

## RESOLUTION NO. 21-14

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING ITS INTENTION FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 1, BENEFIT ZONES 1-3 AND 5, FISCAL YEAR 2021-22

**WHEREAS**, the Town Council has by previous resolutions formed and levied annual assessments for Street and Drainage Maintenance District No. 1, Benefit Zones 1-3 and 5 (hereafter referred to as the "District"), pursuant to the terms and provisions of the Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5 of the California Government Code (Section 54703 *et seq.*) (the "1982 Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 *et seq.*) (the "Implementation Act") (the 1982 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law"), that provide for the levy and collection of assessments by the County of San Bernardino, for the Town of Yucca Valley, to pay for the maintenance of all improvements, facilities, and services related thereto: and

**WHEREAS**, the Town Council has retained Webb Municipal Finance, LLC, for the purpose of assisting with the annual levy and assessments ("Annual Levy") for the District, and to prepare and file a report with the Town Clerk in accordance with the Assessment Law.

**NOW, THEREFORE BE IS RESOLVED, DETERMINED, AND ORDERED BY THE TOWN COUNCIL, AS FOLLOWS:**

#### **Section 1.** Recitals

That the recitals set forth above are true and correct.

#### **Section 2.** Declaration of Intention

That the Town Council hereby declares that it is its intention to seek an Annual Levy for the District pursuant to the Assessment Law, over and including the land within the District boundaries, and to levy and collect assessments on all such land to pay the annual costs for the maintenance of the improvements and facilities and services related thereto. The Town Council finds that the public's best interest requires such levy and collection.

#### **Section 3.** District Boundaries

That the boundaries of the District are described as the boundaries previously defined in the original formation documents of the District, within the boundaries of the Town of Yucca Valley, County of San Bernardino, State of California.

**Section 4. District Improvements**

That the improvements and facilities to be maintained within The District, shall include regular maintenance and operation of streets, roads and highways including but not limited to pavement rehabilitation, re-striping, slurry sealing, signing, street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network; maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities, and administrative services to operate the District including related administration, legal and contracted services costs. Services provided include all necessary services, operations, administration and maintenance, required to keep the above-mentioned improvements and facilities in a healthy, vigorous and satisfactory working condition.

**Section 5. Proposed Assessment Amounts**

That for Fiscal Year 2021-22, the proposed assessments for the District are outlined in the Engineer's Annual Levy Report which details any changes or increases in the annual assessment from the previous fiscal year.

**Section 6. Notice to Property Owners**

That the Town shall give notice of the time and place of the public hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the public hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the Town Council for the posting of notices. Any interested person may file a written protest with the Town Clerk prior to the conclusion of the public hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

**Section 7. Notice of Public Hearing**

That notice is hereby given that a public hearing on these matters will be held by the Town Council on **Tuesday, June 15, 2021 at 6:00pm** or as soon thereafter as feasible in the Town Council Chambers, located at 57090 Twentynine Palms, Yucca Valley, California.

**Section 8. Direction to Give Notice**

That the Town Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

**Section 9. Severability**

That the Town Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**Section 10. Effective Date**

That this Resolution shall take effect upon its adoption.

**Section 11. Certification**

That the Town Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

**Section 12. Repeal of Conflicting Provisions**

That all the provisions heretofore adopted by the Town Council that are in conflict with the provisions of this Resolution are hereby repealed.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ADOPTED AND APPROVED this 18<sup>th</sup> day of May 2021

ATTEST:

APPROVED:



Lesley Copeland, Town Clerk



Merl Abel, Mayor

APPROVED AS TO FORM:



Thomas D. Jex Town Attorney

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Resolution No. 21-14 as duly and regularly adopted at a meeting of the Town Council of the Town of Yucca Valley, California at a meeting thereof held on the 18<sup>th</sup> day of May 2021, by the following vote:

Ayes: Council Members Denison, Drozd, Lombardo, Schooler, and Mayor Abel

Noes: None

Abstain: None

Absent: None



Lesley R. Copeland, CMC  
TOWN CLERK