously approved by the City Council. Each property owner may return
17 the ballot by mail or in person to the City Clerk no later than the conclusion of the public
18 hearing scheduled for Tuesday, February 10, 2026. After the close of the Public Hearing,
19 pursuant to Section 4 (e) of Article XIIIID of the California Constitution, the City Clerk shall
20 open and tabulate the ballots returned to determine if a majority protest exists. Only those
21 ballots issued by or on behalf of the City and signed by the property owner of record or
22 authorized representative, shall be considered as valid ballots and shall be weighted
23 according to the proportional financial obligation of each affected property. A majority
24 protest exists if, upon the conclusion of the hearing, valid ballots submitted in opposition to
25 the assessment exceed the ballots submitted in favor of the assessment; and, in addition
26 to the ballot proceedings, property owners may also file a separate written protest with the
27 City Clerk prior to the conclusion of the hearing, or having previously filed such protest,
28 may file a written withdrawal of that protest. A written protest shall state all grounds of

1 objection and shall contain a description sufficient to identify the property owned by such
2 property owner. At the public hearing, all interested persons shall be afforded the
3 opportunity to hear and be heard.

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5 **PASSED, APPROVED AND ADOPTED** this 13th day of January 2026.

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JOE BACA, Mayor

10 **ATTEST:**

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13 BARBARA A. McGEE, City Clerk

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15 **APPROVED AS TO FORM:**

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19 ERIC S. VAIL, City Attorney

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

I, Barbara A. 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 13th day of January 2026.

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 _____, 2026.

BARBARA A. McGEE, CITY CLERK

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3 Exhibit A
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APN	PROJECT ID	OWNER	LANDSCAPE ZONE	LIGHTING ZONE
0258121090000	PPD 2023-0025	OLAM S RIVERSIDE AVE LLC	46	L