RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDINGS CONDUCTED FOR THE PROPOSED LEVY OF ASSESSMENTS RELATED TO THE ANNEXATION OF TERRITORY TO THE RIALTO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 2, COMMENCING IN FISCAL YEAR 2020/2021

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 2017-0082 (El Rivino Industrial I, LLC), PPD 2019-0057 (CDRE Holdings 14, LLC), PPD 2019-0066 (El Rivino Industrial II, LLC), PPD 2434 (Prologis) and PPD 2435 (Prologis, LP), (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 2020/2021 for the special benefits received by properties therein from the improvements related thereto; and,

WHEREAS, in accordance with the provisions of the California Constitution, Article XIIID, the City Council has caused and conducted a property owner protest ballot proceeding for the proposed new assessments to be levied on properties within the Annexation Territory; and,

WHEREAS, the assessments presented to each property owner of record within the Annexation Territory reflects each property's proportional special benefit and financial obligation for the costs and expenses related to the maintenance, servicing and operation of local lighting improvements therein as authorized by the Act and the provisions of the California Constitution and the ballots presented clearly identified the total amount balloted to all properties, the proposed assessment rate, the property's proportional annual amount commencing with Fiscal Year 2020/2021 and the inflationary adjustment applicable to future assessments; and

WHEREAS, upon the close of the Public Hearing held on January 26, 2021, the protest ballots returned by the landowners of record within the Annexation Territory, were opened and tabulated, the results of which are illustrated below:

7 8 9 10	Yes: No:	Zone L PPD 2017-0082 El Rivino Industrial I, LLC	Yes: _ No:	Zone 15 & Zone L PPD 2019-0057 CDRE Holdings 14, LLC	
11	NO		NO		
12 13 14 15	Yes: No:	Zone L PPD 2019-0066 El Rivino Industrial II, LLC	Yes: No:	Zone 16 & Zone L PPD 2434 Prologis	
16 17 18 19 20	Yes:	Zone 17 & Zone L PPD 2435 Prologis, LP			
21	No:				
22	N	OW, THEREFORE, THE CITY C	OUNCIL OF	THE CITY OF RIALTO DOES	
23	HERE	BY FIND, DETERMINE, AND RESC	OLVE AS FOL	LOWS:	
24	<u><u>S</u></u>	ection 1: The above recitals are true	e and correct.		
25	<u><u>S</u></u>	ection 2: The protest proceedings	were conduct	ed with the notices and ballots of	
26	the pro	pposed new assessments presente	ed to the qua	alified property owners within the	
27	Annexa	Annexation Territory as required by law, with a required receipt of the returned ballots to			
28	the City	y Clerk prior to the close of the Publ	ic Hearing on	January 26, 2021.	

1	Section 3: The canvass of the protest ballots cast for the proposed assessments			
2	and Annexation Territory, received prior to the close of the public hearing and weighted			
3	according to the proportional financial obligation of the affected properties is hereby			
4	approved and confirmed.			
5	Section 4: The City Clerk is hereby directed to enter this Resolution on the minutes			
6	of this meeting, which shall constitute the official declaration of the result of such property			
7	owner protest ballot proceeding.			
8	Section 5: This Resolution shall become effective immediately upon its adoption			
9	and the City Clerk shall certify the adoption of this Resolution.			
10				
11	PASSED APPROVED AND ADOPTED this day of, 2021.			
12				
13				
14	DEBORAH ROBERTSON, Mayor			
15				
16	ATTEST:			
17				
18				
19				
20	BARBARA A. McGEE, City Clerk			
21				
22	APPROVED AS TO FORM:			
23				
24				
25				
26	ERIC S. VAIL, Interim City Attorney			
27				
28				
	-3-			

1	STATE OF CALIFORNIA)				
2	COUNTY OF SAN BERNARDINO) ss				
3	CITY OF RIALTO)				
4					
5	I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing				
6	Resolution No was duly passed and adopted at a regular meeting of the City				
7	Council of the City of Rialto held on theday of, 2021.				
8	Upon motion of Council Member, seconded by Council Member				
9	, the foregoing Resolution No was duly passed and adopted.				
10	Vote on the motion:				
11	AYES:				
12	NOES:				
13	ABSENT:				
14					
15	IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the				
16	City of Rialto this day of, 2021.				
17					
18					
19	BARBARA A. McGEE, CITY CLERK				
20					
21					
22					
23					
24					
25					
26					
27					
28					