

Attachment E
Resolution No. 23-041

RESOLUTION NO. 23-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF THE VICTORVILLE MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, AND 3, DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS ON PARCELS WITHIN MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, AND 3 FOR FISCAL YEAR 2023/2024, AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS, PURSUANT TO THE PROVISIONS OF LANDSCAPE AND LIGHTING ACT OF 1972 (CALIFORNIA STREETS AND HIGHWAYS CODE, SECTION 22500 ET. SEQ.)

WHEREAS, the City Council of the City of Victorville (hereinafter 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 (hereinafter the “Act”), did initiate proceedings for the proposed levy and collection of annual special benefit assessments on the lots and parcels of land (hereinafter the “Properties”) within Maintenance Assessment Districts Nos. 1, 2, and 3 (hereinafter the “Districts”) for Fiscal Year 2023/2024; and

WHEREAS, the City Council desires to levy and collect annual assessments against the Properties within said Districts to pay for the costs and expenses related to the maintenance, servicing, and operation of landscape improvements that provide special benefits to the Properties as authorized by the Act and the provisions of the California Constitution Article XIID (hereinafter the “California Constitution”); and

WHEREAS, Willdan Financial Services, as the designated Engineer of Work, has prepared and filed with the City Clerk a Consolidated Engineer’s Report (hereinafter the “Report”) in connection with the proposed levy of assessments in the Districts for Fiscal Year 2023/2024 (said fiscal year beginning July 1, 2023 and ending June 30, 2024) in accordance with the Act and the California Constitution; and said Report has been presented to and preliminarily approved by the City Council; and

WHEREAS, as outlined in the Report, the proposed annual assessment rates are not proposed to increase above the previously approved Maximum Assessment Rate, as defined in the Report; and

WHEREAS, pursuant to the California Constitution, Sections 22620 through 22630 of the Act, and Government Code section 53750 et seq., the City Council desires to set a public hearing to allow interested parties the opportunity to hear and be heard on the proposed assessments to be levied.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals.

That the recitals set forth above are true and correct, and together with the definitions set forth therein, are hereby made part of this Resolution by this reference.

Section 2. Improvements.

The proposed improvements and services to be provided and for which the properties within each District shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the lighting and landscaping improvements within the District parks, public right-of-ways, open spaces, or easements that shall be maintained by the City for the special benefit of the properties therein. The Report to be prepared in connection with these proceedings shall provide a more detailed description of the improvements and associated costs.

Section 3. Intention to Levy Assessments.

That the City Council hereby declares its intention to levy and collect annual assessment against the Properties within the Districts to fund the ongoing costs and expenses of maintaining, operating, and servicing the improvements determined to be of special benefit to the Properties therein as outlined in the Report prepared in connection therewith for Fiscal Year 2023/2024.

Section 4. Public Hearing.

That the City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments on the Properties within the Districts in accordance with the Act and the California Constitution. Notice is hereby given that a public hearing on these matters will be held by the City Council on June 20, 2023 at 6:00 p.m., or as soon thereafter the matter may be heard, in the City Council Chambers located at 14343 Civic Drive, Victorville, California 92392. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 5. Notice.

That the City Council hereby authorizes and directs the City Clerk or their designee to give notice of the Public Hearing pursuant to Streets and Highways Code Section 22552 and 22553, as applicable.

Section 6. Effective Date.

That this Resolution shall be effective immediately upon its adoption.

Section 7. Certification.

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Resolution is passed and adopted.