

RESOLUTION NO. 22-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 1, BENEFIT ZONES 1-3 AND 5, FISCAL YEAR 2022-23

WHEREAS, the Benefit Assessment Act of 1982, Title 5 Division 2, of the California Government Code (commencing with Section 54703) (hereafter referred to as the "Act"), and in particular, Sections 54710 and 54710.5 thereof, authorizes local agencies which provide drainage services to impose a benefit assessment pursuant to the Act to finance the maintenance and operation of those services; and

WHEREAS, pursuant to the Act, the Town Council of the Town of Yucca Valley ("Town") formed Street and Drainage Maintenance District No. 1, Benefit Zones 1-3 and 5 (sometimes, the "District"); and

WHEREAS, pursuant to the Act, the Town Council has, by resolution adopted on April 5, 2022, caused to be prepared and approved the Annual Engineer's Report (hereafter referred to as the "Report") as presented or amended, which describes the assessments against parcels of land within the District; and

WHEREAS, the engineer selected by the Town Council, has prepared and filed with the Town Clerk, and the Town Clerk has presented to the Town Council, a Report in connection with the proposed levy and collection upon eligible parcels of land within the District, and the Town Council did by previous Resolution approve such Report; and

WHEREAS, the Town Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023, to pay the costs and expenses of operating, maintaining, and servicing the improvements within the District; and

WHEREAS, the assessment rates within the District are exempt from the assessment balloting procedures set forth in Section 4 of Proposition 218 because the District was formed by consent of the land owners, and the proposed assessments per lot or parcel are not proposed to increase by more than the assessment rates approved by the landowners at the time of annexation into the District; and

WHEREAS, the assessment levies are not based upon the assessed value of the property within the District but are based upon the special benefit received by the parcels within the District from the improvements.

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

Section 1. Recitals

That all of the above recitals are true and correct.

Section 2. Public Hearing

That following notice duly and properly given, the Town Council has held a full and fair public hearing regarding its Resolution approving the Report, as may have been amended, prepared in connection therewith, the levy and collection of assessments, and considered all oral and written statements, protests and communications made or filed by interested persons.

Section 3. Findings

That based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the Town Council and which has been filed with the Town Clerk, the Town Council hereby finds and determines that:

- A. The land within the District will receive special benefit by the operation, maintenance, and servicing of flood control, graffiti removal, masonry walls, and associated appurtenant facilities within the boundaries of the District.
- B. The District includes all of the lands receiving such special benefits.
- C. The net amount to be assessed upon the lands within the District is in accordance with the costs for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023 and is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated special benefit to be received by each parcel from the improvements and services.

Section 4. Report Filed with the Town Clerk

That the Report and assessment as presented to the Town Council are on file in the office of the Town Clerk as required by the Act.

Section 5. District Improvements

That the Town Council hereby orders the improvements, as discussed in the Report, to be made, which include maintenance and servicing of flood control facilities, graffiti removal, masonry walls, and associated appurtenant facilities within the boundaries of the District. The maintenance, operation and servicing of the flood control, graffiti removal, masonry walls, and associated appurtenant facilities shall be performed pursuant to the Act.

Section 6. Collection

That the County Auditor of the County of San Bernardino shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the Town Treasurer.

Section 7. Use of Levy Funds

That the Town Treasurer shall deposit all money representing assessments collected by the County of San Bernardino for the District to the credit of a fund for the Street and Drainage Maintenance District No. 1, Benefit Zones 1-3 and 5, and such money shall be expended only for the maintenance, operating and servicing of appurtenant facilities as described in Section 3 hereof.

Section 8. Approval of Assessments; Levy

That the Town Council hereby approves the Report, and adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023.

Section 9. Effective Date

That this Resolution shall take effect immediately upon its adoption.

Section 10. Filing with County Auditor

That the Town Clerk is hereby authorized and directed to file the levy with the San Bernardino County Auditor upon adoption of this Resolution.

Section 11. Severability

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 12. Repeal of Conflicting Resolutions

That the Town Council hereby repeals any prior resolutions which may conflict with this Resolution.

Section 13. 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. A certified copy of the levy shall be filed in the office of the Town Clerk and open for public inspection.

PASSED AND ADOPTED by the Town Council of the Town of Yucca Valley at a regular meeting held on this third day of May 2022 by the following vote:



Jim Schooler, Mayor

ATTEST:



Lesley Copeland, Town Clerk

APPROVED AS TO FORM:



Thomas 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. 22-18 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 3rd day of May 2022, by the following vote:

Ayes:	Council Members Abel, Denison, Drozd, Lombardo, and Mayor Schooler
Noes:	None
Abstain:	None
Absent:	None



Lesley R. Copeland, CMC
TOWN CLERK