

1 RESOLUTION NO. \_\_\_\_\_

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 RIALTO, CALIFORNIA, APPROVING THE ENGINEER'S  
5 REPORT AND ORDERING THE CONTINUED OPERATION AND  
6 MAINTENANCE OF IMPROVEMENTS FOR LANDSCAPING  
7 AND LIGHTING DISTRICT NO. 2, AND ORDERING THE LEVY  
8 AND COLLECTION OF ANNUAL ASSESSMENTS RELATED  
9 THERETO FOR FISCAL YEAR 2019/2020

10 **WHEREAS**, the City Council of the City of Rialto, California, (hereinafter the "City  
11 Council"), has by previous Resolution established the Landscaping and Lighting District No.  
12 2, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division  
13 15 of the Streets and Highways Code of the State of California, beginning with §22500  
14 (hereafter referred to as the "Act"), that provides for the levy and collection of assessments  
15 by the City of Rialto to pay for the maintenance and service of improvements and all  
16 appurtenant facilities and operations related thereto; and

17 **WHEREAS**, an Engineer's Report for Landscaping and Lighting District No. 2  
18 identifying the levy of assessments for Fiscal Year 2019/2020 (commencing July 1, 2019,  
19 and ending June 30, 2020), (hereafter referred to as the "Report"), has been prepared and  
20 filed with the City Clerk of the City of Rialto, (hereafter referred to as the "City Clerk"), in  
21 accordance with the Act; and the City Clerk has presented to the City Council the Report;  
22 and

23 **WHEREAS**, the City Council has carefully examined and reviewed the Report as  
24 presented, and is satisfied with each and all of the items and documents as set forth therein,  
25 and finds that the levy has been spread in accordance with the special benefits received from  
26 the improvements, and the operation, maintenance and services to be performed, as set  
27 forth in the Report; and

28 **WHEREAS**, the City Council desires to levy and collect assessments against parcels  
of land within Landscaping and Lighting District No. 2 for Fiscal Year 2019/2020

1 (commencing July 1, 2019, and ending June 30, 2020) to pay the costs and expenses of the  
2 operation, maintenance, repair and servicing of improvements related thereto; and

3 **WHEREAS**, the Report proposes the levy and collection of annual assessments less  
4 than or equal to the maximum assessment amounts previously approved by property owner  
5 petition or balloting, in accordance with the provisions of Article XIID of the California  
6 Constitution (Proposition 218); and

7 **WHEREAS**, the City Council has noticed and held a Public Hearing on July 9, 2019  
8 regarding Landscaping and Lighting District No. 2 and the proposed improvements and  
9 assessments for Fiscal Year 2019/2020 (commencing July 1, 2019, and ending June 30,  
10 2020) as described in the Report in accordance with the provisions of the Act and applicable  
11 provisions of Article XIID of the California Constitution (Proposition 218).

12 **THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY FIND,**  
13 **DETERMINE, AND RESOLVE AS FOLLOWS:**

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

15 **Section 2:** Following notice duly given, on July 9, 2019 the City Council has held a  
16 full and fair Public Hearing to approve or amend the Report, the levy and collection of  
17 assessments related thereto, and has considered all oral and written statements, protests  
18 and communications made or filed by interested persons. The City Council has determined  
19 that the property owners have approved the assessments so presented in the Report in  
20 accordance with the requirements of Article XIID of the California Constitution (Proposition  
21 218).

22 **Section 3:** Based upon its review (and amendments, as applicable) of the Report, a  
23 copy of which has been presented to the City Council and which has been filed with the City  
24 Clerk, the City Council hereby finds and determines that:

- 25 a) The land within Landscaping and Lighting District No. 2 will receive special benefit by  
26 the operation, maintenance, and servicing of certain improvements within the  
27 boundaries of Landscaping and Lighting District No. 2.
- 28 b) Landscaping and Lighting District No. 2 includes all of the lands receiving such special

- 1 benefit.
- 2 c) The net amount to be assessed upon the lands within Landscaping and Lighting District
- 3 No. 2 for Fiscal Year 2019/2020 (commencing July 1, 2019, and ending June 30,
- 4 2020) is apportioned by a formula and method which fairly distributes the net amount
- 5 among all eligible parcels in proportion to the special benefits to be received by each
- 6 parcel from the improvements and services.
- 7 d) The assessment amounts described in the Report do not exceed the maximum
- 8 assessments previously established in accordance with the provisions of Article XIID of
- 9 the California Constitution (Proposition 218).

10 **Section 4:** The Report and assessments as presented to the City Council and on file

11 in the Office of the City Clerk are hereby confirmed as filed.

12 **Section 5:** The City Council hereby orders the proposed improvements to be made,

13 which improvements are generally described as the operation, maintenance and servicing of

14 existing streetscape landscaping including parkways and medians as well as public

15 landscaped areas, including turf, ground cover, plants, shrubs, trees, irrigation and drainage

16 systems, street lighting improvements, and appurtenant facilities and improvements to be

17 provided by the City of Rialto in connection with the improvements installed within Landscaping

18 and Lighting District No. 2. The Report describes any new improvements or substantial

19 changes in existing improvements.

20 **Section 6:** The assessments as confirmed shall be submitted to the County Auditor of

21 the County of San Bernardino (the "County Auditor"), and the County Auditor shall enter on the

22 County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned

23 by the formula and method outlined in the Report, and such levies shall be collected at the

24 same time and in the same manner as San Bernardino County taxes are collected pursuant to

25 §22646 of the Act. After collection by San Bernardino County, the net amount of the levy shall

26 be paid to the City Treasurer.

27 **Section 7:** The City Treasurer shall deposit all money representing assessments

28 collected by San Bernardino County for Landscaping and Lighting District No. 2 to the credit of

1 a fund for Landscaping and Lighting District No. 2, and such money shall be expended only for  
2 the operation, maintenance and servicing of the improvements as described in Section 5.

3 **Section 8:** The adoption of this Resolution constitutes the Landscaping and Lighting  
4 District No. 2 levy for Fiscal Year 2019/2020 (commencing July 1, 2019 and ending June 30,  
5 2020).

6 **Section 9:** The City Clerk is hereby authorized and directed to file the levy with the  
7 County Auditor upon adoption of this Resolution.

8 **WHEREFORE**, this Resolution is passed, approved and adopted this 9<sup>th</sup> day of July,  
9 2019.

10  
11  
12 \_\_\_\_\_  
13 DEBORAH ROBERTSON, Mayor

14 **ATTEST:**

15  
16  
17 \_\_\_\_\_  
18 BARBARA A. McGEE, City Clerk

19  
20 **APPROVED AS TO FORM**

21  
22 \_\_\_\_\_  
23 FRED GALANTE, Esq., City Attorney

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 9<sup>th</sup> day of July, 2019.

Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, 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