

**RESOLUTION NO. 22-19**

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

**WHEREAS**, the Landscape and Lighting Act of 1972, California Streets and Highways Code §22500 et seq., and Articles XIIC and XIID of the Constitution of the State of California, provide for the levy and collection of assessments to fund improvements in proportion to the estimated benefit received (hereafter "Assessment Law"); and

**WHEREAS**, the Town Council has declared, by resolution adopted on April 5, 2022, its intention to levy and collect assessments on parcels of land within Landscape and Lighting Maintenance District No. 1, Benefit Zones 1-3 ("District") for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023; 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, an annual engineer's report in connection with the proposed levy and collection of assessments upon eligible parcels of land within the District ("Engineer's Report"); and

**WHEREAS**, notice was duly given to the property owners within the District of a public hearing to be held May 3, 2022, and the Town Council held said public hearing regarding the proposed levy, assessment, and the Engineer's Report, and considered all oral and written statements, protests, and communications made or filed by interested parties; and

**WHEREAS**, the improvements within the District to be maintained and serviced include, but are not limited to, ground cover, shrubs, plants, trees, irrigation systems, landscape lighting, street lighting, graffiti removal, sidewalks, masonry, monuments, and equipment and associated appurtenant facilities, and the costs associated with such maintenance and services include, but are not be limited to, those incurred for operations, administration, and other items necessary for maintaining and servicing the improvements; 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 improvements within the District.

**NOW, THEREFORE BE IT 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. Findings and Determinations**

That the Town Council hereby finds and determines that:

- A. The land within the District will receive special benefits by the operation, maintenance, and servicing of improvements contained therein which include, but are not limited to, landscaping, lighting, and appurtenant facilities within the boundaries of the District; and
- B. The District includes all of the lands receiving such special benefits; andC. The net amount to be assessed upon the lands within the District 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 3. Acknowledgement that Engineer's Report Filed**

That the Town Council hereby acknowledges that the Engineer's Report as presented to the Town Council is on file in the Office of the Town Clerk.

**Section 4. District Improvements**

That the Town Council hereby orders that the improvements in the District be serviced pursuant to the Assessment Law, which improvements include, but are not limited to, landscaping and appurtenant facilities associated with the streets, trees, sidewalks, landscaped slopes, park facilities, and street lighting systems.

**Section 5. Approval of Levy of Assessments**

That the Town Council hereby approve and authorize the County Auditor of the County of San Bernardino to enter on the County Assessment Roll opposite each parcel of land within the District the amount of levy so apportioned by the formula and method outlined in the Engineer's Report, and to collect such levies at the same time and in the same manner as the County taxes are collected, pursuant to the Assessment Law.

**Section 6. Deposit of Assessment**

That all monies representing assessments collected by the County of San Bernardino for the District be deposited in a fund for the District, and such money shall be expended only for the improvements as described in this Resolution.

**Section 7.    Directions to Town Clerk**

That the Town Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution, pursuant to the Assessment Law, and to file a certified copy of the levy in the Office of the Town Clerk for public inspection.

**Section 8.    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 9.    Effective Date**

That this Resolution shall take effect upon its adoption.

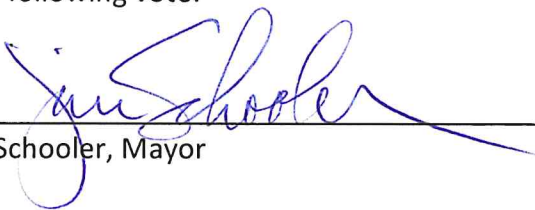
**Section 10.    Certification**

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 11.    Repeal of Conflicting Resolutions**

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

**PASSED AND ADOPTED** by the Town Council of the Town of Yucca Valley at a regular meeting held on this 3rd 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. 22-19 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 3<sup>rd</sup> day of May 2022, by the following vote:

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



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Lesley R. Copeland, CMC  
TOWN CLERK