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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA CONFIRMING THE ENGINEER’S REPORT REGARDING THE ANNEXATION OF TERRITORY TO THE RIALTO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 2; THE LEVY OF ANNUAL ASSESSMENTS DESCRIBED THEREIN; AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH; AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS COMMENCING IN FISCAL YEAR 2022/2023 FOR SAID ANNEXATION

WHEREAS, the City Council of the City of Rialto (the “City”) pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the “Act”), did by previous resolutions, initiate proceedings for the annexation of territory to Landscaping and Lighting Maintenance District No. 2 (the “District”), consisting of PPD 2018-0105 (Property Plus Mobil, LLC), (hereinafter referred to as the “Annexation Territory”), and declared its intention to conduct a protest balloting for the levy of new assessments within the Annexation Territory commencing in Fiscal Year 2022/2023 for the special benefits received by properties therein for the operation, maintenance and servicing of landscape and lighting improvements, and all appurtenant facilities related thereto in accordance with the provisions of the California Constitution Article XIID (the “Constitution”); and,

WHEREAS, an Engineer’s Report containing an Assessment Diagram has been prepared, filed and presented to the City Council in connection with the proceedings for the annexation of properties within the Annexation Territory and the annual levy of assessments related thereto commencing Fiscal Year 2022/2023 as required by the Act and the Constitution; and,

WHEREAS, the City Council has duly held a public hearing regarding these matters and has conducted a property owner protest ballot proceeding for the proposed new assessments related thereto, the results of which have been presented and confirmed by

1 this City Council; and,

2 **WHEREAS**, the City Council desires to levy and collect assessments against
3 parcels of land within the Annexation Territory for the fiscal year commencing July 1,
4 2022 and ending June 30, 2023 (Fiscal Year 2022/2023), to pay the costs and expenses
5 of the ongoing operation, maintenance, and servicing of improvements, appurtenant
6 facilities; and the incidental expenses related thereto that have been determined to be of
7 special benefit to the properties and the development of properties within the Annexation
8 Territory, as described in the Engineer's Report.

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

11 **Section 1:** The above recitals are true and correct.

12 **Section 2:** Based on testimony given, the results of the property owner protest ballot
13 proceedings and the documents and discussion presented, the City Council has directed
14 and confirmed any necessary modifications or amendments to the Engineer's Report
15 previously presented and filed based on the tabulation of the property owner protest
16 ballots, and said modifications or amendments so reflected by the minutes of this meeting
17 shall by reference be incorporated into the approved Engineer's Report.

18 **Section 3:** The Engineer's Report and Assessment Diagram connected therewith as
19 approved, shall constitute the territory and properties within the Annexation Territory, and
20 confirm and establish the method of apportionment and the maximum assessment rate
21 including the assessment range formula as presented to the property owners of record in
22 the ballot proceeding. Said assessments as described in the Engineer's Report as
23 submitted or amended, including the assessment range formula described therein, are
24 hereby confirmed and adopted by the City Council.

25 **Section 4:** Based upon its review (and amendments, as applicable) of the
26 Engineer's Report, which has been filed with the City Clerk, the City Council hereby finds
27 and determines that:

28 4a) The land within the Annexation Territory as approved will receive special

1 benefit from the operation, maintenance and servicing of landscaping and lighting
2 improvements and all appurtenant facilities related thereto, to be provided by the District
3 as described in the approved Engineer's Report.

4 4b) The Annexation Territory as defined by the Assessment Diagrams in the
5 approved Engineer's Report includes all of the lands receiving such special benefit.

6 4c) The net amount to be assessed upon the lands within the Annexation
7 Territory as approved has been apportioned by a formula and method which fairly
8 distributes the net amount among all eligible parcels in proportion to the special benefit to
9 be received by each parcel from the improvements and services to be provided
10 commencing with Fiscal Year 2022/2023.

11 **Section 5:** The City Council hereby orders the proposed improvements as
12 described within the approved Engineer's Report to be made. The improvements so
13 described generally include, but are not limited to, the maintenance, operation and
14 servicing of the local landscaping and lighting improvements established or installed in
15 connection with the development of properties within the approved Annexation Territory
16 or directly associated with the properties within those Annexation Territories and shall be
17 maintained by the City for the special benefit of the properties therein pursuant to the Act.

18 **Section 6:** The adoption of this Resolution constitutes the annexation of the
19 approved Annexation Territory to the District, the boundaries of which are contained in
20 the Assessment Diagrams; the establishment of the maximum assessment rate and
21 assessment range formula connected therewith; and the assessments for the fiscal year
22 commencing July 1, 2022 and ending June 30, 2023, as described in the approved
23 Engineer's Report and adopted by the City Council, and the County Auditor of San
24 Bernardino shall enter on the County Assessment Roll opposite each parcel of land the
25 amount of levy so described in the approved Engineer's Report, and such levies shall be
26 collected at the same time and in the same manner as the County taxes are collected.
27 After collection by the County, the net amount of the levy shall be paid to the City
28 Treasurer.

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Section 7: The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the City Council’s approval of the annexation of Territory to the District; the adoption and confirmation of the Assessment Diagram; and the establishment of the maximum assessment rate(s), assessment range formula and the assessments for Fiscal Year 2022/2023 as described in the approved Engineer’s Report as submitted or amended herein.

Section 8: The City Clerk or their designee is hereby authorized and directed to file the levy of assessments for Fiscal Year 2022/2023 as approved, with the County Auditor of San Bernardino upon adoption of the Resolution confirming the annual assessments for all Zones and parcels in the District.

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PASSED APPROVED AND ADOPTED _____ day of _____, 2022.

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 ____ day of _____, 2022.

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 _____, 2022.

BARBARA A. McGEE, CITY CLERK