

1 RESOLUTION NO. _____

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIALTO, CALIFORNIA, DECLARING ITS INTENTION FOR THE
4 ANNEXATION OF TERRITORY TO THE RIALTO LANDSCAPING
5 AND LIGHTING DISTRICT NO. 2; AND DECLARING ITS
6 INTENTION TO CONDUCT A PROPERTY OWNER PROTEST
7 BALLOT PROCEEDING ON THE MATTER OF THE NEW
8 ASSESSMENTS RELATED THERETO COMMENCING WITH
9 FISCAL YEAR 2020/2021

7 **WHEREAS**, the City Council of the City of Rialto (hereinafter the “City Council”),
8 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division
9 15 of the Streets and Highways Code of the State of California, beginning with §22500
10 (hereafter referred to as the “Act”), did by previous Resolution initiate proceedings for the
11 annexation of territory to the Rialto Landscaping and Lighting District No. 2 (hereafter
12 referred to as the “District”), consisting of PPD 2017-0100 (Kline Ranch), PPD 2018-0059
13 (Ayres Hotel), PPD 2018-0069 (Thrifty Oil) and PPD 2018-0078 (Baseline and Tamarind)
14 (hereinafter referred to as the “Annexation Territory”), and the proposed levy and collection
15 of annual special benefit assessments related thereto commencing in Fiscal Year
16 2020/2021; and

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

24 **WHEREAS**, the City Council has retained Willdan Financial Services, who has
25 prepared and filed with the City Clerk an Engineer’s Report, (hereafter referred to as the
26 “Report”), in connection with such annexation proceedings and the proposed levy of
27 assessments commencing with Fiscal Year 2020/2021 (said Fiscal Year beginning July 1,
28 2020 and ending June 30, 2021, in accordance with the Act and the California Constitution,

1 and said Report has been presented to the City Council.

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

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

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

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

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

28 **Section 4:** The Engineer's Report presented is hereby approved on a preliminary

1 basis as submitted or amended by direction of this City Council, and is hereby ordered to
2 be filed in the Office of the City Clerk as a permanent record and remain open to public
3 inspection.

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

15 **Section 6:** The City Council hereby declares its intention to conduct a public
16 hearing concerning the levy of assessments for the Annexation Territory in accordance with
17 Government Code, Section 54954.6 and Section 4(e) of Article XIID of the California
18 Constitution; and, notice is hereby given that a public hearing on these matters will be held
19 by the City Council on Tuesday, November 12th at 6:00 P.M., or as soon thereafter as
20 feasible, in the City Council Chambers located at 150 South Palm Avenue, Rialto,
21 California. At the Public Hearing, all interested persons shall be afforded the opportunity
22 to hear and be heard.

23 **Section 7:** Pursuant to Article XIID of the California Constitution, an assessment
24 ballot proceeding is hereby called on the matter of confirming the proposed assessments
25 for the Annexation Territory. The ballots and notices so authorized shall be distributed by
26 first class mail to the property owners of record as of the last County equalized tax roll, and
27 property owner or owners of each affected parcel may return the ballot by mail or in person
28 to the City Clerk not later than the conclusion of the public hearing for these matters.

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

11 **Section 9:** The property owner protest ballot proceeding conducted for the
12 Annexation Territory shall constitute the property owners' approval or rejection of the
13 annual levy of assessments and assessment range formula described in the Report
14 presented and previously approved by the City Council. Each property owner may return
15 the ballot by mail or in person to the City Clerk no later than the conclusion of the public
16 hearing scheduled for Tuesday, November 12, 2019. After the close of the Public Hearing,
17 pursuant to Section 4 (e) of Article XIID of the California Constitution, the City Clerk shall
18 open and tabulate the ballots returned to determine if a majority protest exists. Only those
19 ballots issued by or on behalf of the City and signed by the property owner of record or
20 authorized representative, shall be considered as valid ballots and shall be weighted
21 according to the proportional financial obligation of each affected property. A majority
22 protest exists if, upon the conclusion of the hearing, valid ballots submitted in opposition to
23 the assessment exceed the ballots submitted in favor of the assessment; and, in addition
24 to the ballot proceedings, property owners may also file a separate written protest with the
25 City Clerk prior to the conclusion of the hearing, or having previously filed such protest,
26 may file a written withdrawal of that protest. A written protest shall state all grounds of
27 objection and shall contain a description sufficient to identify the property owned by such
28 property owner. At the public hearing, all interested persons shall be afforded the

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opportunity to hear and be heard.

PASSED, APPROVED AND ADOPTED this 24th day of September 2019.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA A. McGEE, City Clerk

APPROVED AS TO FORM:

FRED GALANTE, Esq., 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 24th day of September, 2019.

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 _____, 2019.

BARBARA A. McGEE, CITY CLERK

Exhibit A

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| APN | Project ID | Landowner | Zone |
|-------------|---------------|-------------------------------------|------|
| 0260-131-35 | PPD 2017-0100 | Kline Ranch Road LLC | 02 |
| 0240-251-53 | PPD 2018-0059 | Ayres Hotel-Rialto LP | 02 |
| 0264-212-18 | PPD 2018-0069 | Thrifty Oil Co | 02 |
| 0264-212-55 | PPD 2018-0069 | Thrifty Oil Co | 02 |
| 0240-181-22 | PPD 2018-0078 | Baseline Avenue Industrial Owner LP | 02 |
| 0240-181-26 | PPD 2018-0078 | Baseline Avenue Industrial Owner LP | 02 |
| 0240-181-27 | PPD 2018-0078 | Baseline Avenue Industrial Owner LP | 02 |
| 0240-181-30 | PPD 2018-0078 | Baseline Avenue Industrial Owner LP | 02 |
| 0240-181-34 | PPD 2018-0078 | Baseline Avenue Industrial Owner LP | 02 |
| 0240-181-35 | PPD 2018-0078 | Baseline Avenue Industrial Owner LP | 02 |